



OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
25 Louisiana Avenue, NW
Washington, DC 20001
(202) 624 8778
1-800 828 6496
Fax (202) 624-8792

Michael H Holland
Election Officer

Chicago Office
% Cornfield and Feldman
343 South Dearborn Street
Chicago, IL 60604
(312) 922-2800

March 4, 1991

VIA UPS OVERNIGHT

Fred L Veregge
Rt 20 Box 1960
Springfield, MO 65803

Jim Kabell
President
IBT Local Union 245
1850 E Division
Springfield, MO 65803

Re: Election Office Case No. P-562-LU245-MOI

Gentlemen

A pre-election protest was filed by Fred L Veregge on February 22, 1991 pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") Mr Veregge complained that Jim Kabell, President of Local 245, stated in a pre-recorded news story, shown on the ten o'clock news on February 20 that " [Carey's Local 804] pension plan does not have health and welfare pension plan benefits " This statement is alleged to be untrue

The statement in question is campaign speech The fact that the statement is false, irrelevant or even defamatory does not remove it from the protection of the Election Rules National Association of Letter Carriers v Austin, 418 U S 264 (1974), Salzhandler v. Caputo, 316 F 2d 445 (2d Cir. 1963) The policy encouraging robust political debate in the selection of delegates and International Officers of the IBT is reflected in the *Rules'* prohibition against the censorship of campaign literature See *Rules*, Article VIII, Section 6(g) The same principle applies to television campaigning

For the foregoing reason, the protest is **DENIED**

If any interested party is not satisfied with this determination, they may request a hearing before the Independent Administrator within twenty-four (24) hours of their receipt of this letter The parties are reminded that, absent extraordinary circumstances, no party may rely upon evidence that was not presented to the Office of the Election Officer in any such appeal Requests for a hearing shall be made in writing, and shall be served on Independent Administrator Frederick B Lacey at LeBoeuf, Lamb, Leiby & MacRae, One Gateway Center, Newark, New Jersey 07102-5311, Facsimile (201)

Fred L Veregge
Page 2

622-6693 Copies of the request for hearing must be served on the parties listed above, as well as upon the Election Officer, IBT, 25 Louisiana Avenue, N W , Washington, D C 20001, Facsimile (202) 624-8792 A copy of the protest must accompany the request for a hearing

Very truly yours,



Michael H Holland

MHH/ads

cc Frederick B Lacey, Independent Administrator
Michael D Gordon, Regional Coordinator