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March 6, 1991

VIA UPS OVERNIGHT

Archie J Cook
4508 Balmoral Drive
Richton Park, Illinois 60471

Edward Rebout
c/o Local 705
300 South Ashland Avenue
Chicago, Illinois 60607

Daniel Liguoris
Secretary-Treasurer
IBT Local Union 705
300 South Ashland Avenue
Chicago, Illinois 60607

Re: Election Office Case No. P-581-LU705-CHI

Gentlemen

A pre-election protest has been filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("Rules"). The Complainant, Archie J Cook, protests that, at a Local 705 membership meeting on February 27, 1991, [sic] Edward Rebout, in reading minutes of the Local Union Executive Board meeting, stated that the Executive Board had approved a law suit to be filed against the "TDU Membership Slate".¹ Mr Cook contends that the name of his slate -- "Membership Slate" -- was intentionally distorted to imply that the slate had received outside financial assistance.

Campaigning at local union membership meetings is prohibited unless all candidates are given an equal time to speak. See *Rules*, Article VIII, Section 4(3). The report of the filing of the law suit was union business and was not campaigning.

¹On February 20, 1991, an action entitled Local Union 705 v John McCormick, et al, 91 C 1070, was filed in the United States District Court in Chicago. The suit alleges that violations of the Labor-Management Reporting and Disclosure Act were committed during the Local Union nominations meeting. The propriety under the *Rules* of the filing of that action has been protested in P-558-LU705-CHI. That issue will be decided in that Election Officer case and is not here addressed.

Archie J Cook
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To the extent that the name of the "Membership Slate" may have been misstated for campaign purposes at a membership meeting, I find that the statement was merely incidental to the report and any affect of the statement was de minimis

For these reasons 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) 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
Julie E Hamos, Regional Coordinator