

OFFICE OF THE ELECTION OFFICER
% INTERNATIONAL BROTHERHOOD OF TEAMSTERS
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Michael H. Holland
Election Officer

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September 3, 1991

VIA UPS OVERNIGHT

Charles Helton
Rt. 5, Box 92 Pierce Dr.
Ringgold, GA 30736

Bobby Logan
President
IBT Local Union 515
4431 Bonny Oaks Dr.
Chattanooga, TN 37416

Re: Election Office Case No. P-868-LU515-SOU

Gentlemen:

A protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Charles Helton, a member of 515. Mr. Helton protests the inclusion of a poem, "Ode to the Twenty Fourth" in the July 1991 edition of Local 515's newsletter, claiming that the poem constitutes campaign support for General President candidate R. V. Durham.

The July 1991 issue of "The Unionist," Local 515's newsletter, contains a poem by Bobby Logan, President of the Local. The poem, entitled "Ode to the Twenty Fourth" describes, in meter and verse, the events of the 1991 IBT International Union Convention. Among the items discussed are the various campaigns of members seeking nomination for International Union officer positions.

Mr. Helton specifically objects to two stanzas of the poem, the ninth and the sixteenth. In one, Mr. Logan notes "The strength was with Durham and Shea;" in the other, he notes that Durham received the most votes in the secret nomination vote for nomination for General President of the IBT, referred to Mr. Shea as "a distant second" and stated that Carey was left "in his dust, smarting and stunned."

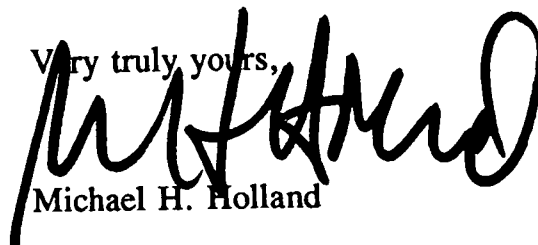
The *Rules* in pertinent part prohibit a Union-financed publication from carrying a substantial number of articles featuring a particular candidate unless all candidates for the same position are given equal treatment, equal space and equal prominence. *Rules*, Article VIII, § 7 (a)(1)(d). Mr. Logan's poem makes equal note to all three nominated candidates for General President. The statements in the poem are accurate, i.e. Mr. Durham received the most votes in the secret nomination vote for nomination to the position of General President, Mr. Shea was second and Mr. Carey was third, receiving over 700 votes less than Mr. Durham. While Mr. Logan may have engaged in certain

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poetic license in writing his poem, neither the publication of the poem nor the material included in the poem violates the *Rules*. Accordingly, 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/mjv

cc: Frederick B. Lacey, Independent Administrator
Donald H. Williams, Regional Coordinator