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Michael H. Holland
Election Officer

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October 30, 1991

VIA UPS OVERNIGHT

David J. Bowden
Route 1, Box 3112
Pratton Branch Rd.
Goodlettsville, TN 37072

Luther Watson
President
IBT Local Union 480
643 Spence Lane
Nashville, TN 37207

R. V. Durham
c/o Hugh J. Beins, Esquire
Beins, Axelrod, Osborne
& Mooney
2033 K St., NW
Suite 300
Washington, D.C. 20006-1002

Re: Election Office Case No. P-1006-LU480-SEC

Gentlemen:

A timely protest was filed pursuant to the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by David J. Bowden, a member of Local 480. Mr. Bowden was an elected delegate to the 1991 IBT International Union Convention. He and all other members of his slate defeated a slate of delegate and alternate delegate candidates led by Local Union President Luther Watson.

In this protest, Mr. Bowden makes two contentions pertaining to the monthly membership meeting which was held on October 20, 1991. He asserts that (1) Local President Luther Watson used the meeting to campaign on behalf of the R. V. Durham Unity Team slate, and (2) notices of a Unity slate rally were passed out after the meeting in the Union hall and parking lot. An investigation of the protest was conducted by Regional Coordinator Donald H. Williams. The investigation included interviews of Mr. Bowden and his witnesses, a response from the attorney for the Local, the minutes of the meeting, copies of the rally notices which were distributed and the meeting sign-up sheet. Mr. Williams also reviewed the entirety of the full tape transcription of the meeting.

The first charge is campaigning during the Union meeting. It is undisputed that a partisan discussion took place during the meeting concerning the reimbursable expenses of the delegates and alternate delegates to the 1991 IBT International Convention as compared to the expenses submitted by delegates and alternates attending prior conventions and the expenses submitted by Local President Watson, who attended the 1991 Convention as a Joint Council or State Conference Delegate. The minutes and tape transcription show that this discussion was initiated by questions from the attending members. Both Mr. Watson and Mr. Bowden and members supporting them made points placing their conduct in a favorable light and demeaning the conduct of the adversary faction, the issue being who saved the Local the most money. At one point, Mr. Watson complimented two members of Mr. Bowden's slate while simultaneously castigating Mr. Bowden and the other slate members for spending money extravagantly and for items which Mr. Watson felt were inappropriate.

A discussion of local union finances and expenditures of union funds manifestly is an inappropriate subject of a membership meeting. Such a discussion often, however, leads to partisan bickering. Nevertheless, such partisan behavior standing alone is not to be equated with "campaigning" within the meaning of the *Rules*. If such an inference were to be drawn, a substantial portion of legitimate union business would be enveloped within the classification of "campaigning." The discussion at the meeting was limited to finances and expenditures and never entered the arena of "campaigning." The criticisms of Mr. Bowden and his fellow delegates were with respect to the Convention expenses for which they sought reimbursement from the Local. Their political positions regarding the 1991 IBT International Union election was not discussed. There was no mention in the course of the discussion of slates, candidates or the forthcoming election. Accordingly, that portion of the protest dealing with alleged campaigning at the meeting is DENIED.

The second charge concerns distribution of leaflets announcing the R. V. Durham Unity Team slate rally. The distribution was made after the meeting as members were leaving and while they were in the parking lot. No contention is made that the Local imposed any limitation on the right of any other member or candidate to make similar distributions. So long as the Union facilities are made equally available for such purposes on the same basis to all candidates and members, there is no violation of the *Rules*. See Article VIII, § 10(d) of the *Rules*. Accordingly, that portion of the protest dealing with the distribution after the meeting 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

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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,

A handwritten signature in black ink, appearing to read "M. H. Holland", with a long horizontal flourish extending to the right.

Michael H. Holland

MHH/ca

cc: Frederick B. Lacey, Independent Administrator

Donald H. Williams, Regional Coordinator

Ron Carey
c/o Richard Gilberg, Esquire
Cohen, Weiss & Simon
330 West 42nd Street
New York, NY 10036-6901

Walter Shea
c/o Robert Baptiste, Esquire
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