

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

January 17, 1991

VIA UPS OVERNIGHT

Gene Mabe
Rte 1, Box 438
Statesville, NC 28679

Conrad D. Sides
President
IBT Local Union 71
5000 N Tryon St
Charlotte, NC 28256

Frank H. Wood
Secretary-Treasurer
IBT Local Union 28
5318 Wade Hampton Blvd
Taylors, SC 29687

Ken Worley
4378 Coddle Creek Dr.
Harrisburg, NC 28075

Re: Election Office Case No. P-216-LU71-MID

Gentlemen

A pre-election protest has been filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In his protest the Complainant, Gene Mabe, complains that his opponents in the delegate election are circulating campaign literature which is false: to wit, that Mabe sold a motorcycle to raise money to donate to a Teamsters for a Democratic Union ("*TDU*") campaign

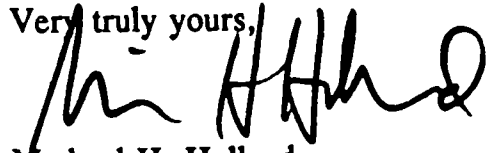
The document in question is being used as campaign literature. The protest does not allege that the literature in question involves the use of Union funds or goods in violation of Article X, § 1 (b)(3) of the *Rules*. The fact that the allegation in question is allegedly to be false or even defamatory does not mean that its circulation violates the *Rules*. See National Association of Letter Carriers v. Austin, 418 U.S. 264 (1974) (uninhibited and robust debate encouraged in labor matters, even allegedly defamatory statements permitted). The policy of encouraging robust and uninhibited debate in the selection of delegates and International Officers of the IBT is reflected in the *Rules*, Article VIII, § 6 (g) which prohibits the censorship of campaign literature.

Gene Mabe
Page 2

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/mca

cc Frederick B Lacey, Independent Administrator
Grant Crandall, Regional Coordinator