

***PRE-ELECTION  
PROTEST  
DECISIONS***

***ELECTION OFFICE CASE NOS.***

***P-251-LU251-ENG to P-300-LU174-PNW***

***VOLUME VI***

***Michael H. Holland  
Election Officer  
June 1992***

OFFICE OF THE ELECTION OFFICER  
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Michael H Holland  
Election Officer

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January 24, 1991

**VIA UPS OVERNIGHT**

Paul Griffen  
140 Bayview Ave.  
Cranston, RI 02905

Fred Iafrate  
2 Sherri Dr.  
Johnston, RI 02919

Gerald Blinkhorn  
Secretary-Treasurer  
IBT Local Union 251  
121 Brightbridge Ave.  
East Providence, RI 02914

Re: Election Office Case No. P-251-LU251-ENG  
P-269-LU251-ENG

Gentlemen:

Pre-election protests were timely filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*"). In these protests, Mr. Fred Iafrate and Mr. Paul Griffen allege that Mr. Stuart Lundy, Local Trustee, has engaged in conduct designed to intimidate them from pursuing their candidacies for delegate on a slate supporting the candidacy of IBT General President candidate Ron Carey, in violation of the *Rules*.

All parties agree that Mr. Lundy placed a telephone call to Mr. Griffen on January 6, 1991 and during that call disparaging remarks were made about Mr. Iafrate. Mr. Griffen states that Mr. Lundy's comments were as follows: "I hear you're running on a slate for TDU. I don't mind you, but Iafrate is a treacherous bastard. He will stab you in the back." Mr. Lundy states that he told Mr. Griffen that he heard that Mr. Griffen was on a slate with Fred Iafrate, who was treacherous, and a real piece of shit." Mr. Lundy denies making any reference to TDU.

The Election Officer concludes that the statements attributed to Mr. Lundy, whether as admitted by him or as stated by Mr. Griffen, are well within the type of robust "free speech" that frequently occurs in heated election campaigns. The statements do not contain a threat - either explicit or implied - and the language used is well within the vernacular encountered in casual day-to-day conversation.

**Paul Griffen**  
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Based on the foregoing there is no violation of the *Rules*, and 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  
Elizabeth A. Rodgers, Regional Coordinator