



OFFICE OF THE ELECTION OFFICER  
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Michael H. Holland  
Election Officer

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March 11, 1991

**VIA UPS OVERNIGHT**

Steve MacDonald  
975 Hillview Drive  
Dixon, California 95620

Mike Helms  
445 Nebraska Street  
Vallejo, California 94590

Casey Sawyer  
Secretary-Treasurer  
IBT Local Union 490  
445 Nebraska Street  
Vallejo, California 94590

Lucky Dist Center  
200 Crocker Drive  
Vacaville, California 95696

**Re: Election Office Case No. P-543-LU490-CSF**

Gentlemen

A pre-election protest was timely filed pursuant to Article XI, Section 1 of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") In his protest, Steve MacDonald, a candidate for delegate, alleges that Local 490 organizer Mike Helms directed abusive language to MacDonald while he was engaged in campaign activity

The investigation shows the following On February 18, 1991, at approximately 5 00 a m , MacDonald and members and supporters of his slate were campaigning in the Lucky Distribution Center parking lot in Vacaville, California Members and supporters of the opposing slate, including Mike Helms, were also campaigning at the same time

MacDonald states that Mike Helms rushed up to him and became loud and aggressive, saying, "Fuck you, fuck you, I'm tired of your shit " MacDonald states that he asked Casey Sawyer, Secretary-Treasurer of the Local who was also campaigning and is on Mr Helm's slate to "call him off " Mike Helms then returned to his campaigning, according to MacDonald MacDonald decided to take a photograph of Mike Helms and his group After he took the photograph, Helms approached him again and said, "You fucker, your ass is dead "

Helms agrees that he was campaigning at Lucky's handing out buttons and leaflets The material was contained on a table set up in front of the distribution center Helms said that MacDonald came up to the table and began taking a large amount of the

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campaign material Another member asked MacDonald to put the literature down. Helms then asked MacDonald to stay away from the literature MacDonald replied he would "stand anywhere he wanted to," and walked over to the literature table and put both hand on top of the table Helms states that he then told MacDonald that "he should grow up " MacDonald replied that he was "going to file charges." Some two or three minutes later, MacDonald took a photograph of Helms

Helms states that he is a union organizer Employers whose employees he is trying to organize frequently use the tactic of photographing him in order to attempt to intimidate him He became upset at the idea that a fellow IBT member would use the same tactic He states that he walked toward MacDonald and said, "Steve, this is bullshit, let's talk this out like adults " MacDonald began yelling for Casey Sawyer (the Secretary-Treasurer) to call Helms off At that point Helms stated "Steve, you goofy bastard, I just wanted to talk to you " MacDonald replied, "You can't threaten me, I'm going to file charges "

After the altercation, both MacDonald and Helms proceeded with their campaigning

The Election Officer concludes that the *Rules* have not been violated in this case In campaign situations, tempers sometimes flare and the language used by opposing candidates is not always polite No candidate has been threatened in this case and no one's campaign has been harmed The Election Officer will not require modulated conversation among candidates at all times, however, parties are encouraged to respect the rights of all members and each candidate seeking election as a delegate, alternate delegate or International Officer

On the basis of the foregoing, 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

**Steve McDonald**  
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**MHH/ads**

**cc Frederick B Lacey, Independent Administrator**  
**Donald E Twohey, Regional Coordinator**