



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

March 6, 1991

VIA UPS OVERNIGHT

Vincent L Meredith
203 Elk River Drive
Louisville, KY 40214

Norman C. Hug
President
IBT Local Union 89
3813 Taylor Blvd.
Louisville, KY 40215

Re: Election Office Case No P-603-LU89-SCE

Gentlemen:

A pre-election protest was filed by Vincent L Meredith pursuant to the Rules For the IBT International Union Delegate and Officer Election, revised August 1, 1990 ("Election Rules"). In his protest Mr. Meredith alleges that the Election Rules were violated as a result of a campaign mailing by the opposing slate of candidates for delegate and alternate delegates to the 1991 IBT International Convention. The Election Officer's investigation revealed the following

Mr. Meredith was a candidate for delegate to the 1991 IBT International Convention running as part of the "Local 89 Rank & File Slate for Ron Carey". The other slate of candidates ran as part of the "Norman C Hug Slate". As part of its campaign, the Norman C. Hug Slate sent a piece of campaign literature to all members of the Local Union. Part of this campaign literature is a letter, dated February, 1991, to Mr Hug from Denise L Cross, a UPS Shop Steward. In that letter Ms. Cross makes repeated reference to the TDU, i e , Teamsters for a Democratic Union, and implies that the "Local 89 Rank & File Slate for Ron Carey" is part of or endorsed by the TDU. Mr Meredith objects to the statements in the letter as untrue and violative of the Election Rules.

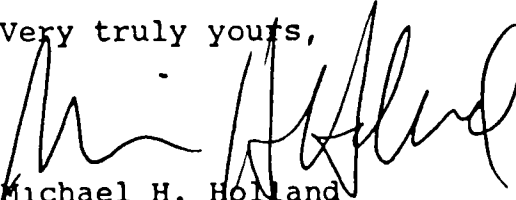
The courts have recognized that statements made in the course of an internal union election campaign, even untrue statements, cannot serve as the basis for internal union discipline. See, e g Salzhandler v. Caputo, 316 F. 2d 445 (2d Cir. 1963). Similarly, the courts have also recognized that allegedly libelous statements

made in the labor disputes cannot serve as the basis of state law tort actions. Farmer v United Brotherhood of Carpenters & Joiners of America, 430 U S 290, 305-306 (1977); see also, Old Dominion Branch No. 496 v Austin, 418 U S 264 (1974). This policy of encouraging free and open debate in internal union affairs is consistent with the purpose of the Election Rules, see, e.g. Article VIII, Section 6 (g) (the Union shall not censor campaign mailings).

For the foregoing reasons the instant 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
Election Officer

cc: Frederick B Lacey, Independent Administrator, IBT
Peggy A Hillman, Regional Coordinator