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March 14, 1991

VIA UPS OVERNIGHT

Archie J. Cook
4508 Balmoral Dr
Richton Park, IL 60471

Daniel Ligurotis
Secretary-Treasurer
IBT Local Union 705
300 S Ashland Ave
Chicago, IL 60607

Re: Election Office Case No. P-626-LU705-CHI

Gentlemen

A pre-election protest was filed pursuant to Article XI of the *Rules for the IBT International Union Delegate and Officer Election*, revised August 1, 1990 ("*Rules*") by Mr. Archie Cook. In his protest, Mr. Cook, a candidate for delegate to the IBT International Convention, alleges that his opponents, "The Ligurotis Team" candidates, are circulating campaign literature which contains allegedly false and defamatory statements about his campaign. In support of his allegations, Mr. Cook submits a copy of a flyer which is being circulated by various candidates of "The Ligurotis Team" slate. The flyer charges that the "Membership Slate" of which Mr. Cook is a member, is controlled by Teamsters for a Democratic Union (TDU), which the literature characterizes as an organization made up of socialist dissidents. The literature charges that dissident socialists associated with TDU want to destroy the Union.

The model for free and fair Union elections is that of partisan political elections. In those elections, contestants are generally allowed to make whatever assertions, allegations, statements of opinion or even of alleged facts without legal sanctions for their truth or falseness. The cardinal principle is that the best remedy for untrue speech is more free speech, with the electorate being the final arbiter. As long as the literature in question does not purport to be the official voice of the organization, as opposed to being the opinions of the candidates who may be officers, inquiry will not generally be made as to its truth or falseness. A review of the campaign literature in question clearly establishes that the literature does not purport to be the official voice of the Local Union and instead it is identified as the literature of the Ligurotis campaign.

Thus, the fact that campaign statements are allegedly false, irrelevant or even defamatory does not remove them from the protection of the *Rules National Association*