

June 19, 1996

VIA UPS OVERNIGHT

Larry Braga
1431 Megan Way
Modesta, CA 95355

Bob Blanchet, Trustee
Teamsters Local Union 287
1452 N. 4th Street
San Jose, CA 95112

Re: Election Office Case No. P-795-LU439-CSF

Gentlemen:

Larry Braga, a member of Local Union 439, filed a pre-election protest pursuant to Article XIV, Section 2(b) of the *Rules for the IBT International Union Officer and Delegate Election ("Rules")* against Bob Blanchet, a member of Local Union 287. The protester accuses Mr. Blanchet of "attempting to prevent the Hoffa supporters in Local 439's region from supporting the candidate of there (sic) choice" by pulling down and covering up campaign material which supports Mr. Hoffa. Mr. Braga specifically asserts that Mr. Blanchet's activities were observed on May 31, 1996 in Tracy, California.

The protest was investigated by Regional Coordinator Matthew D. Ross.

The protester has submitted evidence which demonstrates that Hoffa campaign materials that have been posted on utility poles and public signs in streets near Local Union 439 workplaces have been covered by adhesive stickers supporting Mr. Carey, an opposing candidate for general president. Mr. Blanchet denies covering up or defacing Hoffa campaign literature or adhesive stickers except for those which have been placed over Carey stickers.

The *Rules* at Article VIII, Section 11(a) protect the right of union members to distribute literature and solicit support for candidates outside a meeting hall. Under Article VIII, Section 11(d) authorizes union members to use employer or union bulletin boards for campaign publicity assuming that a pre-existing right has been established. That same section permits the distribution of campaign literature at campaign events occurring on employer or union premises where such activity has been previously allowed. A right to distribute campaign literature at an employer parking lot is available, within certain limitations, under Article VIII, Section 11(e) of the *Rules*.

The *Rules*, however, do not grant any right to distribute, post or receive campaign material at any other locations. Union members who choose to post campaign materials on public utility poles or public signs existing along public streets or sidewalks are not engaging in conduct which is either protected or sanctioned by the *Rules*.

Accordingly, the protest is DENIED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one day of 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:

Kenneth Conboy, Esq.
Latham & Watkins
885 Third Avenue, Suite 1000
New York, NY 10022
Fax (212) 751-4864

Copies of the request for hearing must be served on the parties listed above as well as upon the Election Officer, 400 N. Capitol Street, Suite 855, Washington, DC 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Larry Braga
June 19, 1996
Page 3

Sincerely,

Barbara Zack Quindel
Election Officer

cc: Kenneth Conboy, Election Appeals Master
Matthew D. Ross, Regional Coordinator