



OFFICE OF THE ELECTION OFFICER
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Michael H Holland
Election Officer

January 2, 1991

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VIA UPS OVERNIGHT

David F. Darrah
2551 Saga Circle, N.E.
E. Canton, OH 44730

Russell Albright
Secretary-Treasurer
IBT Local Union 92
715 E. Lincoln Way
Lisbon, OH 44432

Denny Dobbins
3737 Clark SW
Masslon, OH 44646

Robert Jackson
1096 W. Overton Dr.
Akron, OH 44319

Gus Nickolas
President
IBT Local Union 92
1127 Ninth St., SW
Canton, OH 44706

Richard Gilger
3520 Oxford NW
Masslon, OH 44646

Charles Fisher
1271 Plymouth Street
Masslon, OH 44646

Re: Election Office Case No P-149-LU92-CLE

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 ("Election Rules"). In his protest the complainant, David F. Darrah, alleges that members of the "Union 92 Slate" violated the Election Rules as a result of statements made in a piece of campaign literature and as a result of the use of the name "Union 92 Slate" to identify their slate of candidates for delegates and alternate delegates to the 1991 IBT International Union Convention. The Election Officer's investigation revealed the following.

The incumbent officers, Trustee and two stewards of Local Union 92 have joined together to form a slate of candidates for delegate and alternate delegate to the 1991 IBT International Union Convention. They call their slate the "Union 92 Slate". As part of their campaign, the Union 92 slate has distributed a piece of campaign literature stating their qualifications and called into question actions of the "government" pursuant to the Consent Decree entered into by the leadership of the IBT. The leaflet

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was paid for by the "Independent Committee for Local 92" and not by the Local Union. A copy of the leaflet is attached

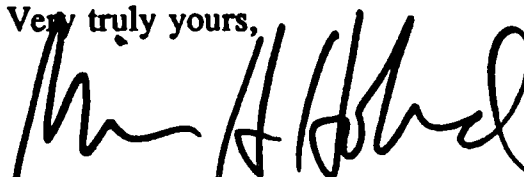
The leaflet in question is clearly a piece of campaign literature. The protest does not allege, and the Election Officer did not find, that the literature in question involved the use of union funds or goods in violation of Article X, Section 1(b)(3) of the Election Rules. The fact that the campaign literature allegedly contains false, irrelevant or even defamatory information does not remove it from the protection of the Election Rules. National Association of Letter Carriers v. Austin, 418 U.S. 264 (1974) (uninhibited and robust debate encouraged in labor matters, even allegedly defamatory statement permitted); Salzhandler v. Caputo, 316 F. 2d. 445 (2nd Cir. 1963) (statements critical of union officials, even if incorrect, protected). The policy encouraging robust political debate in the selection of delegates and International Officers of the IBT is reflected in the Election Rules' prohibition against the censorship of campaign literature. See, Article VIII, Section 6(g).

The Election Rules do not regulate the choice of a slate name. Therefore, the use of "Union 92 Slate" as a slate name does not violate the Election Rules.

Based on the forgoing, the Election Officer finds that the Election Rules were not violated by the members of the Union 92 Slate as a result of their distribution of the leaflet in question or their use of the "Union 92" slate name.

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

cc Frederick B Lacey, Independent Administrator, IBT
Joyce Goldstein, Regional Coordinator