

September 18, 1998

VIA FIRST CLASS MAIL

Tom Leedham
c/o Tom Leedham Campaign Office
P.O. Box 15877
Washington, DC 20003

Hoffa Slate, c/o Patrick J. Szymanski, Esq.
Baptiste & Wilder
1150 Connecticut Avenue, NW, Suite 500
Washington, DC 20036

The Honorable Peter Hoekstra, Chairman
Subcommittee on Oversight and Investigation
Committee on Education and the Workforce
United States House of Representatives
2181 Rayburn House Office Building
Washington, DC XXX-XX-XXXX

James P. Hoffa
2593 Hounds Chase
Troy, MI 48098

Subcommittee on Oversight and Investigation
Committee on Education and the Workforce
United States House of Representatives
2181 Rayburn House Office Building
Washington, DC 20515-610
Attn: Jon Brandt

Bradley T. Raymond, Esq.
Finkel, Whitefield, Selik, Raymond,
Ferrara & Feldman
32300 Northwestern Highway, Suite 200
Farmington Hills, MI 48334

Arthur Z. Schwartz, Esq.
Kennedy, Schwartz & Cure
113 University Place
New York, NY 10003

Susan Sala, Editor
Daily Labor Report
c/o Bureau of National Affairs, Inc.
1231 25th Street, NW
Washington, DC 20037

Re: Election Office Case No. PR-224-TLC-EOH

Gentlemen:

Tom Leedham, a candidate for general president, filed a pre-election protest pursuant to Article XIV, Section 2(b) of the ***Rules for the 1995-1996 IBT International Union Delegate and Officer Election ("Rules")*** against Jon Brandt. Mr. Brandt is a spokesman for United States Representative Peter Hoekstra, Chairman of the House Subcommittee on Oversight and Investigations of the Committee on Education and the Workforce. Mr. Leedham alleged that a statement made by Mr. Brandt on behalf of Representative Hoekstra attacked his candidacy in violation of the ***Rules***.

The protest was investigated by Election Office Counsel David S. Paull.

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On August 14, 1998, a letter was sent to the protester and the protester's representative acknowledging receipt of the protest and requesting "all information relevant to the allegations contained in the protest." On September 10, 1998, a letter was delivered to the protester's representative by facsimile requesting a written position statement and "any evidence you may have which is relevant to this matter on or before Tuesday, September 15, 1998." As of 5:00 p.m. September 15, 1998, the Election Officer had not received any evidence or a position statement from either the protester or the protester's representative.

The protester bears the burden of proof to present evidence that a violation has occurred. **Rules**, Article XIV, Section 1. The Election Officer has consistently denied protests when the protester offers no evidence to corroborate and support his allegations. Hoffa, PR-043-LU385-SCE (January 9, 1998); Pike, P-278-LU952-CLA (January 30, 1996);

For the foregoing reasons, the protest is DENIED.

Any interested party not satisfied with this determination may request a hearing before the Election Appeals Master within one (1) 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, 444 North Capitol Street, NW, Suite 445, Washington, DC 20001, Facsimile (202) 624-3525. A copy of the protest must accompany the request for a hearing.

Sincerely,

Michael G. Cherkasky
Election Officer

cc: Kenneth Conboy, Election Appeals Master