

COURTS AND THE DOL TURN THEIR HEADS TO INSTITUTIONALIZED  
ELECTION FRAUD AND OTHER CORRUPT ACTIVITIES

Local 302 of the International Union of Operating Engineers has tested provable methods for maintaining incumbency control: 1) conduct election fraud regularly; and 2) expel opposing candidates. The federal courts and the U.S. Department of Labor apparently agree to these methods deployed by the union, as enforcement against Title I and Title IV (LMRDA) violations appear non-existent. Just ask Val Albert or Edgar Hanson.

Albert, a retired crane operator in the Seattle area, was a 40-year member of Local 302. In 1988 he came out of the rank-and-file to run for the position of business manager. He won. His first action was to fire the union attorney, Russell Reid, whom Albert knew was the source of much underhandedness and sneaky activity. But Albert's tenure was short lived. One year short of his three-year term, Albert reluctantly agreed to a special election of officers. That mistake proved to be harmful to Albert. The former incumbents, with the help from service providers and the International, dropped a "poison pill" into the local's political environment. They also defrauded the unassuming Albert out of a fair and honest union election. 1990 marked the beginnings of a decade of election fraud at Local 302.

Later, Albert understood how he had been set up. The International had sent out one of their election specialists to "set up" the election. Albert learned that the specialist had walked out of the union hall with a copy of the membership list. A BIG no-no. The specialist, who was not a member of Local 302, also gained control of the Election Committee. This was clear violation of the bylaws.

With a vengeance, Albert ran again for his old office in 1993. Again he got beat. Figuring that election fraud was now part of the incumbent's regular activities, Albert went to DOL investigators for help. One investigator promised him a new election if an investigative sampling of the members showed a significant disparity between member's polling data and a recount of the ballots which were currently held in possession by the incumbents. That investigation, however,

was mysteriously stopped cold in its tracks by the District Director of the Office of Labor-Management Standards (OLMS). Pressing for an explanation, six months later the Director told Albert that the investigation of that type was unconstitutional. Albert thought that this statement was strange because the case investigator told Albert that this method for sniffing out fraud was used routinely by the DOL. Stranger yet, the District Director at OLMS was reassigned to Atlanta several months later.

With no help from the DOL, Albert conducted his own investigation using almost identical methods he had learned from the DOL investigator. The results did not surprise him. The evidence showed that a fair election had not taken place and probably wouldn't in the future.

A large part of the problem was the union's accounting firm. The senior accountant, a crony of the incumbents and of the union attorney, also served as the Election Supervisor. This dual role became an evident conflict of interest. So when Albert decided to run again in 1996 he filed an injunctive suit against the local to prevent them, among other things, from employing the union accountant to serve as the Election Supervisor. The additional elections safeguards urged by Albert conformed to Title IV of the Act, as well as to the union's constitution. Union attorney Russell Reid argued in court that the federal court had no jurisdiction to intervene prior to a union election. Reid further argued that ONLY the DOL had jurisdiction in the matter, AFTER the election. The court shrugged its shoulders and allowed the union to cheat once again. Albert lost.

The real surprise came to Albert two weeks later. The Election Committee Chairman, Barry Riedesel, an ambitious non-officer, filed three election violations against Albert. A kangaroo trial ensued, with the union bosses packing the meeting against Albert. Albert was not given due process and could not mount an adequate defense in this hostile tribunal. That night, Albert was expelled from his union for attempting to seek safeguards in the election. Albert's campaign manager, Galen Cook, was given notice that his honorable withdrawal from the union was being cancelled because Cook allegedly sued the union along with Albert. Cook was never a party to the injunction. In 1998, Albert and Cook sued Local 302 and its officers for conspiracy and fraud.

Albert and Cook's discovery proceedings bore unexpected

fruit. The former 40-year member and his campaign manager deposed a half-dozen of the incumbent officers. With a very nervous union attorney seated at their sides, the incumbents engaged in well-rehearsed story telling. Unfortunately for them, they got caught in their lies.

Under sworn oath, the Election Committee Chairman, a supposed neutral party, testified that he never communicated with the officers during the 1996 campaign or prior to Albert's union trial. However, the Chairman's personal telephone records, acquired by Albert and Cook by a court subpoena, told a different story. The Chairman had made regular calls to the homes of the incumbent officers during the campaign period, including Albert's primary opponent. Perjury. Conspiracy.

Albert's opponent also got himself tangled during the deposition. When some of the questions got too tough, the incumbent (and primary defendant in Albert's lawsuit) started to get frustrated. Stumbling, he repeatedly asked his attorney for a break to consult in private. This incumbent, although defeating Albert in 1996, had mysteriously resigned in 1997 after serving only eight months into a new term. His successor, an appointee by the incumbent's Executive Board, also failed in his deposition by regularly providing credence to the allegations in Albert's and Cook's lawsuit. This new business manager ran in 1999 and won, but he also mysteriously resigned one year later. [See related case: Edgar Hanson v. Alexis Herman, U.S. Secretary of Labor.]

Perhaps the most revealing deposition came from Allan Darr, a union officer and long-time editor of the union's newspaper. Darr, profusely nervous and agitated, couldn't recall many pertinent events at Local 302, including whether or not he had previously served as the newspaper editor. The telephone records of the union's ballot printer showed a series of personal calls made to Darr's private residence the same days that the printer was printing the ballots and readying them for mail-out. [For further details see Edgar Hanson v. Alexis Herman, U.S. Secretary of Labor.] Albert's and Cook's use of the telephone records as evidence prompted the union attorney to file a protective order which the court agreed.

Albert and Cook recently lost their suit from an appeal to the Ninth Circuit. The loss was on technicalities, not on the merits of the case. Their legal briefs, contained below, reveal the methods employed by the incumbents to illegally

cheat the membership out of fair elections.

Meanwhile, Allan Darr was appointed by the incumbent's Executive Board to serve as the new business manager. Barry Riedesel, the 1996 Election Committee Chairman, serves as the Vice-President, business agent, newspaper editor, and Trustee of the union's \$2.5 billion Pension Fund.

The union accountant is busy preparing for the 2002 election, while the union attorney plots another script. And the two previous business managers remain secluded with hefty pensions.

As long as the U.S. Department of Labor and federal courts turn a blind eye to this form of union corruption, the incumbents activities will persist. Union democracy will continue to fail. Union members will continue to be beat down by the incumbent's intimidation tactics. Power and wealth within the union will be concentrated to only a very few members by institutionalized election fraud.

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