



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE END OF MUR # 412

Date Filmed June 8, 1981 Camera No. --- 2

Cameraman SPC

81040252903

STATEMENT

The following documents have been removed from the public file in MUR 412 under provisions of the Freedom of Information Act, 5 U.S.C § 552

1. Letter from A. Brown to S. Callahan, undated, providing list of possible witnesses regarding DRIVE.
2. Letter from former DRIVE member to A. Brown, dtd 26 Jan 77.
3. Memos of telephone conversations between S. Callahan and possible witnesses, 17 Aug - 30 Sep 77.
4. Copy of memo from S. Callahan to W.C. Oldaker, dtd 15 Jul 77 re format of letter to be used in contacting prospective witnesses.
5. Copies of letters, dtd 9 Aug 77, from W. C. Oldaker to 15 prospective witnesses.
6. Four ltrs (see #4, above) rtd unclaimed.
7. Ltr from T.H. Henderson, U.S.D.O.J., to W.C. Oldaker, dtd 28 Oct 77.
8. Letter from former DRIVE member to S. Callahan, rec'd 20 Dec 77
9. Memos of telephone inquiries with 14 prospective witnesses, 20 Dec 77.
10. Handwritten notes of S. Callahan re interviews with prospective witnesses, 9 - 13 Jan 78.
11. Copy of mailgram from S. Callahan to prospective witness, dtd 4 Mar 78.
12. List of names and addresses attached to ltr from A. Brown to S. Callahan, dtd 22 Aug 77.
13. List of names and addresses attached to ltr from J. Curlee to S. Callahan, dtd 18 Oct 77.
14. List of names and addresses attached to ltr from T. Tuck to S. Callahan, dtd 21 Oct 77.
15. List of names and addresses, and copies of DRIVE authorization forms, attached to ltr from G. Seay to W.C. Oldaker, dtd 27 Oct 77.
16. List of names and addresses, and copies of DRIVE authorization forms, attached to ltr from J. Baumgartner to B. Van Gelder, dtd 18 Nov 77.
17. List of names and addresses attached to Agreement between J. Curlee and B. Van Gelder, dtd 11 Jan 78.
18. Depositions of seven members, or former members, of DRIVE, 5 - 7 Apr 78.
19. Four cassette tape recordings of telephone conversations A. Brown and various members of, or officers of, Teamsters Local 745.

Exemptions:

5 U.S.C § 552(b)(5): 3, 4, 5, 7, 9, 10.

5 U.S.C § 552(b)(7)(C): 1, 2, 5, 6, 8, 11, 12, 13, 14, 15, 16, 17, 18, 19.

May 15, 1981

Vincent Honnery Jr

81040252904



FEDERAL ELECTION COMMISSION

WASHINGTON, D.C. 20463

17 October 1979

MEMORANDUM

TO: Elissa Garr

FROM: Suzanne Callahan

This is to advise you that today I noticed that my interview notes for MUR 412 have been removed from the permanent file. I thoroughly checked both the permanent files and the two FOIA files, neither of which contained the interview notes as of 2:15 pm today.

There are no other copies of the subject notes in the working file. Perhaps Scott Rinn has copies.

FEDERAL ELECTION COMMISSION

Returned letters

Letters

Respondent's personal list

Interview statements

The above-described material was removed from this file pursuant to the following exemption provided in the Freedom of Information Act, 5 U.S.C. Section 552(b):

- | | |
|--|---|
| <input type="checkbox"/> (1) Classified Information | <input checked="" type="checkbox"/> (6) Personal privacy |
| <input type="checkbox"/> (2) Internal rules and practices | <input checked="" type="checkbox"/> (7) Investigatory files |
| <input type="checkbox"/> (3) Exempted by other statute | <input type="checkbox"/> (8) Banking Information |
| <input type="checkbox"/> (4) Trade secrets and commercial or financial information | <input type="checkbox"/> (9) Well Information (geographic or geophysical) |
| <input type="checkbox"/> (5) Internal Documents | |

Signed

date

Stephen M. Blumenthal
1/9/79

81040251906

810405007

PS Form 3811 Apr 1977 RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

CALLAHAN MUR 412

● **SENDER** Complete items 1, 2, and 3
Add your address in the "RETURN TO" space on reverse

- 1 The following service is requested (check one).
 Show to whom and date delivered. ☐ **C**
☒ Show to whom, date, and address of delivery. ☐ **C**
 RESTRICTED DELIVERY
 Show to whom and date delivered. ☐ **C**
 RESTRICTED DELIVERY
 Show to whom, date, and address of delivery. \$ ☐
 (CONSULT POSTMASTER FOR FEES)

2 ARTICLE ADDRESSED TO: *Hickory*
Suite 704 E
1341 W Mockingbird Ln
Dallas, Tx 75244

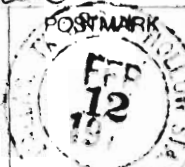
3 ARTICLE DESCRIPTION
 REGISTERED NO. CERTIFIED NO. INSURED NO.
943886

(Always obtain signature of addressee or agent)

I have received the article described above
 SIGNATURE Addressee ☒ Authorized agent

4 *Teresa Hunter*
 DATE OF DELIVERY *Feb 27*

5 ADDRESS (Complete only if requested)



6 UNABLE TO DELIVER BECAUSE

CLERK'S INITIALS

122
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FEDERAL ELECTION
COMMISSION
D-4666

Dallas, Tex.

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UNITED STATES OF AMERICA

BEFORE THE NATIONAL LABOR RELATIONS BOARD

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
DALLAS GENERAL DRIVERS, WAREHOUSEMEN AND
HELPERS LOCAL 745 (Transcon Lines)

and

Case 16—CB—1246

ARCHIE ELLIOTT BROWN, an Individual

DECISION AND ORDER

On December 7, 1977, Administrative Law Judge Michael O. Miller issued the attached Decision in this proceeding. Thereafter, Respondent filed exceptions and a supporting brief, the General Counsel filed a supporting brief, and the International Brotherhood of Teamsters filed an amicus brief in support of Respondent's position.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has considered the record and the attached Decision in light of the exceptions and briefs and has decided to affirm the rulings, findings, and conclusions of the Administrative Law Judge and to adopt his recommended Order.

We agree with the Administrative Law Judge's finding that the remarks made by Respondent's alternate steward, Jack Henry, to employee Brown to the effect that Brown would be killed if he continued his dissident union activities on behalf of PROD (Professional Drivers Council), an organization of dissident

Teamsters, violated Section 8(b)(1)(A). The record shows that upon coming to work at the Employer's Dallas terminal in September 1976, employee Brown sought, but was denied, membership in Respondent Local 745, because he refused to join DRIVE (Democrat Republican Independent Voter Education), the political arm of the Teamsters. As a result, Brown joined PROD and began distributing PROD literature which attacked Respondent's policies and criticized its leadership. It was under these circumstances that Brown, in late February or early March 1977, received a telephone call from Jack Henry, Respondent's alternate steward at the Dallas terminal, urging Brown to join Respondent Local and assuring him that the people at the union hall were not mad at him. Brown, however, reiterated his refusal to join Respondent Local if he also was required to join DRIVE. To this, Henry responded, "Well, I can't help you then . . . [L]et me state, I circulate with some pretty rough people The word is out." Brown asked, "Well, what word?" and Henry responded that he (Brown) was in danger. Brown asked what kind of danger and was told, "Well, PROD, they have done used you enough. They don't need you any more because you are going too far and they are going to get rid of you." Brown asked Henry what he meant and Henry said, "I mean completely." When Brown asked, "You mean kill me?" Henry said, "Right." Henry further elaborated by saying, "How about some morning would you like to go out and your motor is missing out of your car . . . you start your car and blow your car up or maybe the side of your house might be blowed out, or something like that."

Our dissenting colleague would find that Respondent did not violate Section 8(b)(1)(A) by Henry's statements because they were couched in terms of what PROD would do, rather than what Respondent would do. Such a position ignores the obvious import of Henry's message; namely, that Henry, and those "rough" people with whom

he circulated, would make sure, through violence if necessary, that Brown discontinued his anti-Teamsters activities. In this respect, our dissenting colleague concedes that Henry had no knowledge or involvement with PROD, and that Brown himself, an active PROD member, knew that Henry could not and did not speak for that organization. Thus, Brown could only have believed that Henry, not PROD, was threatening him with violence if he failed to join Respondent Local and abandon his PROD activities. And, inasmuch as the threatening statements were made by Henry in an effort to solicit Brown's membership in Respondent—an aspect of Henry's official responsibility as alternate steward—the Administrative Law Judge properly concluded that Respondent was vicariously responsible for Henry's coercive conduct. See, e.g., International Brotherhood of Teamsters, General Drivers, Chauffeurs and Helpers Local Union No. 886 (Lee Way Motor Freight, Inc.), 229 NLRB 832 (1977), enfd. without opinion Docket No. 77-1629 (D.C. Cir. 1978).

ORDER

Pursuant to Section 10(c) of the National Labor Relations Act, as amended, the National Labor Relations Board adopts as its Order the recommended Order of the Administrative Law Judge and hereby orders that the Respondent, International Brotherhood of Teamsters, Dallas General Drivers, Warehousemen and Helpers Local 745, Dallas, Texas, its officers, agents, and representatives, shall take the action set forth in the said recommended Order.

Dated, Washington, D.C. February 5, 1979

John A. Penello, Member

John C. Truesdale, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

MEMBER MURPHY, dissenting:

Contrary to my colleagues and the Administrative Law Judge, I conclude that alternate job steward Henry's statements to Charging Party Brown did not violate Section 8(b)(1)(A) of the Act. Consequently, I would dismiss the complaint in its entirety.

With respect to the facts pertaining to the alleged threat, the Administrative Law Judge found and it is essentially undisputed that Brown, a member of the International Brotherhood of Teamsters but not of Respondent Local, was also a member of PROD, the Professional Drivers Council, a group of dissident Teamsters. In a telephone conversation in early 1977, Henry suggested to Brown that the latter go to the union hall and that Henry would get him a union card. Brown responded, "Well, if it means that I have got to join DRIVE, I'm not going to do it."^{1/}

According to the Administrative Law Judge,

Henry then told Brown, "Well, I can't help you then. . . . [L]et me state, I circulate with some pretty rough people . . . The word is out." Brown asked "what word?", and Henry told Brown that he was in danger. Brown asked what kind of danger and was told, "Well PROD, they have done used you enough. They don't need you anymore because you are going too far and they are going to get rid of you." Brown asked Henry what he meant and Henry told him, "I mean completely." When Brown said, "You mean kill me?" Henry replied, "Right." During this conversation, Henry asked Brown, "How about some morning would you like to go out and your motor is missing out of your car . . . you start your car and blow up your car or maybe the side of your house might be blown out, or something like that."

The Administrative Law Judge concluded, and my colleagues agree, that Henry's statements constituted unlawful threats. In reaching this conclusion the Administrative

^{1/} DRIVE is an acronym for Democrat Republican Independent Voter Education, the Teamsters political arm.

Law Judge found, inter alia, that it is not significant that Henry spoke in terms of what PROD, rather than Respondent, intended to do. I disagree.

The Administrative Law Judge cites no authority, and I know of none, for the proposition that a union (or an employer) can be found to have interfered with an employee's Section 7 rights by stating that some third party would take violent action against the employee because the latter exercised his statutory prerogatives. Indeed, such a proposition is especially untenable under the facts in the instant case, for there is no evidence whatsoever as to Henry's knowledge of or involvement in PROD. In these circumstances, Henry's comments cannot realistically be viewed as a threat of physical harm to Brown if he continued his activities on behalf of PROD, inasmuch as it is clear that the statements referred to action potentially to be undertaken by that organization rather than by Respondent. It also is clear that Henry was not in a position to speak with authority as to what PROD would do, and that Brown, himself an active and vocal member of PROD, knew that Henry could not speak for that organization. My colleagues infer from these facts that "Brown could only have believed that Henry, not PROD, was threatening him with violence. . . ." However, as noted above, because Henry referred to PROD and only to PROD, any inference that Henry meant that someone else would take violent action against Brown is unwarranted. Consequently, Henry's statements can only be construed as speculation about the results of Brown's continued association with PROD—speculation undertaken in an attempt to persuade Brown to join Respondent. Accordingly, such statements cannot be found to constitute restraint or coercion of Brown's exercise of his Section 7 rights within the meaning of Section 8(b)(1)(A) of the Act. I would therefore dismiss the complaint.

Dated, Washington, D.C. February 5, 1979

Betty Southard Murphy, Member

NATIONAL LABOR RELATIONS BOARD

JD-841-77
Dallas, Texas

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
DIVISION OF JUDGES

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
DALLAS GENERAL DRIVERS, WAREHOUSEMEN
AND HELPERS LOCAL 745
(Transcon Lines)

and

Case No. I6-CB-1246

ARCHIE ELLIOTT BROWN, AN INDIVIDUAL

Ransom A. Ellis, III, Esq., and
James O. Dodson, Esq., of
Fort Worth, Texas, for the
General Counsel.
James W. Curlee, Jr., Esq., and
Larry C. Roseborough, Esq., of
Dallas, Texas, for the Respondent.

DECISION

Statement of the Case

MICHAEL O. MILLER, Administrative Law Judge: Upon a charge filed on April 14, 1977 by Archie Elliott Brown, an individual, (herein Brown), against the International Brotherhood of Teamsters, Dallas General Drivers, Warehousemen and Helpers Local 745 (herein Local 745 or Respondent), a complaint issued by the Regional Director of the 16th Region of the National Labor Relations Board on May 27, 1977, and an answer timely filed by Respondent, a trial was held before me of August 15, 1977 in Dallas, Texas. At issue was whether Brown had been threatened by Respondent's assistant job steward and, if so, whether Respondent was responsible for such threats.

All parties were given full opportunity to participate, to introduce relevant evidence, to examine and to cross-examine witnesses, and to argue orally. Briefs were filed by General Counsel and Respondent.

Upon the entire record, including my careful observation of the witnesses and their demeanor, I make the following:

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Findings of Fact

I. Transcon's Business and
Respondent's Labor Organization Status

5 The Charging Party's employer, Transcon Lines, is party to the National
Master Freight Agreement, an association collective-bargaining agreement
with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen
and Helpers of America. Jurisdiction is not in issue. I find and conclude
10 that Transcon is an employer, engaged in commerce, within the meaning
of Section 2(6) and (7) of the National Labor Relations Act, herein the
Act.

15 The Teamster Local in the Dallas, Texas area is Local 745,
the Respondent herein. The complaint alleges, Respondent admits and I
find and conclude that Local 745 is a labor organization within the meaning
of Section 2(5) of the Act.

II. The Alleged Unfair Labor Practices

A. Background

20 Archie Brown is an over-the-road driver employed by Transcon Lines
out of its Dallas, Texas terminal. He is a member of the International Brotherhood
of Teamsters and, at one time prior to June 1976, had been a member of
25 Local 745. Between June and September 1976, Brown worked out of Transcon's
Oklahoma City terminal, where he was a member of Teamsters Local 886.
He transferred to Dallas in September 1976 and sought to return to Local 745.
He contends that he was denied permission to transfer back into that
Local because he refused to join DRIVE (Democrat Republican Independent
30 Voters Education), the Union's political arm. This case finds its genesis
in that contention. 1/

35 Immediately upon what Brown perceived as an attempt to coerce
him to support DRIVE, he joined PROD, the Professional Drivers Council,
an organization comprised essentially of dissident Teamsters, and began
a campaign of opposition to, and vilification of, the leadership of Local 745.
At his own expense, he prepared a series of letters and pamphlets.
These he distributed widely, at his own terminal, other terminals
40 in Dallas and along the routes he traveled. His first letter, describing
the alleged attempt to force him to support DRIVE, was dated December 30, 1976.
His second letter, in January 1977 2/, urged fellow Teamsters to resist

45 1/ Respondent denies that Brown was denied membership in Local 745 because
of any refusal to support DRIVE. Resolution of this conflict is
not required by the issues herein.

2/ All dates hereinafter are 1977 unless otherwise specified.

pressure to support DRIVE and asked for their support for himself and for the reform of the Local. A February letter, in strong and intemperate language, accused the Local of housing "Mafia Types, under-world people... Filth, (and) Scum," repeated his problem concerning DRIVE, and solicited support for reform in the Union and membership in PROD. Other distributions were made in April and May. 3/

B. The Alleged Threats

On an evening in late February or early March, Brown received a telephone call from Jack Henry, one of Local 745's alternate job stewards at Transcon. In the course of their telephone conversation, Henry told Brown that the "union hall" was not mad at him and suggested, "Why don't you go down there and talk with them. They want to help you. I am going to get you a union card." Brown told Henry, "Well, if it means that I have to join DRIVE, I'm not going to do it."

Henry then told Brown, "Well, I can't help you then... (L)et me state, I circulate with some pretty rough people... The word is out." Brown asked "What word?", and Henry told Brown that he was in danger. Brown asked what kind of danger and was told, "Well, PROD, they have done used you enough. They don't need you anymore because you are going too far and they are going to get rid of you." Brown asked Henry what he meant and Henry told him, "I mean completely." When Brown said "You mean kill me?" Henry replied, "Right." During this conversation, Henry asked Brown, "How about some morning would you like to go out and your motor is missing out of your car... you start your car and blow up your car or maybe the side of your house might be blown out, or something like that." 4/

3/ In a companion case, issued this date, Transcon Lines, Case No. 16-CA-7145, JD-840-77. I found the distribution of this literature to constitute protected, concerted activity under the Statute.

4/ Jack Henry, although called as a witness in Respondent's behalf, was not asked about, and did not deny the foregoing conversation. Additionally, Brown's testimony was corroborated by that of his wife, who answered the telephone and listened to the last part of that conversation concerning the possibility of Brown's car or house being blown up. Accordingly, I find that the conversation took place as Brown described it.

Brown had been placing his distributions in Henry's file at the terminal and had received no response from him. Brown finally put a note on the bulletin board, in response to hearsay reports to the effect that Henry was saying unkind things about him including that he (Henry) would "nail" Brown. In that note, Brown told Henry, "Jack, put up or shut up." Subsequently, on an evening sometime in April, Brown and Henry met at the terminal. Henry asked Brown, "Archie, do you want a piece of my hind end?" Brown replied, "No... Jack, if you are trying to provoke me into a fight to get me fired... it won't work." Henry then suggested that they go on to the parking lot, property not owned by Transcon, and Brown agreed. They faced each other on the parking lot. Henry had his hand in his pocket and Brown said, "Well, Jack, go ahead. I feel that I have the advantage on you 5/. You swing first... But you will probably come out of your pocket with a knife..." To this, according to Brown, Henry replied, "No, Archie, I don't need no knife." He motioned to something under his coat which Brown described as looking like the butt of a pistol, and said, "I have got a buddy right here, a buddy in the chamber and eleven more 6/ to back him up." According to Brown, other employees were present, came over when they saw a fight developing, a few words were said, and the putative combatants walked away without any further violence.

Henry denied owning any guns or ever having carried a gun. It was his testimony that in the course of this conversation with Brown he did show Brown something under his coat, not a pistol but a small copy of the New Testament. He denied telling Brown that he had 12 helpers (although that would not have been an illogical biblical reference), and claimed that he referred to his "brother and four helpers... i.e. Matthew, Mark, Luke, and John." Henry did not further dispute Brown's testimony concerning this conversation.

On the basis of the foregoing, I find that the conversation occurred as described by Brown only insofar as that conversation was undenied by Henry. I do not credit Brown's testimony that Henry threatened him with a gun. In addition to being less favorably impressed with Brown's demeanor than with Henry's, I note that Brown, who denied familiarity with guns, claimed only to have seen what he believed to have been part of a gun. He also admitted having some problems in hearing, and, considering the circumstances, could have misunderstood both what he saw and what he heard. In this regard, I note, too, that Brown's testimony evidences a tendency to overstate or

5/ An apparent reference to the fact that Brown was half again bigger and about 20 years younger than Henry.

6/ The transcript, which reads "leadmore," is herein corrected accordingly.

overly dramatize events, such as the number of times he had been threatened and his claimed lack of concern for such threats. In light of the earlier threat by Henry, the evidence of which I have credited, it is understandable that Brown disliked Henry; however, his references to Henry as a "company snitch" and a "habitual liar," and his stated intention to get Henry expelled from the Union, although unaccompanied by internal union charges, indicate an animosity which reflects adversely on his credibility.

C. Henry's Agency Status

Respondent has one steward, elected, and two alternate stewards, appointed by the steward and confirmed by the Union, at Transcon. Jack Henry is one of those alternate stewards. He has held such a position for about 3 years. He is an employee of Transcon and receives no compensation from the Union.

The role of the steward is not defined in the International Union's Constitution. Local 745's By-Laws provide that "Stewards are not officers of the local union." The National Master Freight Agreement provides in part:

ARTICLE 4.

Stewards

The Employer recognizes the right of the Local Union to designate job stewards and alternates from the Employer's seniority list. The authority of job stewards and alternates so designated by the Local Union shall be limited to, and shall not exceed, the following duties and activities:

- (a) The investigation and presentation of grievances with his Employer or the designated company representative in accordance with the provisions of the collective-bargaining agreement;
- (b) The collection of dues when authorized by appropriate Local Union action;
- (c) The transmission of such messages and information, which shall originate with, and are authorized by the Local Union or its officers, provided such message and information;
 - (1) have been reduced to writing; or
 - (2) if not reduced to writing, are of a routine nature and do not involve work stoppages, slowdowns, refusal to handle goods, or any other interference with the Employer's business.

Job, Stewards and alternates have no authority to take strike action, or any other action interrupting the Employer's business, except as authorized by official

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action of the Local Union. The Employer recognizes these limitations upon the authority of job stewards and their alternates, and shall not hold the Union liable for any unauthorized acts.

The job steward or his designated alternate shall be permitted reasonable time to investigate, present and process grievances on the company property without loss of time or pay.

As alternate steward, Henry answers employees' questions about the contract, discusses employees' problems, such as errors in their paychecks, with management, and carries their grievances to the Union offices. The grievances themselves are usually written out by the employees and are resolved by the business agents. Stewards transmit announcements from the Union to the membership and solicit new members to execute membership applications. They do not collect union dues.

D. Analysis and Conclusions

As discussed above, I have found that Henry made the late February-early March statements attributed to him by Brown. I further find that those statements constituted threats for which Local 745 must bear responsibility.

The principles governing this case were set out by the Board in International Brotherhood of Teamsters, General Drivers, Chauffeurs and Helpers Local Union No. 886 (Lee Way Motor Freight, Inc.), 229 NLRB No. 132 (1977), and cases cited therein. In that case, a steward with responsibilities in regard to the processing of grievances, threatened that an employee would be discharged and that the union would not represent him on a discharge grievance if he continued to protest alleged irregularities in an election for union officers. The Board, noting that the steward had authority, as the union's agent, to receive, process, investigate, and make recommendations in regard to grievances, found that his threat was within the scope of that authority. Similarly, in the instant case, the steward's authority extended to solicitations of union membership. Henry's threat arose in the course of a conversation regarding what Brown would have to do in order to secure that membership and Henry's assistance in regard to it.

I do not deem it significant that, as Respondent pointed out, Henry was only an alternate steward while the individual involved in Lee Way Motor Freight was the steward. Under the parties' contract, there appeared to be no distinctions in the authority of the steward or his alternate.

Neither do I deem it significant that Henry's statement was couched in terms of what PROD intended to do rather than what Respondent would do. The object of the threat, that Brown cease his pro-PROD activities, was the same and Henry professed to know what was in store for Brown by virtue of his acquaintance "with some pretty rough people." Not completely veiled was the implication that Brown could influence the outcome, one way or the other. Moreover, whether the evil deed be done by Respondent or Respondent's opposition, the threat of it remains equally coercive.

Accordingly, I find that Respondent violated Section 8(b)(1)(A) of the Act through Henry's statements to Brown in late February or early March 1977. As I have credited Henry's denial that he threatened Brown with a gun, and find nothing else threatening or coercive in the April exchange, I recommend that the allegation in regard to that incident be dismissed.

III. Additional Conclusions of Law

1. By threatening an employee with physical harm unless he ceased his dissident union activities, Respondent has violated Section 8(b)(1)(A) of the Act.

2. The aforesaid unfair labor practice is an unfair labor practice within the meaning of Section 2(6) and (7) of the Act.

3. Respondent has not violated the Act in any manner not expressly found herein.

IV. The Remedy

Having found that the Respondent has engaged in an unfair labor practice in violation of Section 8(b)(1)(A) of the Act, I shall recommend that it be ordered to cease and desist therefrom and from, in any like or related manner, infringing upon the statutory rights of employees and members, and to take certain affirmative action designed to effectuate the policies of the Act.

Upon the basis of the foregoing findings of fact, conclusions of law, and the entire record, I hereby issue the following recommended: 7/

7/ In the event no exceptions are filed as provided by Sec. 102.46 of the Rules and Regulations of the National Labor Relations Board, the findings, conclusions, and recommended Order herein shall, as provided in Sec. 102.48 of the Rules and Regulations, be adopted by the Board and become its findings, conclusions, and Order, and all objections thereto shall be deemed waived for all purposes.

ORDER

Respondent, International Brotherhood of Teamsters, Dallas General Drivers, Warehousemen and Helpers Local 745, its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Threatening employees with physical harm unless they cease engaging in dissident union activity.

(b) In any like or related manner restraining or coercing employees or members in the exercise of their rights under the National Labor Relations Act.

2. Take the following affirmative action designed to effectuate the policies of the Act:

(a) Post at its business office and meeting places copies of the attached notice marked "Appendix". 8/ Copies of said notice, on forms provided by the Regional Director for Region 16, after being duly signed by its authorized representative, shall be posted by it immediately upon receipt thereof, and be maintained by it for 60 consecutive days thereafter, in conspicuous places, including all places where notices to members are customarily posted. Reasonable steps shall be taken by it to ensure that said notices are not altered, defaced, or covered by any other material.

(b) Notify the Regional Director for Region 16, in writing, within 20 days from the date of this Decision what steps it has taken to comply herewith.

Dated, Washington, D. C. December 7, 1977


Michael O. Miller
Administrative Law Judge

8/ In the event the Board's Order is enforced by a Judgment of the United States Court of Appeals, the words in the notice reading "POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD" shall read "POSTED PURSUANT TO A JUDGMENT OF THE UNITED STATES COURT OF APPEALS ENFORCING AN ORDER OF THE NATIONAL LABOR RELATIONS BOARD."



APPENDIX

JD-341-77



NOTICE TO EMPLOYEES AND MEMBERS

POSTED BY ORDER OF THE
NATIONAL LABOR RELATIONS BOARD
AN AGENCY OF THE UNITED STATES GOVERNMENT

THE NATIONAL LABOR RELATIONS BOARD HAVING FOUND, AFTER A TRIAL, THAT WE VIOLATED THE NATIONAL LABOR RELATIONS ACT, WE HEREBY NOTIFY YOU THAT:

WE WILL NOT threaten employees with physical harm unless they cease engaging in dissident union activities.

WE WILL NOT in any like or related manner restrain or coerce employees in the exercise of their rights under the National Labor Relations Act.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
DALLAS GENERAL DRIVERS, WAREHOUSEMEN AND
HELPERS LOCAL 745
(LABOR ORGANIZATION)

Dated _____ By _____
(Representative) (Title)

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced, or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the Board's Office, Federal Office Building - Rm. 3A24, 819 Taylor Street, Fort Worth, Texas 76102, Telephone No. (817) 334-2941.

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0402192
RICKS, GILLESPIE & JAMES, P. C.

A PROFESSIONAL CORPORATION

Suite 704E Mockingbird Towers

1341 West Mockingbird Lane

Dallas, Texas 75247



Mr. Hal Ponder
Assistant General Counsel
Federal Election Commission
1325 K. Street, N.W.
Washington, D.C. 20463

79 MAR 16 PM 1:36

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COMMISSION

LAW OFFICES OF
HICKS, GILLESPIE & JAMES, P. C.

A PROFESSIONAL CORPORATION

Suite 704E Mockingbird Towers
1341 West Mockingbird Lane Dallas, Texas 75247
P. O. Box 47222
Dallas: 630-8621 Metro: 263-0831

Copy to Callahan Ponder
JAC# 9606
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COMMISSION

79 MAR 16 PM 1:36

James L. Hicks, Jr.
Hal K. Gillespie
David B. James
James C. Wilson

March 13, 1979

Mr. Hal Ponder
Assistant General Counsel
Federal Election Commission
1325 K. Street, N.W.
Washington, D.C. 20463

901570

Re: MUR 412

Dear Hal:

Recently the attached newspaper article appeared in the Dallas Morning News concerning the above-referenced matter. You will note that the newspaper reporter has quoted from what appears to be a rather extensive FEC decision. Neither me nor my client was provided with a copy of that resolution. Please provide me with a copy of that decision or please advise me where a copy can be acquired.

Very truly yours,

HICKS, GILLESPIE & JAMES, P.C.

By: *James L. Hicks, Jr.*

James L. Hicks, Jr.

JLH/ms

79 MAR 16 PM 4:42

RECEIVED
OFFICE OF THE
GENERAL COUNSEL
FEDERAL ELECTION COMMISSION

Complaint of union coercion by Dallas Teamsters dismissed

By EARL GOLZ

The Federal Election Commission has ruled Dallas-based Teamsters Local 745 is not forcing members to contribute to DRIVE, the union's political arm, the FEC said Wednesday.

A complaint filed by union dissident Archie Brown in 1977 was dismissed by the FEC on the grounds he was not coerced to contribute to DRIVE (Democratic, Republican, Independent Voter Education).

One week after the FEC ruling, the National Labor Relations Board found in the same case that Brown was denied membership in Local 745 before he refused to contribute to DRIVE. The DRIVE issue, however, was not central to the NLRB's finding of unfair labor practices against the union.

The FEC determined the union denied Brown a membership transfer to Local 745 from a Teamsters local in Oklahoma City in 1976 because he was delinquent in paying union dues.

The commission stated that "though union membership is not expressly conditioned upon the making of a political contribution, the solicitation process appears to perhaps create a course of climate which could cause an applicant for union membership to think that he had to also join DRIVE."

The FEC concluded that although almost 100 percent of Local 745's 15,000 members contribute to DRIVE, "It can be argued that the (union) business agents were merely very persuasive in the absence of any evidence to establish the economic leverage the union might have over an applicant for membership."

The NLRB ruled in favor of Brown by finding that an alternate union steward told Brown he would be killed if he continued his union activities on behalf of PROD (Professional Drivers Council), a group of dissident Teamsters.

Brown joined PROD and began criticizing Local 745 leadership as a result of the union's denial of membership, which he viewed as retribution for not contributing to DRIVE.

DRIVE has long been regarded by Dallas-area politicians as one of the most potent sources of labor contributions. Campaign records show that last spring DRIVE gave \$500 each to four local Democratic candidates in the primary elections.

However, only one of the four, County Commissioner Roy Orr, won election. Earl Luna lost in the primary race for another commissioner's post, David Pickett was defeated in a runoff for a judgeship and Joe B. Brown Jr. lost in another judge's election in November to a Republican.

Knifing suspect arrested in siege

SAN ANTONIO (UPI) — Police have identified one of two men arrested for holding six persons hostage for five hours in a pawnshop as the suspect sought in the knifing of three persons — including the brother of U.S. Atty. Tony Canales of Houston — at the Bexar County Courthouse Jan. 26.


Gregorio Zuniga Lopez and Juan Antonio Lopez, both 33 but unrelated, were jailed without bond early Wednesday after they surrendered to police who surrounded the pawnshop in the southwest part of the city.

Officers said the siege began shortly after 6 p.m. Tuesday during an attempted robbery in which one of the gunmen fired a shot at police after they responded to a silent alarm.

After five hours of telephone negotiations that included lawyer Julie Marquez, the two surrendered to police and released the hostages, identified as pawnshop owner Andrew Cardenas, 56; employees Marlee Martinez, 44, Kathy Martinez, 19, Viola Gonzales, 19, and Robert Muniz; and customer Eulalio Donato, 51.

Police said Wednesday that Gregorio Zuniga Lopez was being sought at the time of the siege on a warrant charging him with slashing Assistant Dist. Atty. Paul Canales, bailiff Leo Rodriguez and Belinda Guerra during the attack at the courthouse.


The pair was charged with attempted capital murder and aggravated robbery in the pawnshop incident.



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ENFAMIL QT.



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

February 6, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James L. Hicks
Suite 704E Mockingbird Towers
1341 West Mockingbird Lane
Dallas, Texas 75247

RE: MUR 412 (77)

Dear Mr. Hicks:

On January 31, 1979, the Commission voted to terminate its inquiry into a possible violation of 2 U.S.C. §441b by your client, Charles Haddock, president of Local 745 of the International Brotherhood of Teamsters.

Accordingly, the Commission intends to take no further action and close its file in this matter.

Sincerely,

William C. Oldaker
General Counsel



CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James L. Hicks
Suite 704E Mockingbird Towers
1341 West Mockingbird Lane
Dallas, Texas 75247

3/6/79

RE: MUR 412 (79)

Dear Mr. Hicks:

On , 1978, the Commission voted to terminate its inquiry into a possible violation of 2 U.S.C. §841b by your client, Charles Haddock, president of Local 745 of the International Brotherhood of Teamsters.

Accordingly, the Commission intends to take no further action and close its file in this matter.

Sincerely,

W/

WILLIAM C. OLDAKER
General Counsel

81040252926



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

February 6, 1979

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Archie E. Brown
1439 Whitely Drive
Dallas, Texas 75217

RE: MUR 412 (77)

Dear Mr. Brown:

On January 31, 1979, the Commission voted to find no reasonable cause to believe that Local 745 of the International Brotherhood of Teamsters has violated 2 U.S.C. §441b.

Accordingly, the Commission intends to close its file in this matter.

Sincerely,

William C. Oldaker
General Counsel



**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Archie E. Brown
1439 Whitely Drive
Dallas, Texas 75217

RE: MUR 422 (77)

Dear Mr. Brown:

On , 1978, the Commission voted to find no reasonable cause to believe that Local 745 of the International Brotherhood of Teamsters has violated 2 U.S.C. §441b.

Accordingly, the Commission intends to close its file in this matter.

Sincerely,

/s/

William C. Oldaker
General Counsel

81040252928

81040252929

PS Form 3811 Apr 1977 RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

12 K 412 Sullivan

● SENDER Complete items 1, 2, and 3
Add your address in the RETURN TO space on reverse

1 The following service is requested (check one).
☐ Show to whom and date delivered. _____ c
☒ Show to whom, date, and address of delivery. _____ c
☐ RESTRICTED DELIVERY
Show to whom and date delivered _____ c
☐ RESTRICTED DELIVERY
Show to whom, date, and address of delivery. \$ _____
(CONSULT POSTMASTER FOR FEES)

2 ARTICLE ADDRESSED TO *Brown*
1434 Whiteley Dr
Billings, WY
83401

3 ARTICLE DESCRIPTION
REGISTERED NO. *943882* CERTIFIED NO. _____ INSURED NO. _____
(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE _____ Addressee ☒ Authorized agent

4 DATE OF DELIVERY _____

5 ADDRESS (complete only if requested) _____

6 UNABLE TO DELIVER BECAUSE _____

POSTMARK
FEB
1979

CLERK'S INITIALS _____

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Local 745 of the International)
Brotherhood of Teamsters,)
Chauffeurs, Warehousemen and)
Helpers of America)

MUR 412

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, certify that on January 31, 1979, the Commission, meeting in an executive session at which a quorum was present, determined by a vote of 4-0 to take the following actions in MUR 412:

1. Find no reasonable cause to believe that the Teamsters Local 745 violated 2 U.S.C. §441b.
2. Notify the respondent and the complainant.

Commissioners Aikens, McGarry, Thomson, and Tiernan voted affirmatively for the determination. Commissioner Springer recuses in MUR 412 and was not present at the time of the vote. Commissioner Harris was not present at the time of the vote.

Attest:

2/5/79

Date

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

8104050930



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *mwe*
DATE: JANUARY 19, 1979
SUBJECT: MUR 412 - General Counsel's Report
dated 1-16-79; Received in OCS
1-17-79, 11:35

The above-named document was circulated on a
48 hour vote basis at 2:30, January 17, 1979.

Commissioner Springer submitted an objection at
12:16, January 19, 1979, thereby placing MUR 412 on
the Executive Session Agenda for January 25, 1979.

81040252931

January 18, 1979

MEMORANDUM TO: Marge Emmons
FROM: Eliasa T. Gary
SUBJECT: MUR 412

Please have the attached General Counsel's Report distributed to the Commission on a 48 hour tally basis.

Thank you.

81040252932

BEFORE THE FEDERAL ELECTION COMMISSION

RECEIVED
OFFICE OF THE
COMMISSION SECRETARY

79 JAN 17 All: 35

In the Matter of)
)
Local 745 of the International)
Brotherhood of Teamsters,) MUR 412
Chauffeurs, Warehousemen and)
Helpers of America)

GENERAL COUNSEL'S REPORT

BACKGROUND

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This matter involves a complaint submitted by Archie E. Brown who alleges that a violation of 2 U.S.C. §441b has been committed by Local 745 of the International Brotherhood of Teamsters. Mr. Brown states that when he attempted to transfer his union membership from Teamsters Local 886 in Oklahoma to Local 745 in Texas, he was required to sign a "voluntary" contribution card to join DRIVE (Democratic Republican Independent Voter Education). He declined to contribute and was denied membership in the local.

On June 24, 1977, the 48 hour General Counsel's report recommending reason to believe a violation of §441b had occurred, was circulated on a 24 hour no objection basis. No objections were submitted; the notification letters were sent on July 6, 1977.

Counsel for Local 745 responded to the Commission's notification by stating that "less than 1/3 of the 12,000 to 14,000 members of the local are members of DRIVE."

Mr. Brown submitted to us a list of individuals who were also allegedly pressured to join DRIVE or who had specific knowledge of Mr. Brown's accusations. Those individuals were contacted via letter, phone, and some were interviewed later in Dallas.

On September 7, 1977, the president of the local was issued a subpoena for documents in connection with membership in the DRIVE chapter of Local 745. The local was not able to supply us with most of the information requested. We then subpoenaed those records from Trans Con, Lee Way Motor Freight, and East Texas Motor Freight, trucking companies in the Dallas area which employ members of Local 745.

From January 8th through January 13, 1978, a field investigation was conducted in Dallas, Texas. Union officials, union office personnel, attorneys, and witnesses were interviewed.

On March 14, 1978, union officials and office personnel were subpoenaed for deposition to be taken on April 6 and 7, 1978. On that same date, an order was issued to Local 886 to answer questions in connection with Mr. Brown's transfer to Local 745.

On April 6 and 7th, depositions of union officials and personnel were taken, at which time we were informed by the respondent that the subpoenaed records in connection with the depositions would not be made available to us.

On May 1, 1978, the Commission filed a petition for a show cause order in connection with the union's refusal to supply us with subpoenaed records.

After a period of negotiation, a stipulation was entered into by the respondent and the Commission, in which the respondent agreed to make available the documentation required by the subpoena for deposition, plus additional information. The Commission agreed to dismiss its petition for a show cause order, contingent upon the

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respondent satisfying the stipulation. Because of the laboriousness of compiling the information sought by the Commission, which consisted of extracting categories of information from a computer tape and re-compiling these categories manually in order to provide cross references, the respondent was given sixty days to provide the information. On August 29, 1978, the respondent provided the required information.

EVIDENCE/ANALYSIS

As noted previously, this matter was instigated by a complaint which alleged that Teamsters Local 745 had employed coercion to obtain a "voluntary contribution" to its political action committee D.R.I.V.E., in violation of 2 U.S.C. §441b(b)(3)(A). The complainant referred staff to other persons who he alleged had also suffered coercion from Local 745 in connection with its political efforts. For this reason as well as because it appeared that the alleged coercion, if true, would have been applied generally, the staff gathered and analyzed systemic evidence as well as that pertaining to Mr. Brown's individual complaint. Since the §441b(b)(3)(A) systemic issue could have merit irrespective of the merits of Mr. Brown's complaint, an analysis of the two will be presented separately below.

A. Complaint of Archie E. Brown

Mr. Brown stated in his complaint that "on or about the first day of October 1976" he requested that a transfer be mailed to him from Local 745; at the time Brown requested the transfer, he was a member of Local 886. Local 745 mailed Brown a transfer along with a check-off form for his union dues which he signed

and mailed to the local. Brown said he went to the union hall on December 30, 1976 to find out why his dues had not been deducted. According to Brown, a woman at the dues window told him that the reason was that he had failed to sign the DRIVE check-off which had been enclosed with the transfer. Brown refused, and the woman called Charles Rogers, President of Local 745, to speak with Brown. Rogers allegedly told him he must join DRIVE if he wanted to join the local. Rogers looked at Brown's file and instructed a woman to call Local 886. He then took Brown to see George Prda, Vice President of Local 745. According to Brown, Prda told Brown that if he didn't join DRIVE, he would have to stay in Local 886.

Local 745 union officials, with regard to Brown's specific allegation, contend that Brown was denied a transfer from Local 886 to Local 745 because he was delinquent in his dues, not because of his refusal to join DRIVE.

Charles Rogers has stated, under oath, that he instructed a woman in the dues office to call Local 886 because Brown's ledger card indicated he had been suspended three times from Local 745 for nonpayment of dues. Local 886 informed Rogers that Brown was currently delinquent in his dues at their local. For that reason, Rogers stated, Brown was denied membership.

Local 886, in response to a Commission order, has indicated that it does not recall receiving a phone call from Local 745; however, their records indicate that Brown was a member of Local 886 during 1976 and that he failed to pay his dues for over three months. It is the policy of Local 886 to suspend a member for non-payment of dues for three months or more. It appears that Brown was suspended from Local 886 on December 30, 1976, when the alleged incident at Local 745 took place.

B. Systemic Coercion

Although Local 745 officials contend they do not force members to join DRIVE, they have stated that if a person refuses to join DRIVE at the time of membership application, they must speak to a business agent or union official in order that the DRIVE fund be explained to them.

The Commission, in AO 1976-23, set out three guidelines to "minimize the appearance or perception of coercion."

- (a) The solicited employee must be informed of the political purpose of the PAC.
- (b) No superior should solicit a subordinate.
- (c) The employee should be informed of his right to refuse to contribute without reprisal.

Union officials have stated under oath that each individual who speaks with them concerning DRIVE is advised of the political purpose of the fund. The DRIVE authorization form clearly states that the fund is voluntary. Thus, two out of the three criteria are satisfied, even though there is clearly a superior/subordinate relationship between the applicant and the union officials with whom he speaks. Therefore, although union membership is not expressly conditioned upon the making of a political contribution, the solicitation process appears to perhaps create a coercive climate which could cause an applicant for union membership to think that he had to also join D.R.I.V.E.

Since it was not practical to interview a representative sample of the union's membership, we decided to use statistics as a basis for our analyzation. There is authority, although

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inverse, in Pipefitters (footnote 30 at 407 US 418) for the concept that instance of mandatory assessment of contributions can be proven statistically. In other words, if we could demonstrate that the union membership overwhelmingly contributed to DRIVE, then the courts might infer that, without coercion, indirect or otherwise, such a high percentage of voluntary contributions would not occur. We also considered that a statistical analysis to determine whether or not there was systemic coercion would be probative of Mr. Brown's complaint, too.

The local supplied us with the following statistics:

- (a) The total number of union members;
- (b) The total number of DRIVE members;
- (c) The total number of union and DRIVE members

broken down by companies which employ Local 745 members.

An analysis of the total number of inactive members, casuals and members employed at companies which do not participate in the DRIVE check-off^{1/} subtracted from the total number of union members indicates that 45% of those eligible to join DRIVE are in fact members.

1/ Inactive members: Either deceased, retired, suspended, or withdrawn. Casual members: Part time employees who do not have deductions automatically withheld from pay checks because they do not have permanent jobs. Therefore, membership dues and DRIVE contributions would have to be paid in cash.

Companies which do not participate in DRIVE: Some companies which are party to a collective bargaining with Local 745 do not participate in the DRIVE check-off, so in order for one of their employees to be a member of DRIVE he would have to pay the union in cash.

During the course of our investigation, we became aware of the possibility that perhaps those individuals who join the local at the union hall rather than through the mail or at their place of employment could possibly be more likely to join DRIVE in light of the fact that they would come in contact with union officials. Statistics showing a higher incidence of DRIVE contributors through the union hall could modify the statistical inference indicated by the fact that, overall, only 45% of the union membership had joined DRIVE. However, statistics regarding whether a person joins the union and DRIVE at the union hall or through the steward at the job site are not available.

The statistics furnished to this office by the union indicate that some companies, party to a collective bargaining agreement with Local 745, have a relatively large number of union members who are also DRIVE members, while others do not. However, there does not appear to be a clear explanation for this. We pursued a couple of theories which could have explained the variance in DRIVE members per company and which could have been probative of coercion.

First, a member's proximity to the union hall, either from the location of his residence or his place of employment, might explain the variance in DRIVE membership per company because of the greater likelihood of that person's applying through the union hall rather than at the job site or by mail. However, the data to determine this theory was not available.

Second, we learned through depositions that some companies participate in the DRIVE check-off procedure while others do not. This evidence suggested the possibility that those participating companies might have a higher number of DRIVE members. However, the evidence provided by the union does not indicate a consistent pattern between participating and non-participating companies.

It should be noted that there are several problems inherent in analyzing the statistics which we have received from the local. First, there is a possibility that the statistics submitted by the union may be incorrect. Second, the number of DRIVE members is separate from the total number of individuals who have signed DRIVE authorization cards. In other words, while a union member may sign the authorization card, if the annual deduction has not or is not currently being made, that person is not considered to be a member of DRIVE. This means that all casual members (see footnote 1) who may have signed an authorization card but have not contributed to the fund, are not included in the totals. The same is true for those who have signed authorizations for DRIVE subsequent to October of 1977 because they have not yet contributed to DRIVE. (The annual deduction takes place in the fall of each year.)

Therefore, the fact that only 45% of all Local 745 members belong to DRIVE is misleading in that an unknown number have authorized the local to deduct \$5.00, but for some reason may not have effectuated the transfer of funds. However, even allowing for this discrepancy, there would still be a considerable difference between the percentage of all union members and the percentage of union members belonging to D.R.I.V.E.

CONCLUSION

As set forth in 2 U.S.C. §441b(b)(3), it is unlawful for a separate segregated fund of a labor organization "to make a contribution or expenditure [in connection with federal elections] by utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of force, job discrimination, or financial reprisal, or by dues, fees or other monies required as a condition of membership in a labor organization ..." 11 CFR 114.5(a) further provides that "... For purposes of this section, fees or monies paid as a condition of acquiring or retaining membership or employment are monies required as a condition of membership even though they are refundable upon request of the payor."

The investigation of Local 745 does not establish that the union obtained contributions to DRIVE through coercion or threat of coercion. There is no evidence whatever of physical coercion. With respect to economic coercion or the threat thereof, although by the union officials' own admission there has been an almost 100% success rate of DRIVE commitments from those applying for membership at the union hall, it can be argued that the business agents were merely very persuasive, in the absence of any evidence to establish the economic leverage the union might have over an applicant for membership. If Local 745 ran a hiring hall which referred its members to jobs, this would be a factor, although not a necessarily determining factor, in indicating the union's economic leverage over its members. However, Local 745 does not operate a hiring hall. Another factor which is some indicator of a union's strength is

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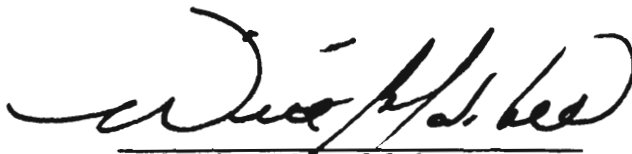
is whether it operates in a closed shop state or is subject to right-to-work laws. Texas is a right-to-work state. A statistical profile showing an overwhelmingly large number of DRIVE commitments by the membership might have rebutted the two previously stated factors which argue against coercion, since a union may have very real, if not declared, power in the job market, despite its operating in a right-to-work state and having no hiring hall. However, as we have discussed, we were not able to obtain statistics that could prove a theory of coercion.

With regard to Mr. Brown's specific allegation, it does not appear that there is reasonable cause to believe Local 745 violated 2 U.S.C. §441b. While both parties admit that the subject of DRIVE was mentioned on December 31st, the local contends that it was Brown's delinquent dues status which caused the denial of his transfer request. Brown's dues status coupled with the local's membership decision not to allow Brown's transfer, leads us to believe that the local's denial of Brown's application was not based on his refusal to join DRIVE.

RECOMMENDATION

1. Find no reasonable cause to believe that the Teamsters Local 745 violated 2 U.S.C. §441b.
2. Notify respondent and complainant.

1/16/79
Date


William C. Oldaker
General Counsel

Attachments
Notification Letters



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James L. Hicks
Suite 704E Mockingbird Towers
1341 West Mockingbird Lane
Dallas, Texas 75247

RE: MUR 412 (77)

Dear Mr. Hicks:

On , 1979, the Commission voted to terminate its inquiry into a possible violation of 2 U.S.C. §441b by your client, Charles Haddock, president of Local 745 of the International Brotherhood of Teamsters.

Accordingly, the Commission intends to take no further action and close its file in this matter.

Sincerely,

William C. Oldaker
General Counsel





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Archie E. Brown
1439 Whitely Drive
Dallas, Texas 75217

RE: MUR 412 (77)

Dear Mr. Brown:

On , 1979, the Commission voted to find no reasonable cause to believe that Local 745 of the International Brotherhood of Teamsters has violated 2 U.S.C. §441b.

Accordingly, the Commission intends to close its file in this matter.

Sincerely,

William C. Oldaker
General Counsel





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

December 21, 1978

EXPRESS MAIL

Ransom Ellis or
Jerome Avidon
NLRB 8th floor
819 Taylor Street
Room 8A24
Fort Worth, Texas 76102

Dear Sir:

Enclosed, per your request, is a copy of the sworn statement filed by Archie E. Brown with the Federal Election Commission on June 7, 1978.

The names of individuals referred to in Mr. Brown's statement, who are possible witnesses, have been deleted in order that our investigatory files remain confidential until the Commission makes a final determination.

If you have any questions, please contact Suzanne Callahan at 202/523-4058.

Sincerely,

A handwritten signature in dark ink, appearing to read "William C. Oldaker", is written over the typed name.

William C. Oldaker
General Counsel

Enclosure

RECEIVED
FEDERAL ELECTION
COMMISSION

78 DEC 18 PM 2:42

December 14, 1978

70PS15

Mr. William Oldaker
General Counsel
Federal Election Commission
1325 K St., N. W.
Washington, DC 20006

Re: MUR 412
Teamsters Local 745

To the extent required so that the General Counsel of the National Labor Relations Board can comply with the Jencks Act, I hereby authorize release of all statements delivered to the FEC by Archie E. Brown to Ransom Ellis, Counsel for the General Counsel, NLRB, in Fort Worth, Texas.

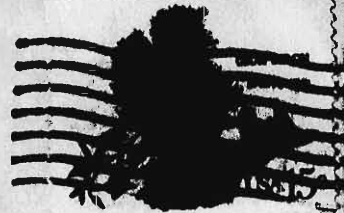
Such authorization is pursuant to 2 U.S.C. Sec. 437(g)(3)(b). Upon compliance with the Jencks Act such statements will be retained by the parties to the NLRB litigation.

Sincerely,


James L. Hicks, Jr.
Attorney for Teamsters Local 745

81040252946

James L. Hicks, Jr.
Hicks, Gillespie and James, P.C.
41341 W. Mockingbird Lane
Suite 704E
P.O. Box 47222
Dallas, TX 75247



'78 DEC 18 PM 2:42

Mr. William Oldaker
General Counsel
Federal Election Commission
1325 K St., N.W.
Washington, DC 20006

8104025

LAW OFFICES OF
HICKS, GILLESPIE & JAMES, P. C.

A PROFESSIONAL CORPORATION

Suite 704E Mockingbird Towers
1341 West Mockingbird Lane Dallas, Texas 75247
Dallas: 630-8621 Metro: 263-0831

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RECEIVED
FEDERAL ELECTION
COMMISSION

'78 AUG 31 AM 11:33

James L. Hicks, Jr.
Hal K. Gillespie
David B. James
James C. Wilson

August 29, 1978

005610

Mr. Hal Ponder
Federal Election Commission
1325 "K" Street, N.W.
Washington, D.C. 20463

RE: FEC v. Teamsters Local 745
Case No. 3-78-0528-F
(U.S. District Court, N.D. Tex)

Dear Mr. Ponder:

Pursuant to stipulation and Order of the Court dated July 17, 1978, enclosed please find a six-page document that is self-explanatory. The items (1 through 5) on the first page relate to the corresponding items in the Stipulation.


As noted in the response, the material is based upon a computer run of July 12, 1978. The responses are intended as truthful and are so to the best of our knowledge. These responses have been carefully prepared and any errors in the responses are unknown to us and, thus, inadvertent.

If any further inquiry is necessary, please call me.

Very truly yours,

HICKS, GILLESPIE & JAMES, P.C.

By


James L. Hicks, Jr.

JH:lp
enc.
cc: Mr. Charles Haddock

81947252948

This employer list was compiled from records assembled July 12, 1978.

1. (a) See pages 1 through 5
(b) All active
(c) The local has 1650 members who work as "casual employees". Casual workers are not attached to any one employer. Of the 1650, 410 worked at employers that honor "casual" checkoffs (other employers do not).
2. 1977 - 1371 casuals joined
1978 - 919 casuals joined (January through July)
3. See pages 1 through 5
4. See pages 1 through 5
5. See pages 1 through 5

<u>COMPANY</u>	<u>LOCAL 745 MEMBERS</u>	<u>PARTICIPATES IN DRIVE</u>	<u>LOCAL 745 DRIVE MEMBERS</u>
ARA FOOD SERVICE CO.	15	Yes	3
ACE HARDWARE CORP.	45	No	
AFFILIATED FOOD STORES	401	Yes	49
AFFILIATED LEASEWAY	18	Yes	4
AIR TREADS	21	No	
AIRBORNE FREIGHT CORP.	35	Yes	5
AMERICAN FREIGHT SYSTEM	68	Yes	32
AMERICAN CONTAINER	32	Yes	0
ANHEUSER BUSCH INC.	6	Yes	0
ARKANSAS BEST FREIGHT	51	Yes	41
ASHLAND OIL INC.	6	No	
AUTO CONVOY CO.	79	Yes	60
AUTO WAREHOUSERS INC.	2	Yes	1
BIGELOW SANFORD CARPET CO.	6	No	
BRIDGEFORD DIST. CO.	5	Yes	0
BRINKS, INC. OF TEXAS	8	Yes	0
BROWN EXPRESS CO.	106	Yes	76
BURLINGTON NORTHERN AIR FRT.	31	Yes	0
CAMPBELL 66 EXPRESS, INC.	87	Yes	40
CANTEEN FOOD & VENDING SERV.	55	Yes	38
CARDOX CORP.	11	No	
CHIEF FREIGHT LINES	127	Yes	114
CHRYSLER CORP.	85	No	
CHURCHILL TRUCK LINES	12	Yes	0
COAST CARLOADING CO.	1	Yes	0
J. H. COFFMAN & SON	13	Yes	0
COLT CARRIAGE INC.	3	Yes	1
CONSOLIDATED ALUMINUM	2	Yes	0
CONSOLIDATED FREIGHTWAYS	230	Yes	142
CONVOY SERVICING	34	Yes	18
COORDINATED TRANSPORTATION	14	Yes	10
COTTER AND COMPANY	93	No	

Page 2.

<u>COMPANY</u>	<u>LOCAL 745 MEMBERS</u>	<u>PARTICIPATES IN DRIVE</u>	<u>LOCAL 745 DRIVE MEMBERS</u>
CUSTOM DELIVERIES INC.	12	Yes	7
DAL TEX EXPRESS INC.	12	Yes	7
DALLAS SERVICE CORP.	2	No	
DALLAS WHOLESALE BUILDERS	18	Yes	0
DAP INC.	16	Yes	8
DEALERS TRANSIT INC.	8	Yes	0
DRIVERS, INC.	2	No	
E T M F	381	yes	147
EDWARDS WAREHOUSE	17	No	
EMERY AIR FREIGHT	67	Yes	12
ENGLANDER CO.	5	No	
FARMERS CO OP	26	No	
FELD TRUCK LEASING	20	Yes	12
FREEMAN DECORATING	5	No	
FRYE COPYSYSTEMS	22	Yes	0
FULLWELL MOTOR PRODUCTS	4	Yes	0
GATES RUBBER CO.	19	No	
FATEWAY TRANSPORTATION	7	Yes	1
GEORGIA PACIFIC	5	No	
GILBERT MARKING CO.	53	Yes	0
GILBERT CARRIER	13	Yes	0
GLOBE UNION INC.	27	Yes	0
GORDONS TRANSPORTS, INC.	60	Yes	21
GOULD INC.	13	Yes	5
GRABER CO.	13	No	
GRAVES TRUCK LINES	54	Yes	12
H. J. HEINZ CO.	14	Yes	0
HERRIN PETROLEUM	13	Yes	1
HERTZ CORP.	17	No	
HOMAN SERVICES	27	Yes	1
HOOVER CHEMICAL	33	Yes	4
ILLINOIS CALIFORNIA EXPRESS	156	Yes	91

Page 3.

<u>COMPANY</u>	<u>LOCAL 745 MEMBERS</u>	<u>PARTICIPATES IN DRIVE</u>	<u>LOCAL 745 DRIVE MEMBERS</u>
INDUSTRIAL PERSONNEL, ACE	9	Yes	1
INDUSTRIAL PERSONNEL, SHERWIN WMS.	24	Yes	22
INDUSTRIAL PERSONNEL	2	Yes	0
JOHNSON MOTOR LINES	20	Yes	14
JONES TRUCK LINES	77	Yes	35
EARLE M. JORGENSEN	38	Yes	2
KAISER ALUMINUM	19	Yes	1
KELLY SPRINGFIELD	14	NO	
KENOSHA AUTO TRANSPORT	18	Yes	12
KIRSCH COMPANY	5	Yes	0
KROEHLER MFG. CO.	32	Yes	10
KROGER CO.	182	Yes	123
LANDA MOTOR LINES	10	Yes	3
LEASEWAY OF WISCONSIN	11	Yes	2
LEE WAY MOTOR FREIGHT	133	Yes	95
LIQUID CARBONIC	13	No	
LONE STAR COMPANY	16	No	
MANOR BAKING CO.	8	Yes	2
MASONITE CORP.	8	No	
OSCAR MAYER & CO.	5	Yes	0
MCKESSON CHEMICAL	16	No	
MCLEAN TRUCKING CO.	121	Yes	86
MERCURY FREIGHT LINES	46	Yes	12
METRO CONTRACT SERVICES	5	Yes	0
MIDAS INTERNATIONAL	16	Yes	0
MONKEY GRIP	94	No	
MORGAN EXPRESS	46	Yes	1
NABISCO	30	No	
NATIONAL CAR RENTAL	15	No	
NATIONAL HOMES CORP.	38	Yes	6
NATIONAL LINEN	17	No	
NAVAJO FREIGHT LINES	49	Yes	29
NEUHOFF BROS.	20	Yes	5

Page 5.

COMPANY	LOCAL 745 MEMBERS	PARTICIPATE IN DRIVE	LOCAL 745 DRIVE MEMBERS
SOUTHWESTERN TRANSPORTATION	442	Yes	329
NICK L. SPANOS	5	Yes	0
SPECTOR FREIGHT	28	Yes	21
SPRINGMEIER SHIPPING	1	Yes	0
SULLIVAN TRANSFER CO.	18	Yes	8
SUNDANCE TRANSPORTATION	136	Yes	61
SURTRAN TAXICAB CO.	9	No	
T I M E	42	Yes	27
TEXAS CARTAGE	89	Yes	14
TEXAS EXTRUSION	15	Yes	0
TEXAS OKLAHOMA EXPRESS	186	yes	146
MISSOURI PACIFIC TRUCK LINES	180	yes	153
TEXAS PAPER CO.	9	Yes	0
THERMO KING SALES	10	yes	2
TRANSCON LINES, INC.	359	Yes	192
TRANSPERSONNEL	15	Yes	2
TUCKER FREIGHT LINES	28	Yes	19
UNIROYAL INC.	10	Yes	0
VALCAR ENTERPRISES	13	No	
VAN WATERS & ROGERS	31	No	
W T C AIR FREIGHT	16	Yes	8
WACO SCAFFOLDING	7	Yes	3
WAGNER ELECTRIC	6	No	
WEYERHAEUSER	8	No	
WHITE TRUCKS	10	Yes	2
WHITTAKER CORP.	17	No	
WILSON FREIGHT CO.	94	Yes	48
WILSON SPORTING GOODS	2	No	
YELLOW CAB OF DALLAS	24	No	
YELLOW FREIGHT	936	Yes	435
TOTALS	10,542 **		4,375

** This figure includes the 410 "casual" members whose checkoffs are honored at various employers that honor such. It does not include the 1240 other "casual" members. See answer to item 1 (c)

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<u>COMPANY</u>	<u>LOCAL 745 MEMBERS</u>	<u>PARTICIPATE IN DRIVE</u>	<u>LOCAL 745 DRIVE MEMBERS</u>
NEW YORK MERCHANDISE CO.	13	Yes	0
NU CAR UNLOADING	4	Yes	3
O N C FREIGHT SYSTEMS	21	Yes	11
MO. PAC. INTERMODAL	2	Yes	0
PILLSBURY CO.	21	Yes	0
PLASTICS MFG. CO.	293	Yes	1
PORT WAREHOUSEING	8	No	
PREMIUM CORP.	5	Yes	0
PROFIT BY AIR	19	Yes	6
RAYBESTOS MANHATTAN	22	No	
RED BALL MOTOR FRT. LINES	599	Yes	289
REEVES DIST. SERVICE	8	No	
REGIONAL AIR CARGO	37	Yes	1
RENTAR	15	Yes	8
ROADWAY EXPRESS	609	Yes	336
ROLLINS LEASING	6	No	
RYDER TRUCK LINES	49	Yes	27
SABIN ROBBINS PAPER CO.	16	No	
SAFEWAY STORES	1096	Yes	384
SANTA FE TERMINAL SERVICES	17	Yes	4
SANTA FE TRAIL	130	Yes	113
EARL SCHEIB	3	Yes	0
SCHLITZ BREWING CO.	372	Yes	159
SCHLITZ CONTAINER DIVISION	262	Yes	127
SCHWERMANN TRUCKING CO.	5	No	
JOHN SEXTON & CO.	21	Yes	1
SHAKLEE CORP.	11	Yes	0
SHEDD BARTUSH FOODS	72	Yes	1
SHIPPERS TERMINAL	14	YES	0
ELWIN G. SMITH	1	Yes	0
SOUTHERN PACIFIC TRANSPORT	24	Yes	10
SOUTHLAND PAINT CO.	13	No	
SOUTHWEST MAURICE	3	No	

MAY 3 1978

Teamsters records sought¹¹⁰ by U.S. election commission

By LYNN CALLISON
Staff Writer

The Federal Election Commission asked Tuesday for a federal court order to force Teamsters Local 745 to turn over its membership records to an FEC investigation of allegations that at least one person was denied union membership here because he refused to contribute \$5 to the local's political campaign fund.

Mandatory political contributions are a violation of the Federal Election Campaign Act of 1971.

The FEC charged Tuesday that Local 745 and its Secretary-Treasurer Charles Haddock "refused to produce ... outright" union records subpoenaed by the commission March 15.

Information requested in the subpoenas included union membership records, membership information records pertaining to the local's political organization DRIVE (Democratic, Republican, Independent Voter Education), which Local 745 did not produce, ... apparently on the ground of burdensomeness."

In a memorandum signed by FEC's Washington, D.C., general counsel William Oldaker, the FEC petitioned U.S. Dist. Judge Robert Porter to issue an order that would force union officials to appear before him and show cause why they should not be forced to comply with the commission's subpoenas.

The FEC is seeking Local 745's membership and DRIVE records in connection

with a complaint filed May 30, 1977 against the local by Archie Brown. Brown charged that when he tried to transfer from Teamsters Local 836 in Oklahoma he was required to agree to a yearly contribution to Local 745's chapter of DRIVE, to be deducted from his payroll check.

Federal law requires that contributions to a union's "separate, segregated fund must be made voluntarily with no threat of union coercion or reprisal."

Brown charged that he refused to contribute to DRIVE and as a result was denied membership in Local 745.

According to the FEC, Local 745 was notified last July that an investigation had begun into its DRIVE fund that would require the local to provide its membership records as evidence. FEC issued subpoenas to take depositions from three Local 745 officials and two employees, including a request for local Secretary-Treasurer Haddock to appear April 6 to answer FEC questions.

"The subpoena seeks information which is necessary and relevant to a basic theme in the overall investigation of Archie Brown's original complaint and the allegations raised during its investigation," the FEC argued in its request for a show-cause order.

FEC claimed the subpoenas would supply information on the number of union members and the number of DRIVE members, "information relevant in determining whether contributions to DRIVE are voluntarily made as required."

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Important

SALE UNIT

FEDERAL Election Commission

1325 K. St. N. W.
WASHINGTON, D. C. 20463

To Miss Suzanne Callahan Federal Election Commission. Inclosed you will find a Tape recording between Charles Haddock and Archie E. Brown.. Mr. Haddock is the top Officer Of local Teamsters 745, Dallas Tx. Also is part of the Transcript which was taken by the National Labor Relations Board in Ft. Worth Tx. Play both sides of the tape.. Mr. Haddock has warned me if he loses the up coming Election..

I was told by or suggested from the Dallas F.B.I. to send you this.. I hope you people will reach some kind of a decision soon on my case .. Inclosed is some news paper clippings.. Also I was beaten up by some union Officials of local 745 .. The Dallas Police are now looking into it, as well as some Government people...

Archie E. Brown
1439 Whitley Dr.
Dallas, Tx. 75217

Ph. 214-391-4797

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR
RELATIONS BOARD

IN THE MATTER OF:

INTERNATIONAL BROTHERHOOD OF TEAMSTERS
DALLAS GENERAL DRIVERS, MANAGEMENT
AND HELPERS, LOCAL 746

and
ARCHIE ELLIOTT BROWN, An Individual

INTERNATIONAL BROTHERHOOD OF TEAMSTERS
DALLAS GENERAL DRIVERS MANAGEMENT
AND HELPERS, LOCAL 746

and
WILLIAM T. GEND, An Individual

ORDER CONSOLIDATING CASES
AMENDED CONSOLIDATED COMPLAINT
AND NOTICE OF HEARING

15-CB-1234
15-CB-1235
15-CB-1236
15-CB-1237
15-CB-1238
15-CB-1239

CASE NO. _____

8 1 0 4 0 2 5 2 9 5 9
APR 21 1977
FEDERAL ELECTION COMMISSION
UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
SIXTEENTH REGION

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, DALLAS GENERAL DRIVERS,
WAREHOUSEMEN AND HELPERS, LOCAL 745

and

ARCHIE ELLIOTT BROWN, AN INDIVIDUAL

Case Nos. 16-CB-1380
16-CB-1402
16-CB-1408

INTERNATIONAL BROTHERHOOD OF
TEAMSTERS, DALLAS GENERAL DRIVERS,
WAREHOUSEMEN AND HELPERS, LOCAL 745

and

WILLIAM T. WEED, AN INDIVIDUAL

Case Nos. 16-CB-1255
16-CB-1267
16-CB-1403

ORDER CONSOLIDATING CASES, AMENDED CONSOLIDATED
COMPLAINT AND NOTICE OF HEARING

It having been charged in Case Nos. 16-CB-1380; 16-CB-1402; and 16-CB-1408, by Archie Elliott Brown, an individual, hereinafter called Brown; and in Case No. 16-CB-1403 by William T. Weed, hereinafter called Weed, that International Brotherhood of Teamsters, Dallas General Drivers, Warehousemen and Helpers, Local 745, hereinafter called the Respondent Union has engaged in, and is engaging in, certain unfair labor practices affecting commerce as set forth and defined in the National Labor Relations Act, as amended, 29 U. S. C. Sec. 151, et seq., herein called the Act, and an Order Consolidating Cases, Consolidated Complaint and Notice of Hearing having issued against Respondent Union in Case Nos. 16-CB-1255 and 16-CB-1267 on July 13, 1977 and the General Counsel of the National Labor Relations Board, herein called the Board, on behalf of the Board, by the undersigned Acting Regional Director for the Sixteenth Region, having duly considered the matter and deeming it necessary in order to effectuate the purposes of the Act and to avoid unnecessary costs and delay,

HEREBY ORDERS pursuant to Section 102.33 of the Board's Rules and Regulations, Series S, as amended, that these cases be, and they hereby are, consolidated.

Said cases having been consolidated, the General Counsel of the Board on behalf of the Board by the undersigned Acting Regional Director, pursuant to Section 10(b) of the Act and Section 102.15 of the Board's Rules

and Regulations, Series 8, as amended, hereby issues this Order Consolidating Cases, Amended Consolidated Complaint and Notice of Hearing and alleges as follows:

1.

(a) The charge in Case No. 16-CB-1255 was filed by Weed on May 16, 1977 and was served upon Respondent Union by registered mail on or about May 16, 1977.

(b) The charge in Case No. 16-CB-1267 was filed by Weed on June 14, 1977 and was served on Respondent Union by registered mail on or about June 14, 1977.

(c) The charge in Case No. 16-CB-1330 was filed by Brown on January 17, 1978, and was served upon Respondent Union by registered mail on or about January 18, 1978.

(d) The charge in Case No. 16-CB-1402 was filed by Brown on February 21, 1978, and was served upon Respondent Union by registered mail on or about February 21, 1978.

(e) The charge in Case No. 16-CB-1403 was filed by Weed on February 21, 1978, and was served upon Respondent Union by registered mail on or about February 21, 1978.

(f) The charge in Case No. 16-CB-1408 was filed by Brown on March 8, 1978, and was served upon Respondent Union by registered mail on or about March 8, 1978.

2.

The Respondent Union is now, and has been at all times material herein, a labor organization within the meaning of Section 2(5) of the Act.

3.

(a) East Texas Motor Freight, hereinafter referred to as ETMF, is, and has been at all times material herein, a corporation organized under and existing by virtue of the laws of the State of Texas, and is engaged in the business of providing interstate motor freight transportation from its principal office and place of business located in Dallas, Texas.

(b) During the preceding twelve months, ETMF, in the course and conduct of its business operations, performed services valued in excess of \$50,000 of which services valued in excess of \$50,000 were rendered

directly to customers located in states other than the State of Texas.

4.

(a) Transcon Lines, hereinafter referred to as Transcon, is now, and has been at all times material herein, a corporation duly organized and existing by virtue of the laws of the State of California, maintaining a transportation terminal and office located in Dallas, Texas, where it is engaged in interstate freight hauling, handling and storage.

(b) During the preceding twelve months, which period is representative of all times material herein, Transcon, in the course and conduct of its business operations from its Dallas, Texas terminal performed services valued in excess of \$50,000 of which services valued in excess of \$50,000 were rendered directly to customers located in states other than the State of Texas.

5.

(a) Red Ball Motor Freight, Inc., hereinafter called Red Ball, is, and has been at all times material herein, a corporation duly organized under and existing by virtue of the laws of the State of Delaware, and is engaged in the business of providing interstate motor freight transportation from its office and place of business located in Dallas, Texas.

(b) During the preceding twelve months, which period is representative of all times material herein, Red Ball, in the course and conduct of its operations from its Dallas, Texas place of business, performed services valued in excess of \$50,000, of which services valued in excess of \$50,000 were rendered directly to customers in states other than the State of Texas.

6.

(a) Yellow Freight System, Inc., hereinafter called Yellow Freight is, and has been at all times material herein, a corporation duly organized under and existing by virtue of the laws of the State of Indiana, and is engaged in the business of providing interstate motor freight transportation. Yellow Freight System maintains its principal place of business at Shawnee Mission, Kansas, and has a terminal located in Dallas, Texas.

(b) During the preceding twelve months, which period is representative of all times material herein, Yellow Freight, in the course

and conduct of its business operations from its Dallas, Texas terminal, performed services valued in excess of \$50,000, of which services valued in excess of \$50,000 were rendered directly to customers in states other than the State of Texas.

7.

ETMF, Transcon, Red Ball, and Yellow Freight are now, and have been at all times material herein, employers engaged in commerce within the meaning of Section 2(6) and (7) of the Act.

8.

At all times material herein, the following named persons occupied the positions set opposite their respective names and have been, and are now, agents of Respondent Union, acting on its behalf and are agents within the meaning of Section 2(13) of the Act:

Charles E. Haddock	Secretary-Treasurer and Business Manager
Charles E. Rogers	President and Business Representative
George Prda	Vice President and Business Agent
"Foots" Johnson	Secretary
Garland Moore	Business Agent
Ray Monk	Business Agent
T. C. Stone	Business Agent
Laurence Burns	Business Agent
Carl W. Branch, Sr.	Chief Steward
James Wilson	Chief Steward
Warren King	Chief Steward
Jack K. Tucker	Chief Steward
Bill Baker	Chief Steward
Robert L. Baker	Steward
Larry Robinson	Steward
Paul Castro	Steward
Norman T. Roberts	Steward

9.

Since on or about April 3, 1977, and continuing to date, the Respondent Union, by its officers, and agents, has restrained and coerced,

and is restraining and coercing, employees of ETMF, Transcon and Red Ball and other employers in the exercise of the rights guaranteed in Section 7 of the Act by the following acts and conduct:

(a) On or about April 3, 1977, in or around Respondent Union's Local meeting hall, located at 1007 Jonelle Street, Dallas, Texas, certain of Respondent Union's members in the presence of Garland Moore and Billy Baker threatened employees of ETMF and Red Ball with physical violence because these employees had written a letter to President Carter complaining about terms and conditions of employment at Yellow Freight and the quality of Respondent Union's representation of employees at Yellow Freight. Respondent Union business agent Garland Moore and steward Billy Baker, by their presence and failure to disavow this action, ratified and condoned the conduct of Respondent Union's members.

(b) On or about May 1, 1977, in or around the Respondent Union's meeting hall located at 1007 Jonelle Street, Dallas, Texas, unknown individuals in the presence of Paul Castro physically assaulted employees of ETMF and Red Ball and thereby prevented them from attending a union meeting at which subjects related to wages, hours and other terms and conditions of employment at various employer facilities were to be discussed. Respondent union steward Paul Castro, by his presence and failure to disavow this action, ratified and condoned the conduct of these unknown individuals.

(c) On or about June 5, 1977, in or around the Respondent union's meeting hall located at 1007 Jonelle Street, Dallas, Texas certain of Respondent union's members in the presence of Carl Branch and Warren King threatened to assault employees of ETMF and Red Ball in order to deter these employees from attending a union meeting at which matters concerning wages, hours and other terms and conditions of employment at various employers were to be discussed. Respondent union's chief stewards Carl Branch and Warren King, by their presence and failure to disavow this action, ratified and condoned the conduct of Respondent union's members.

(d) On or about June 5, 1977, in or around the Respondent union's meeting hall, located at 1007 Jonelle Street, Dallas, Texas certain of Respondent's members in the presence of Carl Branch and

Warren King assaulted an employee of Red Ball in order to deter that employee from attending a union meeting at which wages, hours and other terms and conditions of employment at various employers were to be discussed. Respondent union's chief stewards Carl Branch and Warren King, by their presence and failure to disavow this action, ratified and condoned the conduct of Respondent union's members.

(e) On or about January 14, 1978, Respondent union, by its Secretary-Treasurer and Business Manager Charles E. Haddock, in a telephonic conversation orally threatened an employee of Transcon with physical reprisals or bodily harm if said employee did not refrain from his intra-union activities involving Respondent.

(f) On or about January 25, 1978, Respondent union, by its chief steward Jack K. Tucker, in a telephonic conversation, orally threatened an employee of Transcon with physical reprisals or bodily harm if said employee did not refrain from his intra-union activities involving Respondent union.

(g) On or about February 5, 1978, Respondent Union, by its Steward Larry Robinson, at the Respondent Union's meeting hall, physically threatened employees of ETMF and Transcon with bodily harm because said employees engaged in intra-union activities involving the Respondent Union.

(h) On or about February 10, 1978, Respondent by its chief steward Bill Baker filed intra-union charges against an employee of Transcon and an employee of ETMF in an attempt to get said employees expelled from membership in Respondent union because said employees had engaged in intra-union activities involving the Respondent union.

(i) On or about February 13, 1978, Respondent by its chief steward Carl Branch, Sr., filed intra-union charges against an employee of Transcon and an employee of ETMF in an attempt to get said employees expelled from membership in Respondent union because said employees had engaged in intra-union activities involving Respondent union.

(j) On or about February 13, 1978, Respondent by its steward Larry Robinson, filed intra-union charges against an employee of Transcon and an employee of ETMF in an attempt to get said employees expelled from membership in Respondent Union because said employees had engaged in intra-union activities involving the Respondent Union.

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(k) On or about February 21, 1978, Respondent by its Chief Steward Bill Baker and an unknown Yellow Freight employee, in or around the break-room at the Yellow Freight terminal located in Dallas, Texas, physically assaulted an employee of Transcon because said employee had engaged in intra-union activities involving the Respondent Union.

(l) On or about February 23, 1978, Respondent by its Secretary-Treasurer and Business Manager, Charles Haddock, by letter expelled an employee of Transcon from membership in the Respondent Union because said employee had engaged in intra-union activities involving the Respondent Union.

10.

Respondent Union, by the acts and conduct set forth in paragraph 9 above, has restrained and coerced employees in the exercise of their rights guaranteed in Section 7 of the Act and thereby engaged in, and is engaging in, unfair labor practices within the meaning of Section 8(b)(1)(A) of the Act.

PLEASE TAKE NOTICE that on the 22nd day of May 1978 at one o'clock in the afternoon (CDT), and such consecutive days thereafter until concluded, in Room 8A24 Federal Office Building, 819 Taylor Street, in the city of Fort Worth, Texas, a hearing will be conducted before a duly designated Administrative Law Judge of the National Labor Relations Board on the allegations set forth in the above Consolidated Complaint at which time and place you will have the right to appear in person, or otherwise, and give testimony. Form NLRB--4668, Summary of Standard Procedures in Formal Hearings Held Before the National Labor Relations Board in Unfair Practice Proceedings Pursuant to Section 10 of the National Labor Relations Act, as Amended, is attached.

You are further notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, Series 8, as amended, the Respondent shall file with the Regional Director for the Sixteenth Region, acting in this matter as agent of the National Labor Relations Board, an original and four (4) copies of an answer to said Consolidated Complaint within ten (10) days from the service thereof and that unless it does so all of the allegations in the Consolidated Complaint shall be deemed to be admitted to be true and may be so found by the Board. Immediately upon the filing of its answer, Respondent shall serve a copy thereof on each of the other parties.

DATED at Fort Worth, Texas this 18th day of April, 1978.

/s/ H. Carnie Russell

H. Carnie Russell, Acting Regional
Director
National Labor Relations Board
Region 16
Room 8A24 Federal Office Building
819 Taylor Street
Fort Worth, Texas 76102

SUMMARY OF STANDARD PROCEDURES IN FORMAL HEARINGS HELD BEFORE THE NATIONAL
LABOR RELATIONS BOARD IN UNFAIR LABOR PRACTICE PROCEEDINGS PURSUANT TO
SECTION 10 OF THE NATIONAL LABOR RELATIONS ACT, AS AMENDED

The hearing will be conducted by an Administrative Law Judge of the National Labor Relations Board who will preside at the hearing as an independent, impartial trier of the facts and the law and whose decision in due time will be served on the parties. The Administrative Law Judge's headquarters are either in Washington, D.C., or San Francisco, California.

At the date, hour, and place for which the hearing is set, the Administrative Law Judge, upon the joint request of the parties, will conduct a "prehearing" conference, prior to or shortly after the opening of the hearing, to assure that the issues are sharp and clear-cut; or the Administrative Law Judge may initiate and conduct such a conference. The Administrative Law Judge will preside at any such conference, but may, if the occasion arises, permit the parties to engage in private discussions. The conference will not necessarily be recorded, but it may well be that the labors of the conference will be evinced in the ultimate record--for example, in the form of statements of positions, stipulations, and concessions. Except under unusual circumstances, the Administrative Law Judge conducting the prehearing conference will be the one who will conduct the hearing; and it is expected that the formal hearing will commence or be resumed immediately upon completion of the prehearing conference. No prejudice will result to any party unwilling to participate in or to make stipulations or concessions during any prehearing conference.

(This is not to be construed as preventing the parties from meeting earlier for similar purposes. To the contrary, the parties are encouraged to meet prior to the time set for hearing in an effort to narrow the issues).

Parties may be represented by an attorney or other representative and present evidence relevant to the issues.

An official reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the Administrative Law Judge for approval.

All matter that is spoken in the hearing room while the hearing is in session will be recorded by the official reporter unless the Administrative Law Judge specifically directs off-the-record discussion. In the event that any party wishes to make off-the-record statements, a request to go off the record should be directed to the Administrative Law Judge and not to the official reporter.

Statements of reasons in support of motions and objections should be specific and concise. The Administrative Law Judge will allow an automatic exception to all adverse rulings, and, upon appropriate order, an objection and exception will be permitted to stand to an entire line of questioning.

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All exhibits offered by evidence shall be in duplicate. Copies shall also be supplied to other parties. If a copy of any exhibit is not available at the time the original is received, it will be the responsibility of the party offering such exhibit to submit the copy before the close of hearing. In the event such copy is not submitted, and the filing thereof has not for good reason shown been waived by the Administrative Law Judge, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

Any party shall be entitled, upon request, to a reasonable period at the close of the hearing for oral argument, which shall be included in the stenographic report of the hearing. In the absence of a request, the Administrative Law Judge may ask for oral argument, if at the close of the hearing the Administrative Law Judge believes that such argument would be beneficial to an understanding of the contentions of the parties and the factual issues involved.

Any party shall also be entitled upon request made before the close of the hearing, to file a brief or proposed findings and conclusions, or both, with the Administrative Law Judge who will fix the time for such filing.

Attention of the parties is called to the following requirements laid down in Section 102.42 of the Board's Rules and Regulations with respect to the procedure to be followed before the proceeding is transferred to the Board.

No request for an extension of time within which to submit briefs or proposed findings to the Administrative Law Judge will be considered unless received by the Chief Administrative Law Judge in Washington, D.C. (or in cases under the San Francisco, California, branch office of the Division of Judges, the Presiding Judge in charge of such office) at least three days prior to the expiration of time fixed for the submission of such documents. Notice of request for such extension of time must be served simultaneously on all other parties, and proof of such service furnished to the Chief Administrative Law Judge or Presiding Judge as the case may be. All briefs or proposed findings filed with the Administrative Law Judge must be submitted in triplicate, and may be legibly duplicated, with service on the other parties.

In due course the Administrative Law Judge will prepare and file with the Board a decision in this proceeding, and will cause a copy thereof to be served on each of the parties. Upon filing of the said decision, the Board will enter an order transferring this case to itself, and will serve copies of that order, setting forth the date of such transfer, on all parties. At that point, the Administrative Law Judge's official connection with the case will cease.

The procedure to be followed before the Board from that point forward, with respect to the filing of exceptions to the Administrative Law Judge's decision, the submission of supporting briefs, requests for oral argument before the Board, and related matters, is set forth in the Board's Rules and Regulations, Series 8, as amended, particularly in Section 102.46, and following sections. A summary of the more pertinent of these provisions will be served on the parties together with the order transferring the case to the Board.

Adjustments or settlements consistent with the policies of the Act reduce government expenditures and promote amity in labor relations. Upon request, the Administrative Law Judge will afford reasonable opportunity during the hearing for discussions between the parties if adjustment appears possible and may even suggest it.

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FEDERAL COURT REPORTERS
P. O. BOX 2023
DALLAS, TEXAS 75221

Federal Election Commission
General Council
Attention: Suzanne Callahan
1325 K Street N.W., 4th Floor
Washington, D.C. 20463

12:29

RETURN RECEIPT
70 MAY 20 1929
REQUESTED

CERTIFIED
No. 671324
MAIL

1 FEDERAL ELECTION COMMISSION)

2 VS.)

NO. NDR 412-77

3 TEAMSTERS LOCAL NO. 745)

4 '78 APR 14 PM 12:42

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9 ORAL DEPOSITION

10 OF

11 GARLAND MOORE
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16 ANSWERS AND DEPOSITION OF GARLAND MOORE, a
17 witness produced at the instance of the Federal
18 Election Commission, taken in the above styled and
19 numbered cause on the 14th day of April, A.D., 1978,
20 before Damon L. Smith, a Notary Public in and for
21 the State of Texas, at the offices of Teamster Local
22 Union No. 745, located at 1007 Jonelle, in the City
23 of Dallas, County of Dallas and State of Texas, pur-
24 suant to Notice, Subpoena and the agreement as herein-
25 after set forth:

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A G R E E M E N T

It is hereby agreed by and between the parties hereto, through their respective attorneys appearing herein, that the Notary Public taking this deposition may return and file the same without the signature of the witness thereto, said signature of the witness being waived by all parties, and said deposition to be used on the trial of this cause with the same force and effect as though the same had been read and signed by the said witness.

1 **APPEARANCES:**

2 **MR. HAL POWDER**

3 **and**

4 **MS. GAIL ROSS**

5 **Attorneys at Law**

6 **Washington, D.C.**

7 **APPEARING FOR THE FEDERAL**
8 **ELECTION COMMISSION**

9 **ALSO PRESENT: MS. SUEANNE CALLAHAN**

10 **MR. JIM CURLEN**

11 **Attorney at Law**

12 **1207 Main Bank Building**

13 **Dallas, Texas**

14 **APPEARING FOR TEAMSTERS**
15 **LOCAL NO. 745**



22 **NON-RESEALABLE BOND**

23 **25% COTTON**

81040052972

GARLAND MOORE,

the witness hereinbefore named, having been first duly cautioned and sworn to testify the truth, the whole truth and nothing but the truth, testified on his oath as follows:

DIRECT EXAMINATION

BY MS. ROSS:

Q Would you state your full name for the record, please?

A Garland Sanders Moore.

Q And your address?

A Box 1 -- or, Route 1, Box 116-K, Grand Saline, Texas.

Q What is your occupation?

A Assistant business agent for Local 745.

Q How long have you been employed in that capacity?

A Since nineteen -- July 1, 1972. That would be -- July 1 of this year will be six years.

Q As a business agent for Local 745, what are your duties?

A Police contracts, negotiate contracts, work on grievances and all that.

Q Could you explain to me the relationship between a business agent and the companies?

1 Well, of course, grievances are constantly
2 filed, disagreements between members and employees and
3 companies. I guess you would say that the business
4 agent is the go-between to try to work them out. If
5 you can't work them out, of course, you go to the
6 Grievance Committee and they decide the answer to it.

7 Q Does a business agent work with particular
8 companies?

9 A Well, we have particular companies assigned
10 to us. I mean, we're regular business agents for
11 particular companies, yes. But, we also -- in the
12 absence of other business agents that are assigned
13 to companies, we get into them. You know, in case
14 they're out of town or out of pocket or something.

15 Q If somebody should lose their job at a
16 company is it the role of a business agent to try and
17 help them find another job, either with that company or
18 with another company?

19 A Well, if we know of -- if we know of a company
20 that is hiring people, looking for employees, and an
21 unemployed member contacts us, of course, yeah, we
22 send him to them.

23 Q As a business agent what role do you play in
24 DRIVE solicitation?

25 A Well, we recommend members to join DRIVE. I

1 mean we don't force them to.

2 Q If somebody comes -- somebody new comes to
3 a company are you contacted? How does it work when a
4 new person comes and wants a job with a company; how
5 do you get involved in it, and then what is the connec-
6 tion between that and the Union?

7 A Well, there's many, many employees goes to
8 work for companies that we never know of until they do
9 go regular. Then, of course, they notify us to put
10 them on the check-off. And some of them don't even do
11 this.

12 Q When you say "they," does the person them-
13 selves or the company?

14 A The employee.

15 Q The employee.

16 A Or member, whichever one you want to call it.

17 Q Does a person, an employee, if he wants to
18 join the Union, can he join at the company?

19 A We have cases where -- they don't join with
20 the company, they join at the company with the steward
21 -- sign the application.

22 Q And the steward works for the Union or is
23 the liaison for the Union?

24 A I mean he works with the business agents.
25 He does not work for the Union, no.

1 Q So the steward works with the business agent
2 for the Union, being liaison for the Union?

3 A Uh-huh.

4 Q Are the forms given from the Union to the
5 steward?

6 A Most stewards carries these applications.
7 I mean, they'll pick them up here at the hall. Such
8 as under this modified seniority -- particularly this
9 will apply to the road, because they have modified
10 seniority. And say that an employee will get laid
11 off in Atlanta or Memphis or what have you - he's
12 already a member of that Local. He bumps into here --
13 he uses his seniority, and say that he bumps into Dallas.
14 Then the steward will -- and on occasions he does come
15 by the hall and take care of this transfer, but on
16 occasion he will go to the steward and the steward has
17 got the necessary forms to get this transfer out of
18 Atlanta, Memphis, wherever it might be. He will fill
19 this one, the steward will turn it over to us and we'll
20 get him transferred in.

21 Q Is it common -- is it more common for the
22 person just to go through the company or come down to
23 the Union Hall?

24 A None of them goes through the company --

25 Q Through the steward or the business agent?

1 A -- to get transferred or join the Union;
2 none of them does this.

3 Q Okay. Do they -- do most people work
4 through the business agent and the steward at the
5 company and not come down to the Union Hall?

6 A I would say it's probably a fifty-fifty ratio
7 on it.

8 Q Is there a reason why it's fifty-fifty; is
9 it because of where the company is, location, or is
10 there another reason?

11 A Ma'am, I don't really know what the reason
12 would be. Some of them just don't come to the hall.
13 Well, especially these new employees coming in here,
14 they take the position that they don't know where it's
15 at. The steward is there with them, they see him
16 daily. I assume it's just easier on them to let the
17 steward handle it.

18 Q When somebody comes to a company and the
19 steward gives them forms to fill out to become a Union
20 member what other forms is that person given?

21 A Some stewards have got the DRIVE forms, some
22 of them haven't. As a matter of fact, there's some
23 stewards that don't even believe in DRIVE; they wouldn't
24 give out a form on DRIVE.

25 Q It's up to the steward?

1 Q It's up to the steward. I've got a steward
2 that's been a member of this Local Union since 1949 and
3 she's not a member of DRIVE, and as far as I know she's
4 never passed out a DRIVE form.

5 Q If a DRIVE form is given with the Union
6 membership form and a person says that they don't want
7 to join DRIVE are they required to speak with the
8 business agent?

9 A If this is done on the job with the steward
10 I don't think the steward tells them to speak with the
11 business agent. Now, if they do come to the window up
12 here in the hall to join they're given the DRIVE form
13 along with the application for Union membership. Now,
14 if they don't want to join DRIVE the girl does tell
15 them, if there's a business agent available, to talk
16 to the business agent, whoever he may be.

17 Q Would she call the business agent over or
18 just tell the person to go in and see them?

19 A Up to his office, in most cases. Now, if
20 there's one standing around close, of course, she will
21 call him over.

22 Q Do you recall if a woman at the window ever
23 told somebody that they had to join DRIVE before they
24 could get a membership card?

25 A No, ma'am. I don't recall this ever happening.

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1 Q You said that you encouraged men to join
2 DRIVE.

3 A Uh-huh.

4 Q What do you explain to them about DRIVE?

5 A Most people don't even know what it's for.
6 We explain to them what it's for. We can't use no
7 part of his dues for political reasons; it has to be
8 a fund. It's voluntarily given by the members. We
9 explain this to them, and if they want to join, fine,
10 if they don't, fine.

11 I would say, again, this would probably
12 be a fifty percent ratio. About fifty percent, after
13 somebody talks to them, explains to them what it's
14 for, how it's used, approximately fifty percent of them
15 that told the girl -- told the girl they didn't know
16 what it was about or didn't want to join it would go
17 ahead and join it, fifty percent of them won't.

18 Q Is it clearly explained to them that they
19 don't have to join DRIVE?

20 A Yes, ma'am.

21 Q Do you recall a meeting -- a Union meeting
22 where it was voted that DRIVE was going to be compulsory
23 for Union membership?

24 A What was that again?

25 Q Do you recall if there was a meeting at which

1 it was voted in that DRIVE would be compulsory for
2 Union membership?

3 A No, ma'am, I don't.

4 Q Has it ever been discussed at a Union meeting
5 that all members should join DRIVE?

6 A It may have been discussed that they should
7 have. Now, I don't really recall this meeting or recall
8 a meeting that this was discussed. But, now, I
9 wouldn't say that it hadn't been, because we -- just
10 like I said a while ago, we do encourage members to
11 join but we do not tell them that it's compulsory.

12 Q Back to the stewards at the companies: Are
13 all stewards and business agents given the DRIVE
14 check-off forms along with the other forms?

15 A We don't -- we don't give stewards the
16 Union applications or the DRIVE forms. Now, if the
17 steward wants them they can come by here and the girls
18 gives them to them. They ask for them.

19 Q Okay. So if somebody comes to the -- to a
20 company and is not a member, and if they go to the
21 steward -- that is the person that they would go to?

22 A Some of them --

23 (Discussion off the record.)

24 A Ask your question again.

25 Q Are all stewards and business agents given

1 DRIVE cards - DRIVE authorization cards along with other
2 forms such as Union membership that they can give out.

3 A Well, I think I answered that one. The
4 business agents, we don't give them -- well, I say we
5 don't. Now, if a steward comes to us and asks us for
6 some we may go up to the window and get them for them.

7 But, most of the time, in general, they
8 will come by and ask the girl at the window, tell
9 them we need some DRIVE check-offs or -- we need some
10 DRIVE check-offs or Union applications or insurance
11 forms, whatever they may need. Usually they get them
12 from the window up there.

13 (Discussion off the record.)

14 Q (By Ms. Ross) In cases where a steward
15 doesn't give out DRIVE check-off cards does the Union
16 make any effort to recruit DRIVE members of those
17 people that --

18 A Well, I don't -- I can't speak for the
19 Union. I can speak for myself. Now, I don't. Now,
20 what the other agents does I don't have no way of
21 knowing. I don't believe they do.

22 Q Have you ever contacted non-DRIVE members
23 to explain DRIVE?

24 A You mean a member that -- a Union member
25 that had been on the job?

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Q Uh-huh.

A Not as a business agent. I have as a steward. I was a steward at Yellow Freight for fifteen years before I became employed at the Local. Now, I did as a steward.

Q What is a steward's job?

A Well, a steward's job is more or less the same thing as a business agent, only he does it on the particular job that he works on. He polices the contract with the management and employees.

Q And the steward works for the company?

A He works as an employee of the particular company that he's at.

Q How does he become a steward?

A He's elected by the members on that particular job - voted.

Q How do you feel personally about DRIVE?

A Well, I think it's a good thing. I have belonged to it since 1959 when it came out. That was approximately thirteen or fourteen years before I went to work for this Local.

Q But you don't feel -- scratch that.

But, as a business agent you don't go out and talk to people to try to get them to join DRIVE?

A No, ma'am.

1 To your knowledge, is there any steward that
2 you work with, other than the woman you mentioned, who
3 does not try to recruit people for DRIVE?

4 A Yeah. I've got three or four, to my know-
5 ledge, has never signed anyone up in DRIVE. I do
6 receive Union applications from them but I have never
7 received a DRIVE check-off from them - a DRIVE applica-
8 tion.

9 Now, most of the stewards does belong
10 to DRIVE themselves. As a matter of fact, I don't
11 have but one steward that I know that don't.

12 Q The woman you mentioned before, she doesn't
13 belong?

14 A She does not. Has never belonged to it.

15 Q So she's the only one you know of that does
16 not belong to DRIVE?

17 A She's the only one that I personally know
18 that doesn't belong to it.

19 Q If the stewards and the business agents don't
20 talk about DRIVE is there any way that the Union members
21 - those particular Union members will know about DRIVE?

22 A Unless they come through the hall and join
23 up - I mean, join the Union, fill out their application.
24 If the steward don't mention it to them, they never
25 know about it, no.

1 Q Do you know if they get mailings regarding
2 DRIVE?

3 A Do they what?

4 Q If Union members who are not DRIVE members
5 get any information in the mail about DRIVE.

6 A I understand a letter went out approximately
7 six weeks ago from the Local, and I wasn't aware of
8 that until a couple or three days ago.

9 Q That hasn't been common?

10 A No, ma'am. To my knowledge, that's the first
11 time one ever went out.

12 Q Do you know why one went out just so recently?

13 A No, ma'am, I sure don't.

14 Q Could you explain how a casual would get
15 involved with DRIVE?

16 A A casual would not be involved in DRIVE.

17 Unless you're a regular employee you would never become
18 a member of DRIVE.

19 Well, now, I guess you could. You could
20 possibly pay out of your pocket through the window up
21 here. I don't know, I've never heard of this coming
22 up before. But, this DRIVE check-off goes out to
23 regular employees only. It's no -- I don't think it's
24 no set month on it, but it goes out once a year to
25 regular employees only.

1 Q So if a casual is working on the docks, for
2 instance, would a steward come up to him and talk about
3 DRIVE and ask if he wants to join?

4 A No, ma'am.

5 Q Well, I say "No, ma'am." I don't believe
6 he would, because it wouldn't do any good.

7 Q To the best of your knowledge, a card is not
8 given to a casual -- a DRIVE check-off card is not given
9 to a casual?

10 A Well, when a member comes -- a man comes in
11 here -- a man or lady, whatever it may be, to join DRIVE
12 at the window, yes, it is given to him. And he --
13 again, if he wants to sign it he can; if he doesn't,
14 he doesn't have to.

15 Q But, even though he does sign it, it
16 will never be nothing deducted from his pay or from
17 his check until he becomes a regular employee.

18 Q Do you know if that's explained to somebody
19 when they -- a casual -- comes in?

20 A Is that explained to them?

21 Q Is that explained to them?

22 A Yes, ma'am. Well, now, I say -- some of them
23 just automatically -- I mean, it's just human nature
24 to sign anything that's pushed out in front of you.
25 If they question it it is explained to them, yes.

1 Q If they don't come down -- can a casual worker
2 and become a Union member without coming down to the
3 Union Hall?

4 A Can he?

5 Q Yeah.

6 A Yes.

7 Q And so a casual who does that would not be
8 given a DRIVE check-off form?

9 A No, ma'am. If this is done out on a job
10 the steward wouldn't give him a DRIVE check-off, no,
11 ma'am.

12 Q Do you know what the procedures to withdraw
13 from DRIVE are?

14 A Yes, ma'am.

15 Q Could you explain that for me?

16 A If you send a letter or a written statement
17 in to this Local Union asking to be taken off of the
18 DRIVE check-off you can get off. Now, you can also
19 write the company a letter telling the company not to
20 deduct any more funds from that check for a DRIVE
21 check-off, and this is done.

22 Q Do you know if anyone has ever been told
23 that they need a notarized statement?

24 A Not that I'm aware of.

25 Q Have you seen forms that have been sent in

1 to withdraw?

2 A Have I seen any?

3 Q Yeah.

4 A I haven't seen any forms. I'm not aware of
5 any forms. I've seen some written statements or letters
6 that's come in here and -- you know, asking to be taken
7 off of it.

8 Q But you're not aware of any printed forms
9 that have come in asking to withdraw?

10 A No, ma'am, I am not.

11 Q If somebody wishes to withdraw does a
12 business agent speak with them or they -- is a business
13 agent contacted and then speaks with that person before
14 the withdrawal?

15 A Not that I'm aware of. I never have.

16 (Discussion off the record.)

17 EXAMINATION

18 BY MR. PONDER:

19 Q Mr. Moore, I would like to ask you just one
20 question to clear up some confusion I have.

21 Now, you said that you think that DRIVE
22 is a good thing; that you belong to DRIVE. And you said
23 that at least in some instances a person can be working
24 for a company and the Union representative there, the
25 steward, might not support DRIVE, might not speak to the

1 person. I don't understand why you then would not
2 try to explain DRIVE to the employees there or give
3 them any information about it. Are you saying that
4 you never do this?

5 A I never did this out on the docks since
6 becoming a business agent. I did do this when I was
7 a steward --

8 Q I see.

9 A -- at Yellow Freight.

10 Q How long were you a steward at Yellow Freight?

11 A Fifteen years.

12 Q Well, is it because you think the business
13 agent's duties are different, that it's not proper for
14 you to discuss DRIVE with members of -- with Teamster
15 members?

16 A Well, no, sir. I found that -- as I said,
17 I stewarded at Yellow Freight fifteen years, and I found
18 out there that the people that you're there with daily
19 -- I mean, I could talk to them better than the business
20 agent they saw once a month, once every three months.

21 Q Oh, I understand that. But I'm talking about
22 a situation where you know a steward is not telling
23 them anything about DRIVE; they might not have any
24 knowledge about DRIVE. Would you not then, at that
25 particular company, discuss DRIVE with the members?

1 A I never have.

2 MR. FOMBER: I don't have any further
3 questions.

4 CONTINUED DIRECT EXAMINATION

5 BY MS. ROSS:

6 Q I have one further question regarding the
7 procedures to withdraw from DRIVE. Are the procedures
8 made clear to the companies?

9 A What do you mean?

10 Q I'm assuming that the company and the Union
11 negotiate if the company will participate in DRIVE,
12 at all, is that correct?

13 A Well, no. It's in the contract - under the
14 master contract.

15 Of course, I don't have nothing but the
16 freight. Now, I can't speak for these miscellaneous
17 contracts. But I understand that -- or, I've been
18 told that in these miscellaneous contracts it is
19 negotiated into the contract. Each one of them is a
20 different contract, and I'm told that it's negotiated
21 into the contract that the companies will agree to the
22 DRIVE check-off, as they will to Union dues check-off.

23 Q You said you were only in the freight end
24 of it. Do all the freight companies participate in
25 the DRIVE check-off?

1 Yes, ma'am. They are all under the master
2 freight contract and this is in the master freight
3 contract.

4 Q Okay. Are withdrawal procedures from DRIVE
5 made clear to the company when they agree to participate
6 in DRIVE?

7 A Yes, ma'am.

8 Q So then they know that you can --

9 A As a matter of fact, the DRIVE check-off that
10 the member signs, of course, we have to send the
11 company's copy of this. It's clear in that check-off
12 what all the members have got to do.

13 Q I'm wondering about the companies, themselves,
14 how is it made clear to them? Is it in the contract or
15 is it discussed; do you know?

16 A I'm not real sure if it's in the contract on
17 getting out, I believe all the contract says about it
18 is that they do agree to check this \$5.00 a month --
19 or, \$5.00 a year off, with the authorization check-off
20 from the member.

21 Now, I don't believe it's in the contract
22 as to how they can get out of it, but the copy of the
23 check-off authorization that the member signs and we
24 send to the company a copy of it, it does explain in
25 there how the member can get out.

1 Q But you don't know if the Union discusses it
2 with the company itself?

3 A No, ma'am, I do not.

4 MS. ROSS: That's all the questions. Thank
5 you.

6 (The signature of the witness
7 was waived by agreement of
8 the parties.)
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15 ERASEABLE BOND

16 25% COTTON
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1 STATE OF TEXAS)
2)
3 COUNTY OF DALLAS)
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5 I, DAMON L. SMITH, a Notary Public in and for the
6 State of Texas, do hereby certify that the facts as
7 stated by me in the caption hereto are true, that the
8 foregoing answers in response to the interrogatories
9 as indicated were made before me by GARLAND MOORE, the
10 witness hereinbefore named, after said witness had
11 been first duly cautioned and sworn to testify the
12 truth, the whole truth and nothing but the truth, and
13 were thereafter reduced to typewriting by me and under
14 my supervision, and the above and foregoing deposition
15 as set forth in typewriting is a full, true, correct
16 and complete transcript of the proceedings had at
17 the time of taking said deposition.

18 I further certify that the signature of the witness
19 to this deposition was waived by all parties present at
20 the time of taking said deposition.

21 GIVEN UNDER MY HAND AND SEAL OF OFFICE on this
22 the ____ day of April, A.D., 1978.

23 DAMON L. SMITH, NOTARY PUBLIC
24 IN AND FOR THE STATE OF TEXAS

25 Taxable Original Fee: \$ _____.

81040252992

[illegible]

1 FEDERAL ELECTION COMMISSION)

2 VS.

NO. MUR 412-77

3 TRANSFER LOCAL NO. 745

4 25% COTTON

78 APR 14 PM 12:42

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9 ORAL DEPOSITION

10 OF

11 CHARLES ROGERS

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16 ANSWERS AND DEPOSITION OF CHARLES ROGERS, a
17 witness produced at the instance of the Federal
18 Election Commission, taken in the above styled and
19 numbered cause on the 6th day of April, A.D., 1978,
20 before David B. Jackson, a Notary Public in and for
21 the State of Texas, at the offices of Federal Court
22 Reporters, located at Suite 411, 1226 Commerce Street,
23 in the City of Dallas, County of Dallas and State of
24 Texas, pursuant to Notice, Subpoena and the agreement
25 hereinafter set forth:

8104052993

1 APPEARANCES:

2 MR. HAL FONDER

3 and

4 MS. GAIL ROSS

5 Attorneys at Law
6 Washington, D.C.

7 APPEARING FOR THE FEDERAL
8 ELECTION COMMISSION

9 ALSO PRESENT: MS. SUZANNE CALLAHAN

10 MR. JIM CURLEN

11 Attorney at Law

12 1207 Main Bank Building
13 Dallas, Texas

14 APPEARING FOR TEAMSTERS
15 LOCAL 745

8104052995

AGREEMENT

It is hereby agreed by and between the parties hereto, through their respective attorneys appearing herein, that this deposition may be signed before any Notary Public and thereafter returned into court and used upon the trial of this cause with the same force and effect as though all requirements of the Rules and Statutes with reference to signature and return had been fully complied with.

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CHARLES ROGERS

the witness hereinbefore named, having been first duly
cautioned and sworn to testify the truth, the whole
truth and nothing but the truth, testified on his
oath as follows:

DIRECT EXAMINATION

BY MS. ROSS:

Q Mr. Rogers, would you state your full legal
name, please?

A Charles Edward Rogers.

Q And your address?

A 4024 Peach Tree Road, Mesquite, Texas.

Q What is your occupation?

A President, business agent, Teamsters Local
745.

Q How long have you been president?

A Since January 1 of 1976.

Q And business agent?

A August of 1965 I went to work for the Local
Union.

Q What are your duties as president?

A More or less act as business agent, chair
the meetings as president.

Q As a business agent, what do you do?

A Represent the people, negotiate contracts.

1 What role do you play in DRIVE solicitations
2 as a business agent?

3 A In DRIVE solicitations?

4 Q Uh-huh.

5 A You mean different than the other agents
6 would do?

7 Q As a business agent, you or -- whatever a
8 business agent would do in that capacity.

9 A In the course of your duties, well you might
10 ask somebody to join DRIVE if they don't belong.

11 Q Do you encourage -- do you have a specific
12 group of men that you are business agent for?

13 A Companies I represent?

14 Q Yeah.

15 A Yes.

16 Q Do you encourage the men in those companies
17 to join DRIVE?

18 A On occasions.

19 Q When you speak to them about DRIVE do you
20 tell them it's optional to join?

21 A Yes.

22 Q What do you explain -- how do you explain
23 DRIVE to them?

24 A Well, a lot of them don't know what DRIVE is.

25 Q If somebody does not know what DRIVE is, what

do you tell them?

A I explain what it stands for.

Q And what --

A And what the money is used for.

Q And what is that?

A To support candidates that we feel like would listen to us or the working people or maybe to -- I guess in cases help lobby to get legislation passed or whatever.

Q What are the procedures when an applicant comes down to the Union Hall to join the Union, what procedures are used when they appear at the window?

A To join the Union?

Q To join the Union.

A They're handed an application, separate check-off for dues, separate check-off for DRIVE and they're handed a pamphlet to read while the girls in the office are getting their cards ready. She explains to them about their dues and they go suspended if they're not paid up within three months and things of that nature. And they're also given another pamphlet to read explaining what DRIVE is.

Q What if the applicant does not check off the DRIVE card?

A Doesn't sign the DRIVE check-off?

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1 Q Does not sign the DRIVE check-off.
2 25% COTTON
3 A They're referred to a business agent.

4 Q Have you had people referred to you?

5 A Yes.

6 Q What do you then tell them?

7 A Just what I told you. Normally you would
8 ask them, do they know what DRIVE is.

9 Q Uh-huh.

10 A And if they don't, you will explain to them
11 as I explained a while ago.

12 Q Have you ever told anyone that DRIVE is
13 mandatory?

14 A No.

15 Q Have you ever told anyone that the Union
16 membership has voted to make DRIVE compulsory?

17 A No.

18 Q If somebody does not wish to join DRIVE and
19 they -- the women at the dues window, they call you or
20 do they ask them to go and -- ask the applicant to go
21 and talk to you?

22 A There's no set policy. I've been walking
23 up the hall and had them call me to the window. I've
24 been paged on the intercom or they might send one of
25 them to my office.

Q Has anybody ever told you that they did not

1 want wish to discuss DRIVE?

2 A Yes.

3 Q And what's happened?

4 A Nothing.

5 Q Nothing? Then you didn't discuss it?

6 A No.

7 Q What has your success rate been after you
8 talked to people about DRIVE?

9 A The majority of them will join if you explain
10 to them what it is. I'm not saying a majority of our
11 members, because a majority of them don't belong to
12 DRIVE but a majority of them that comes in that I
13 talk to -- understand, they don't all come to the office
14 to join the Union.

15 Q Speaking of those that come to the Union,
16 do you have any idea of percentages how many people
17 join the Union at the Union Hall as compared to else-
18 where?

19 A No.

20 Q No. Could you tell me what the procedures are
21 to withdraw from DRIVE?

22 A I don't guess there's any real set procedure.
23 The DRIVE check-off provides that they notify the
24 company, their employer -- we accept -- there's no
25 forms or anything. We accept any written request that

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1 given to us. We get them on anything from a tablet to
2 a piece of scratch paper.

3 Q Have you ever told anyone that you need a
4 Notary's statement?

5 A No.

6 Q Is there a Notary at the Union Hall?

7 A Yes.

8 Q Is the Notary there for any Union member to
9 use as they wish for Union business?

10 A For Union business?

11 Q For a member's business with the Union.

12 A Personal business?

13 Q If it's with the Union, do you let them, for
14 instance --

15 A I don't understand what you're talking about.

16 Q Say they wish to file a form with the Union
17 or write a letter and have it notarized, just for
18 their own purposes but it is to the Union, for whatever
19 reason they might want that --

20 A I don't know, again, I don't understand your
21 question.

22 Q Well, very often somebody may just write --
23 write a letter to somebody but they want it notarized,
24 they want somebody to have witnessed that letter and
25 I'm asking you if somebody wanted a witness to a letter

1 that they wrote to the Union, would the Union Notary
2 be available to notarize such a statement?

3 A I don't know that it would ever happen. Our
4 Notaries are set up, they have to notarize a lot of
5 paper, pensions, insurance, different things. As far
6 as I know, that's what they do.

7 Q Have you ever -- if somebody wants to withdraw
8 do you know if the procedure is to have that person
9 contact a business agent or have a business agent con-
10 tact them to discuss withdrawal?

11 A If they want to withdraw?

12 Q If they express a desire to withdraw or
13 if they called the Union Hall and asked about procedures
14 to withdraw, are they recommended to --

15 A You're asking two or three questions at a
16 time.

17 Q Okay.

18 A If they call a Union Hall and they want to
19 know how to withdraw --

20 Q Right.

21 A -- we tell them.

22 Q What do you tell them?

23 A We tell them what I told you earlier, that
24 they can write a letter to the company or to us either
25 one.

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1 Q If somebody comes down to the Union Hall and
2 says that they wish to withdraw, who would they see
3 about that? Would it be the receptionist, is she the
4 first person that they would see?

5 A I don't know where all the notes come from
6 or letters. I suppose they bring them to the window
7 and hand them to somebody and they go in the file.

8 Q Have you discussed withdrawal with any of the
9 members who expressed an interest in withdrawing?

10 A That expressed an interest to withdraw?
11 What are you talking about?

12 Q Would you ever call someone, if you know
13 that they are interested in withdrawing, to discuss
14 DRIVE with them and try to dissuade them from with-
15 drawing?

16 A Well, I still don't follow you, but I
17 wouldn't -- if I understand you right, I wouldn't
18 probably until they made their written request. I
19 most probably wouldn't have any knowledge of it until
20 they did.

21 Q If they made a written request --

22 A I don't make a special effort. If I happen
23 to run into them at one of the terminals I might ask
24 them what happened, their reason for withdrawal.

25 Q Do you know if you've ever spoken to someone

1 who was considering withdrawing who's changed his mind.

2 A I don't remember. I couldn't name you a
3 specific time I've talked to somebody about it. I'm
4 sure I have.

5 Q As far as DRIVE goes and Union membership,
6 do you personally feel that Union members should con-
7 tribute to DRIVE?

8 A Do I?

9 Q Uh-huh.

10 A I personally believe in DRIVE, but each
11 individual could have his own beliefs.

12 Q Would you or have you ever suggested to
13 someone that they may be shirking their duty by not
14 supporting DRIVE?

15 A Not that I know of.

16 Q Have you ever spoken with Archie Brown before
17 December 30th, 1976?

18 A Never heard of him.

19 Q Did you speak with him on December 30th, 1976?

20 A I did.

21 Q Who initially called you over to speak with
22 him?

23 A One of the girls at the dues window. There's
24 four or five works up there.

25 Q Could you tell me what happened when you were

called over?

A I got a statement here somewhere, I guess, but I haven't looked at it since you was here past -- whenever that was.

MR. CURLEE: Let the record show that he's referring to Ms. Callahan.

A I think I can tell you without it.

Q Can you tell me what you remember?

A As I remember -- well, you would have to be familiar with our office and the layout, I guess.

I had walked out and was standing talking to the receptionist. Her office is outside the other girls' office.

Q The other girls of the dues -- people that take the dues?

A Dues, insurance and pensions, et cetera.

There was a guy standing the second window down from where I was. He was upset, mad, using profanity and all. I gathered what his -- like I said it was something about his dues. And the girl at the window said, "Mr. Rogers, would you come up here, please?" And I walked up, and before I got to him, probably six or eight feet from him he had a DRIVE check-off in his hand.

You want to know what he said?

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1 Q Yes.

2 A He said, "I'm not signing this goddamn DRIVE
3 check-off. I didn't sign one in Oklahoma City and
4 I'm not going to sign one here."

5 I said, "Are you transferring from
6 Oklahoma City?"

7 He said, "Yes."

8 The girl at the window at that time had
9 a ledger card for the members. That was before we
10 went on computer.

11 Q You're on computer now?

12 A Yes. She was standing there holding his
13 ledger card and I looked through the window and I
14 wondered why, if he was transferring from Oklahoma City,
15 why we had a ledger card there from the Local. So I
16 walked in the office. I didn't say a word to the man,
17 I walked in the office, got the ledger card and saw
18 where he had been suspended three times in our Local
19 for nonpayment of dues since 1974, I believe. So I
20 told her before she transferred him she better call
21 Oklahoma City and see what his status was up there
22 instead of writing. He was fussing about it being so
23 long, so I told her to call. She made the long distance
24 call. I don't remember, it seems to me like it was
25 about \$77.00 or some figure. They said he was suspended

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1 there. So I walked back out and told him just -- well,
2 I told her to tell him what it would cost. So I
3 walked back out and walked by and didn't say a word
4 to him. I walked back to the receptionist desk or
5 switchboard operator.

6 And when she told him what it would cost
7 he started fussing again, it was their goddamn fault he
8 had gotten behind on his dues and I don't know what
9 else he said, but anyway, he kept fussing about it.
10 And he said, "I guess I made that son of a bitch mad
11 as hell because I wouldn't sign his goddamn DRIVE
12 check-off."

13 So I walked back up there and I said,
14 "Yeah, you made me mad as hell, but not because you
15 wouldn't sign the DRIVE check-off. I don't like your
16 attitude. I don't appreciate you standing down here
17 cussing these girls out. And as far as I'm concerned,
18 you can just stay a member at Oklahoma City." I said,
19 "Your attitude being as it is --" something, that's
20 pretty close. About that time George Purda (phonetic)
21 who was a representative that handled Transcon at the
22 time came in the front door from lunch and I said,
23 "In fact, you can go down there and talk to Mr. Purda,
24 he's just come back." He walked into George Purda's
25 office. There was another agent there, Garland Moore.

1 It seems like there was a couple of members. I told
2 George just what I told you. I said, "Whatever you
3 to do is fine with me." Turned around and started to
4 walk out the door and George told him, "Well, if he's
4 told you that, that's the way it is." He hadn't heard
6 the conversations so he said, "That's the way it is."

7 He advised me -- Archie Brown did that
8 he was probably a better Union member than I was. I
9 said, "Yeah, you may be. I've been around here since
10 1950 and I've never been suspended for nonpayment of
11 dues."

12 Then he said, "Well, you haven't heard
13 the last about this." He said, "I'm from Ohio and I'll
14 give you all hell."

15 I later found out he had done told
16 another agent that prior to talking to me. He had
17 been up there fussing with another one. And I turned
18 around and walked away. I walked up again. He told me
19 he wanted everybody's name, that they didn't want to
20 give them their names, and he left and that afternoon
21 -- that night he started putting out some handbills
22 all over town.

23 Q What's the normal procedure for a transfer
24 from one Local to another?

25 A There's a transfer form that has to be filled

1 out. You mean how is it handled?

2 Q Yeah, once it's filled out how long does it
3 normally take to be processed?

4 A Normally you can do it within the month
5 they request it unless they wait, you know, right to
6 the end of the month. You can't get it in the mail
7 there and back until the next month, if they fill out
8 everything.

9 Q If they don't fill out everything, what
10 procedure is used, what happens?

11 A If they don't fill out everything, depending
12 on what they fill out, it might not get him transferred
13 until he does.

14 Q Does the Local contact the person and tell
15 them that it's incomplete and that they need more
16 information?

17 A I don't know, really.

18 Q Did you ever tell anyone that they wouldn't
19 get into the Union if they didn't belong to DRIVE?

20 A No.

21 Q Did you ever tell Brown that he wouldn't be
22 a member in the Local because he was a troublemaker?

23 A No -- because he was what?

24 Q A troublemaker.

25 A I told him what I told you a while ago. Not

1 in those words, but I told him he could remain at
2 Oklahoma City as far as I was concerned.

3 Q Who is Ray Munk?

4 A He's a business agent.

5 Q Was he there during this incident?

6 A Yes.

7 Q Do you know what contact he had with Archie
8 Brown?

9 A He's the agent he had talked to before I
10 walked out of my office that day. I didn't know it.

11 Q He spoke with him the same day that this
12 all took place?

13 A Yes.

14 Q What -- did Munk tell you anything about
15 what happened?

16 A After my conversation with him I found out
17 from Munk that he had been talking to him for some time
18 there prior to my ever talking to him.

19 Q Did he tell you what they discussed?

20 A Yes.

21 Q And what did they discuss?

22 A He asked him -- he asked Munk for a copy --
23 International Constitution, copy of their Local Union
24 by-laws, copy of the contract and either asked Munk for
25 one of the insurance girls for an insurance and pension

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1 book. I believe he asked them for those, pension and
2 insurance book before he asked Munk for the other
3 because they referred him to him to get the contract.
4 Then according to Munk, he started complaining about
5 a recent meeting where the membership had voted in the
6 50 percent attendance rule. It was fifty-one, that
7 being eligible for office, that you had to attend at
8 least 50 percent of the meetings which was legal under
9 the Constitution. We had never done that before.

10 He told Ray Munk that that was wrong
11 and he was going to see about getting that changed.
12 He asked him what the members of the Executive Board
13 got paid for serving on the Executive Board and Munk
14 told him nothing. He told him he didn't believe that,
15 he couldn't believe they would serve free. He said,
16 well, they do except for a member of the Board that
17 might be regularly employed at one of the companies
18 and he would be paid for time lost only and that's
19 when he advised Munk that he was from Ohio, that was
20 before I talked to him, and that he was a hell raiser
21 and he had come down here to raise hell and he's done
22 it.

23 Q Is the Executive -- who's on the Executive
24 Board? Are they the same officers of the Union -- are
25 the officers of the DRIVE the same officers of the

1 Union?

2 A Yes.

3 MR. CURLEE: Wait a minute, pardon me, but
4 I don't think he understood your question. You
5 asked two questions in one.

6 Q Are the officers of DRIVE the same people
7 as the officers of Local 745?

8 MR. CURLEE: Okay.

9 A Yes.

10 MR. CURLEE: You mentioned something about,
11 "Are the officers of the Executive Board the same
12 as the officers of 745," that's -- at least that's
13 what I understood you to say. I'm sorry for
14 interrupting, because they're not the same.

15 Q Well then, why don't you tell me who's on
16 the Executive Board, the difference between the
17 Executive Board and the officials of the Union and the
18 officials of DRIVE, let's get the three set out.

19 A Who is the officers?

20 Q Who are the officers of the Union?

21 A Charles Haddock, secretary-treasurer and
22 business manager. Myself, president. George Purda,
23 vice president. E. F. Johnson, recording secretary.
24 R. L. Perkins is a trustee. L. I. McCoy is a trustee.
25 and Plee Carter, trustee.

1 Q Who are the officers of DRIVE?

2 A The same.

3 Q Now, who is on the -- is there an Executive

4 DRIVE, an Executive Board of the Union or are they --

5 you mentioned Executive Board and I'm curious as to

6 what that Executive Board is that you're talking about.

7 A I just told you, that is the Executive Board.

8 Q So the three are one and the same?

9 MR. CURLEE: Can we go off the record for

10 just a second?

11 (Discussion off the record.)

12 Q (By Ms. Röss) Have you had contact with

13 Mr. Brown since December 30, 1976?

14 A Yes.

15 Q When was that?

16 A By phone or in person?

17 Q Both.

18 A When? Several times.

19 Q Several times. By phone, what -- what was

20 discussed?

21 Let me narrow that down. Was DRIVE

22 discussed at all in these conversations?

23 A He called one time.

24 Q And what was discussed then?

25 A And he threatened that he was going to the

1 Labor Board Department of Labor -- y'all or somebody,
2 I don't remember, because we wouldn't let him transfer
3 because he wouldn't DRIVE, and we wouldn't let him go
4 on and transfer, and I advised him it was not because
5 he didn't join DRIVE and just do what he had to do.
6 He had been turned down at that time by the membership

7 Q When the vote was taken on Archie Brown,
8 was DRIVE discussed at all?

9 A I don't really know. Of course, this was
10 referred to the membership by the Executive Board.
11 Possibly the handbills he had passed out was discussed
12 where he himself criticized DRIVE and encouraged
13 people to get out, so I don't really know other than
14 that, but that could have been brought up.

15 Q One question about DRIVE. Does DRIVE
16 endorse particular people that they would like to
17 see get into office, candidates?

18 A I suppose you would call it endorsement.
19 We make contributions to them.

20 Q Does DRIVE or the Union ever hand out cards
21 with the names of the candidates that they would like
22 to see elected?

23 A Yes, we put out -- I guess you would call
24 it slate cards or whatever.

25 Q And those are handed out to members?

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1 A Yes, are given to members to give to their
2 neighbors or whatever.

3 Q Members of DRIVE or members of the Union?

4 A Members of the Union.

5 MS. ROSS: That's it.

6
7 CHARLES ROGERS

8
9 STATE OF TEXAS)

10 COUNTY OF DALLAS)

11 SUBSCRIBED AND SWORN TO by the said witness,
12 CHARLES ROGERS, before me, the undersigned authority,
13 on this the ____ day of _____, A.D., 1978.

14
15 NOTARY PUBLIC IN AND FOR
16 THE STATE OF TEXAS
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1 STATE OF TEXAS)
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COUNTY OF DALLAS)

I, DAVID E. JACKSON, a Notary Public in and for the State of Texas, do hereby certify that the facts as stated by me in the caption hereto are true; that the foregoing answers in response to the interrogatories as indicated were made before me by CHARLES ROGERS, the witness hereinbefore named, after said witness had been first duly cautioned and sworn to testify the truth, the whole truth and nothing but the truth, and were thereafter reduced to typewriting by me and under my supervision, same to be sworn to and subscribed by the said witness before any Notary Public pursuant to the agreement of the parties.

I further certify the above and foregoing deposition as set forth in typewriting is a full, true, correct and complete transcript of the proceedings had at the time of taking said deposition.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this the ____ day of April, A.D., 1978.

DAVID E. JACKSON, NOTARY PUBLIC
IN AND FOR THE STATE OF TEXAS

Taxable Original Fee: \$ _____

1 FEDERAL ELECTION COMMISSION

2 VS.

NO. 802 212-77

3 TEAMSTERS LOCAL NO. 745

78 APR 14 PM 12:42

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5
6
7 ORAL DEPOSITION

8 OF
9 MARY JANE COX
10
11

12 ERASABLE BOND

13 ANSWERS AND DEPOSITION OF MARY JANE COX, a

14 witness produced at the instance of the Federal
15 Election Commission, taken in the above styled and
16 numbered cause on the 6th and 7th days of April,
17 A.D., 1978, before David B. Jackson and Damon L. Smith,
18 Notaries Public in and for the State of Texas, at
19 the offices of Federal Court Reporters, located at
20 Suite 411, 1226 Commerce Street and at the offices of
21 Teamsters Local No. 745, located at 1007 Jonelle,
22 in the City of Dallas, County of Dallas and State of
23 Texas, pursuant to Notice, Subpoena and the agreement
24 hereinafter set forth:
25

1 **APPEARANCES:**

2 **MR. HAL PONDER**
3 **and**
4 **MS. GAIL ROSS**
5 **Attorneys at Law**
6 **Washington, D.C.**

7 **APPEARING FOR THE FEDERAL**
8 **ELECTION COMMISSION**

9 **ALSO PRESENT: SUZANNE CALLAHAN**

10 **MR. JIM CURLEE**
11 **Attorney at Law**
12 **1207 Main Bank Building**
13 **Dallas, Texas**

14 **APPEARING FOR TEAMSTERS**
15 **LOCAL 745**

A G R E E M E N T

It is hereby agreed by and between the parties hereto, through their respective attorneys appearing herein, that this deposition may be signed before any Notary Public and thereafter returned into court and used upon the trial of this cause with the same force and effect as though all requirements of the Rules and Statutes with reference to signature and return had been fully complied with.

MARY JANE COX,

the witness hereinbefore named, having been first duly cautioned and sworn to testify the truth, the whole truth and nothing but the truth, testified on her oath as follows:

DIRECT EXAMINATION

BY MR. PONDER:

Q Mrs. Cox, state your full legal name, please.

A Legal, Mary Jane -- I suppose you want my maiden name?

Q Whatever you go by as your legal name.

A I go by Mary Jane Cox.

Q And your address?

A 8501 Baumgarten, B-a-u-m-g-a-r-t-e-n (spelling), Dallas, 75228.

Q What is your occupation?

A I'm a secretary.

Q Where are you employed?

A Teamsters local 745.

Q How long have you been employed there?

A Be twelve years in October.

Q Have you worked those twelve years as a secretary?

A Not the full twelve years. I came in and went through the ranks working insurance and various

1 things that we have there in the office.

2 Q What are your duties as a secretary?

3 A I do all of Mr. Haddock's dictation. I do
4 the majority of Mr. Rogers' when I have time. I do
5 the payroll, the quarterly reports, the purchasing of
6 the majority of the office supplies. I open the mail
7 and distribute it. Any contracts that Mr. Haddock
8 negotiates I prepare the proposals for and the finished
9 contracts. I prepare dockets for grievance sessions
10 for any grievance group that anyone in our Local heads
11 as chairman. That's about all I can think of. I'm
12 sure -- and many miscellaneous duties.

13 Q That's a lot.

14 Are there other secretaries employed
15 in the Local office?

16 A Yes, sir, there are.

17 Q Are you the senior secretary?

18 A I'm the senior girl in the office.

19 Q Do you supervise the others?

20 A Not directly. My supervision comes from at
21 times when Mr. Haddock is busy and unable to talk to
22 each girl individually relating messages, if one is
23 caught up and somebody else is behind, seeing that the
24 work in general -- it's sort of divided, but again,
25 this is directly through him.

1 Q So primarily then you're Mr. Haddock's
2 personal secretary, is that correct?

3 A His and Mr. Rogers, yes.

4 Q Do your duties include the processing of
5 membership applications, Union membership applications?

6 A Not generally.

7 Q Are you involved in the taking of membership
8 applications for the DRIVE Chapter of Local 745?

9 A Not normally. Not directly, no.

10 Q Is there a policy, to your knowledge, an
11 office policy regarding every one of the secretaries
12 taking applications on a random basis?

13 A No. When you say secretaries, I'm assuming
14 you are using that classification for the girls that
15 do actual stenographic and secretarial work.

16 Q No, I guess now I'm talking about clericals
17 in general.

18 A And you're asking me if all the girls take
19 them?

20 Q Uh-huh.

21 A No.

22 Q Who takes the applications for membership,
23 Union membership?

24 A The girls who work in our check-off department.

25 Q And who are they?

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1 A We have Jean Beard.
2 Q Uh-huh.
3 A Pat Newby, Nancy Oriti and Deborah Leak at
4 times.
5 Q Nancy --
6 A O-r-i-t-i (spelling).
7 Q And the last person was Deborah --
8 A Deborah Leak, although hers is almost always
9 on a fill-in basis.
10 Q Now, do you work with these women at all,
11 the four that you've just named?
12 A Surely.
13 Q And have you ever pinch-hitted for them in
14 taking applications?
15 A Sure.
16 Q Would this be true of all of the clericals?
17 A No.
18 Q Why is that so?
19 A We have some girls who have been with us
20 a relatively short time and everybody has not been
21 through the training program. They might go to the
22 window --
23 Q Uh-huh.
24 A -- and tell a member, "We'll have someone
25 with you in just a moment." But they have not, as yet.

1 had sufficient training to be able to handle all aspects
2 of the office.

3 Q Describe for me, if you will, the training
4 program that you mentioned.

5 A In the past we have had more time to devote
6 to it really, but we try to make it a practice --

7 Q Uh-huh.

8 A -- that within a period of time, and it
9 could be several years, each of the girls is familiar
10 with the various duties that everybody in the office
11 performs. She is not necessarily proficient --

12 Q Uh-huh.

13 A -- in a particular duty, but she is familiar
14 with it.

15 Q I guess this would be so people can fill in
16 for each other?

17 A True.

18 Q So as a part of the training program is it
19 is the processing of membership applications taught?

20 A Normally so, yes.

21 Q And how is that taught?

22 A In the past, when we have had the time to
23 do it, a girl would spend a certain period of time
24 in what we call our check-off department.

25 Q Uh-huh.

1 A She would be exposed to all the various
2 portions of the check-off which would include taking
3 dues at the window, taking applications at the window,
4 performing the billing to go out to the companies for
5 the monthly check-offs --

6 Q Uh-huh.

7 A -- this sort of thing.

8 Q Who runs the training program?

9 A The girls who have the most experience in
10 that area --

11 Q I see.

12 A -- attempt to show them. It's observation,
13 in part.

14 Q Okay.

15 A We don't take a brand new girl and put her
16 at the window and say, "Handle the members." But there
17 is no specified trainer of any of the departments. We
18 don't have time for that.

19 Q Is there any written part to the training
20 program, any written instructions?

21 A No.

22 Q This then is based on one person's experience
23 being passed on to another, is that a correct state-
24 ment of it?

25 A To a degree. It's so hard to answer. People

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1 are not given one, two, three instructions, typed-out
2 form. There are enough girls in the office who have a
3 number of years experience with the Local Union.

4 Q Uh-huh.

5 A Everybody helps everybody else.

6 Q I see. Tell me then, what is your under-
7 standing of the Union policy with regard to processing
8 Union membership applications?

9 A Let me ask you to clarify something.

10 Q Okay.

11 A Are you talking about a member that comes to
12 the window to join or are you talking about a check-off
13 authorization, an application that's brought to us
14 by a steward?

15 Q I'm talking about both, and I should have
16 specified one or the other. Let's start with a person
17 coming to the Union Hall.

18 A All right. We ask them first of all if they
19 have a job.

20 Q Uh-huh.

21 Q Make it clear to them that we do not have a
22 hiring hall, we do not guarantee them work. It is the
23 member's responsibility to locate his own work. If he
24 understands this, we ask him if he has ever been a
25 member of a Teamsters Local anywhere before. If he

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1 says. "No," then we tell him that we're not allowed
2 to accept personal checks, does he realize that he must
3 have cash. If all this falls into line, we give him an
4 application, a check-off, a DRIVE check-off, a long
5 sheet of paper that explains what DRIVE is and another
6 long sheet of paper that explains the death benefits,
7 that explains the meetings, the necessity for his
8 initiation, taking his obligation. It tells him how
9 to take a withdrawal card to get out if he should leave
10 the craft and he completes that there at the window
11 and we answer any questions that he might have.

12 Q So there are two long sheets of paper, is
13 that correct?

14 A One is about that wide and about that long
15 (indicating).

16 Q Okay.

17 A And the full-size sheet is legal -- there-
18 abouts.

19 Q What I'm getting at is, you're saying that
20 there are two pages of instructions, general instruc-
21 tions, is that correct?

22 A One of them is not general instructions.
23 The one pertaining to DRIVE is information.

24 Q Okay.

25 A The other one would be instructions on his,

1 as I said, withdrawal card, his initiation, when the
2 meetings are, how to pay his dues by mail. And the
3 back side of it then explains their death benefit fund.

4 Q When you give this packet of material to the
5 applicant, what happens then? Is there a place that
6 he walks over to to fill it out or does he do it there
7 at the window or --

8 A It depends on him. We have a ledge about
9 this wide (indicating)

10 Q Uh-huh.

11 A -- running all the way down our office. He
12 can stand there and do it or we have a coffee shop that
13 he can see from that window and we will tell them,
14 "There's coffee in there if you would rather go in the
15 kitchen; Make yourself at home." It depends on what
16 he wants to do.

17 Q Do you -- is it your understanding that it's
18 the policy to explain these forms or is it more on the
19 basis of if they have questions you will answer them?

20 A We caution them when we give them to them --

21 Q Uh-huh.

22 A -- to be sure and read everything and if they
23 have any questions we'll be happy to answer them.

24 Q I see.

25 A The main instruction we try to give for the

1 member's benefit is to caution him to be sure and come
2 back to a Sunday meeting and be initiated. But it
3 would take us forty-five minutes -- not that long --
4 if we read everything to him and explained in minute
5 detail and perhaps we'll have four or five standing
6 at the window at the same time.

7 MR. PONDER: This is off the record.

8 (Discussion off the record.)

9 If you will now describe the process that
10 you would go through if an application for membership
11 was brought by a steward or a business agent rather
12 than by the individual himself.

13 A A steward or an agent would not bring in
14 an application, nine chances out of ten, unless the
15 member were regular. We would ascertain at the time
16 that it was brought in that he was a regular man.
17 We have a file that we keep our regular monthly dues
18 check-offs in.

19 Q Uh-huh.

20 A His application and check-off authorization
21 would be placed in that file until the check-off was
22 prepared for the following month at which time his
23 name would be added to it and whatever amount he
24 owed to be put on there billed to the company to be
25 deducted from his check and submitted to us.

1 Q Are you talking now about check-off with
2 regard to DRIVE fees or Union fees?

3 A Talking about Union dues.

4 Q Okay. I just wanted to make that straight.

5 What do you understand the Union policy
6 to be regarding the solicitation of DRIVE contributions?

7 A What do I understand the Union policy to be?

8 Q Let me restate that, if that's confusing.

9 Again, if you were at the window receiving an applicant
10 for Union membership how do you treat the -- the
11 solicitation for DRIVE? You said that one of the
12 pieces of paper that is given to any applicant is a
13 check-off form for DRIVE, is that correct?

14 A That's correct.

15 Q Okay. Now, if a person says that he doesn't
16 want to fill out that check-off form for DRIVE, what
17 is the policy that you're supposed to follow?

18 A Our instructions are that they are to refer
19 them to an agent there in the office.

20 Q Uh-huh.

21 A And that's what we do.

22 Q Would you refer a person who did not want
23 to join DRIVE to Mr. Haddock or to an agent first or
24 is there a policy?

25 A To my knowledge, there's no set policy on it.

1 Q Would you say that Mr. Haddock sees more of
2 the -- or has more DRIVE discussions with applicants
3 for membership than other people in the office?

4 A Well, first of all there is very few dis-
5 cussions on it. From the standpoint that the majority
6 of the people who come in to make application to join
7 the Union, once the girl explains what the DRIVE is --

8 Q Uh-huh.

9 A -- we have very, very few people who are not
10 interested in it.

11 Q Uh-huh.

12 A I would not say that he saw more simply from
13 the standpoint that he's out of town a fair amount of
14 time.

15 Q Well then, thanks, I understand what you're
16 saying.

17 Then if a person is not interested in
18 joining DRIVE, before they're referred to a business
19 agent, one of the girls does explain what DRIVE is
20 about to see whether they're -- I'm not trying to cut
21 you off, all I'm trying to understand is at what point
22 one of the girls who works with applicants for member-
23 ship would discuss what DRIVE is about.

24 A Well, first of all the majority of girls who
25 have worked for the Local quite some time --

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1 Q Uh-huh.

2 A -- are fully cognizant of the DRIVE program.
3 As I told you, we have some little girls that have been
4 with us a fairly short period of time.

5 Q Uh-huh.

6 A They're aware of it, they know what it is,
7 but perhaps they don't explain it as clearly --

8 Q Uh-huh.

9 A -- as some of the elders might who might not
10 be there.

11 Q Uh-huh.

12 A We do not argue with a prospective Union
13 member. We simply ask them to see an agent and let
14 him explain what it is and what the money is used for.

15 Q But that's after an initial attempt has been
16 made by one of the girls and if --

17 A Normally.

18 Q Do you know -- have you ever or do you know
19 whether any of the other girls have ever told an
20 applicant that they have to join DRIVE in order to get
21 a Union card?

22 A I have never personally heard it and I don't
23 believe it's ever been done.

24 Q What occurs if a person is told they should
25 talk to a business agent about DRIVE and they say they

1 don't want to, what happens then?

2 A To my knowledge, that's never happened.

3 Q When that situation -- when a person says
4 that they're not interested in DRIVE, do you call a
5 business agent over or do you send the person to their
6 office? I mean, how does that work?

7 A Are you asking me how I personally would
8 handle it?

9 A Yeah, because you might not know about the
10 others.

11 A I don't. Personally I would buss the agent

12 Q Uh-huh.

13 A -- and ask him to come to the front. In the
14 presence of the prospective member I would tell him,
15 "This gentleman did not want to sign DRIVE, would you
16 explain it to him?"

17 Q Uh-huh.

18 A And our agents do.

19 Q Would they make that explanation there or
20 would they invite them back to their office? To your
21 knowledge, what's the general practice?

22 A There hasn't been a general practice.

23 Q It's happened both ways?

24 A Surely.

25 Q Okay. Can someone join DRIVE through their

1 company payroll office rather than coming out to the
2 Union Hall?

3 A They would have to have a DRIVE authorization
4 check-off.

5 Q Uh-huh.

6 A The company in turn then would have to send
7 it to us because we do the billing once a year out of
8 our office.

9 Q Does that check-off come to you or to whom
10 does it come?

11 A Several of us work on it. Whenever it comes
12 back in, is that what you're asking?

13 Q Uh-huh.

14 A Yes, several of us will. It depends on who
15 has the time.

16 Q Are you familiar or do you have a feel for
17 how many members are in DRIVE right now -- strike that,
18 are in Local 745?

19 A I could give you a pretty close estimate.

20 Q What would you say?

21 A Between ten thousand seven hundred and fifty
22 and eleven thousand.

23 Q That's a very close estimate.

24 A You realize this will vary?

25 Q I understand that.

1 How many of those members would you say
2 are members of DRIVE also?

3 A Between three thousand and thirty-two hundred.

4 Q Uh-huh. And how many of those DRIVE members
5 would be casual or casual Union members, if any?

6 A I'd really rather not make even an estimate
7 because I had not thought about it.

8 Q Now you realize that a number of the
9 casuals will pay their DRIVE direct there at the office
10 and it doesn't come out on check-off. I mean of their
11 own volition.

12 A Uh-huh, I understand that, and if you have
13 no knowledge of what the breakdown is, that's fine.

14 A Since this is a sworn statement, I would
15 hesitate to even give you a guess right now.

16 Q Of the eleven thousand or so members of the
17 Union, what percentage of those would you say apply
18 directly at the Union Hall?

19 A It would be impossible for me to answer that
20 strictly from the standpoint that so many of our members
21 have been members for twenty or thirty years and that
22 was before my time and I don't know where they did it.

23 Q Well, let's try it this way then; since you
24 have been there, of those members that have come in,
25 what is your -- your opinion as to what the percentage

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1 would be, approximately? More or less come through
2 the Union Hall or through other means?

3 A I would have to do some checking before I
4 could even give you a guess. I'm sorry, I just don't
5 want to mislead you.

6 Q How would you make that check? I mean, how
7 could you ascertain --

8 A I'm thinking about that too. I honestly
9 don't know. We have a large majority of members join
10 in the summer --

11 Q Uh-huh.

12 A -- that are college boys that are going to
13 work on the dock all during the summer --

14 Q Uh-huh.

15 A -- and they're, you might say, seasonal
16 workers. When they go back to college they take a
17 withdrawal card. They normally will come to the office.
18 Your regulars join through the company. If we organize
19 a company, they come in en masse through the company.

20 Q Uh-huh.

21 A I honestly don't know how we could check and
22 find out.

23 Q Are you saying then that in each way that
24 you've described a person could apply their application
25 is processed the same so there would be -- is there not

1 anything on the face of the application that indicated
2 where it came from?

3 A Nothing, nothing.

4 Q For instance, if an application was referred
5 over from the company, would there be any like cover
6 letter or cover memo?

7 A No.

8 Q Or something like that?

9 A And often, if a steward brings in an applica-
10 tion, even though the man's regular, maybe the man
11 wants to pay his initiation and first month's dues
12 himself and he will bring in cash, so you couldn't
13 even go on a cash basis.

14 Q You just were saying that the regulars join
15 at the company and it's generally college kids that
16 join at the Union Hall?

17 A the majority.

18 Q Does that mean that regulars wouldn't join
19 at the Union Hall or --

20 A No.

21 Q There's no cut and dry --

22 A It doesn't mean that.

23 Q The majority of them would join at the
24 company, am I correct or not?

25 A No, I can't -- and I'm not trying to be

1 evasive, there's just not any way of telling from the
2 records that we maintain. There is nothing on the
3 application that will indicate to us --

4 Q Uh-huh.

5 A -- where we got it.

6 I understand that, but I hope that from you
7 -- the number of years that you've worked there that
8 from your observations you would have formed an im-
9 pression as to where the applicants come from.

10 A I know where they come from but I can't give
11 you a percentage where they come in. The stewards
12 bring in a large number of them, the agents bring in
13 a large number of them, we have a large number at the
14 window and I just simply cannot give you a percentage of
15 which is which.

16 Q Okay. Is it -- am I correct it's part of
17 your duties to make an annual notification to those
18 companies who have an agreement to deduct DRIVE contri-
19 butions, is that --

20 A When you say an annual notification, are
21 you talking about us sending a check-off out once a
22 year?

23 Q Right, a different way of saying it.

24 A Is it my particular duty?

25 Q Yeah.

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- 1 A No, sir.
- 2 Q Are you involved in it?
- 3 A All of us are involved to a degree as we
- 4 have time to do it. We normally begin working on it
- 5 several months before it's going to go out.
- 6 Q Uh-huh.
- 7 A And everybody that has any extra time works
- 8 on it.
- 9 Q Whose principal responsibility would that
- 10 be?
- 11 A Mr. Haddock's.
- 12 Q Everything, I gather, is his principal
- 13 responsibility?
- 14 A Correct.
- 15 Q Is there someone under him though that does
- 16 the real legwork on it?
- 17 A He gives the instructions and we all work
- 18 on it.
- 19 Q No one person more than the other, is that
- 20 what you're saying?
- 21 A I perhaps try to coordinate it.
- 22 Q Uh-huh.
- 23 A Again, if anybody has any extra time --
- 24 Q Uh-huh.
- 25 A -- I will say, take so and so check-off or

24
1 we're up to so and so and you can work on that. But,
2 any number of us may work on it.

3 Q Are the women who handle the applicants for
4 membership, are they instructed as -- as part of that
5 process to include a DRIVE check-off form along with
6 the Union check-off form?

7 A We give them all the papers at the same time.
8 yes, sir.

9 Q So that policy never varies?

10 A No, sir.

11 Q Is there any instructions to -- to these
12 employees to look at the -- the DRIVE check-off form
13 before issuing a Union card?

14 A The girls look at all the forms to be sure
15 they're complete before they take the money and then
16 put them on our machine.

17 Q If they find that the DRIVE form has not
18 been checked then what do they do? What would you do,
19 for instance?

20 A I would ask him if he had read the sheet
21 that we had given him --

22 Q Uh-huh.

23 A -- concerning DRIVE.

24 If he or she were still hesitant for
25 any reason I would volunteer personally to answer any

1 questions.

2 Q Uh-huh.

3 A If they were still hesitant I would call an
4 agent and the agent would talk to them.

5 Q Has this policy you've described been in
6 effect since you've been --

7 A It has.

8 Q If an individual writes in and asks for a
9 Union membership application form -- first of all, does
10 this occur?

11 A Not normally.

12 Q Has it ever occurred, to your knowledge?

13 A Not asking for an application form. We get
14 applications in the mail with the money.

15 Q But the -- when you get application forms
16 in the mail, are these obtained by individuals through
17 the steward or business agent at their place of employ-
18 ment?

19 A Apparently so.

20 Q So to your knowledge you have not had an
21 individual on his own write in and ask for an applica-
22 tion?

23 A Not to my knowledge.

24 Q Does a person who is transferring from one
25 Local to another, do they have to go through some process

1 again? In other words, an individual from another
2 Local who wants to be a part of Local 745, what do
3 they have to go through?

4 A We have an application that is very similar
5 to the regular membership with a few differences in it
6 in that it asks what Local they belong to.

7 Q Uh-huh.

8 A What was their ledger number up there, had
9 they ever been initiated. They are given that and the
10 two check-off authorizations and the other papers at
11 the same time.

12 Q Are they also asked if they had been a member
13 of DRIVE at their last place --

14 A They are not.

15 Q When an individual, Mrs. Cox, such as you've
16 described, mails in and asks for an application --
17 mails in and describes that he or she wants to affiliate
18 with Local 745 and you send them these check-off forms,
19 if the person sends back the DRIVE check-off not checked
20 what policy do you follow then?

21 A They just don't sign it?

22 Q Are they -- is there any further correspon-
23 dence with those persons?

24 A There is not.

25 Q If an individual wants to withdraw from

1 DRIVE, what procedure must he follow?

2 A Send us a note.

3 Q Any kind of note?

4 A I've gotten them on yellow tablets. I've
5 gotten them on kid's schoolbook paper. I've gotten the
6 typed out. We just get them.

7 Q Would an individual contact the Union Hall
8 to find out what they have to do to withdraw?

9 A I have had calls and I'm sure the men have.

10 Q And what is it that you say to them?

11 A "Just give us a note in writing."

12 Q Do you try to encourage them in any way to
13 remain in DRIVE?

14 A Do I personally?

15 Q Yes.

16 A I do not. It's not been past policy for the
17 girls to get in any sort of an argument or verbal
18 entanglement with a member. If he has questions on it
19 I personally would tell him I would like for him to
20 talk with his agent and he could make it clear to him
21 what DRIVE is, if he didn't understand.

22 Q If he did not understand, why would he start
23 out by saying that he wanted to withdraw?

24 A Mr. Ponder, you get -- when you're dealing
25 with eleven thousand people somebody can get upset over

1 the slightest little thing that has nothing to do with
2 it, with DRIVE. They're immediately ready to get out
3 of just anything, just rebel against the whole thing.
4 We have very, very few requests to get out, but we have
5 some and when we do and when we receive the letter they
6 are immediately taken off the check-off.

7 Have they been referred, to your knowledge,
8 to business agents whether or not they requested that?

9 A I'm sure not. The majority of those calls
10 would go first to the agent because the member would
11 ask for him. That's his business agent and he wants to
12 talk to him. We get very, very few there in the office
13 any sort of inquiry about it. When I say "we" I mean
14 the girls.

15 Q How much time does it usually take to effect
16 the transfer from a person from one Local to Local 745
17 once you receive notice from them that that's what they
18 desire?

19 A That depends on a number of things. Number
20 one, how much he owes the other Local Union.

21 Q Uh-huh.

22 A Secondly -- first of all, it depends on how
23 quickly we can get an answer from that Local Union.
24 Secondly, it would depend on how much he owes that
25 Local Union.

1 Q Uh-huh.

2 A Thirdly, it would depend on whether he wants
3 to give us the cash then or be put on check-off for it.
4 There are any number of things involved.

5 Q Well, let's take the ones that we're talking
6 about. If -- as far as the time to get the information
7 from the other Union, is that usually obtained by letter
8 or by telephone call?

9 A It's normally obtained -- if a Local Union
10 has a computer system --

11 Q Uh-huh.

12 A -- it's obtained by computer. We put the
13 request on while the member is still standing there.
14 The Locals in the South, we can get an answer pretty
15 quickly, Texas and close around.

16 Q Yeah.

17 A One in California or New York, it may take
18 us three or four days for them to answer us back and
19 we can't do anything until we know how much he owes
20 them.

21 Q Well, what would be the outside length of
22 time that you would say?

23 A I've occasions where a man wanting to transfer
24 and did not want to pay any money of his own and owes
25 another Union money and wants to be put on check-off.

1 for it, take four months, five.

2 Q If an individual then neither wants to pay
3 back the Local nor set up a system with you for check-
4 off to get rid of that debt, am I right that he could
5 come into Local 745?

6 A I'm not proficient in our International
7 Constitution, but it's my understanding that once a man
8 is a Teamster member he never rejoins, he must transfer
9 from one Local to another.

10 Q Have you ever stated to anyone who has somehow
11 notified you that they want to withdraw from DRIVE
12 that they need to obtain a notarized statement in order
13 to withdraw?

14 A I have not.

15 Q Have you ever told anyone that they must
16 send a letter to both the company and the Union or
17 copies to one or the other?

18 A I have not.

19 Q Have you ever told anyone that the withdrawal
20 form they were using was improper, illegal or in some
21 way --

22 A I have not.

23 Q -- unacceptable?

24 Is there a Notary Public at the Union
25 Hall?

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1 A Yes, sir, there are several.

2 Q Would a Safety Public be used in connection
3 with the withdrawal process?

4 A It is not necessary.

5 Q Do you know what the instruction or the
6 policy that's worked out with companies regarding their
7 handling of withdrawal procedure is, an I'm referring
8 to the company --

9 A Are you asking me if the company gets it and
10 we do not?

11 Q That's right.

12 A The company just simply does not pay on it
13 when we ask for the money and they attach a copy of
14 their withdrawal letter, note, whatever, to the check-
15 off and we take them off.

16 Q Are you aware of any instance where the
17 company did not notify you of the withdrawal applica-
18 tion but was no longer taking a deduction?

19 A It would be possible. I cannot cite an
20 instance. Our check-off authorizations -- I mean DRIVE
21 check-offs -- now you saw them when you were out there
22 and I can't remember a company, to give you a name,
23 but I'm under the impression that we saw some writings
24 in going over those that said, "Withdrawn per letter."
25 And that was put on there by the company.

1 Q Just for the record, you're referring to
2 Mrs. Callahan, right?

3 A Correct.

4 Q Are you familiar with any kind of solicitation
5 or recruitment efforts that the local has made in
6 connection with DRIVE as far as letters, circulars,
7 notices, that kind of attention-getter?

8 A In what time period?

9 Q In any time period that --

10 A About a --

11 Q -- in your experience.

12 A About a month ago -- well, now, I can't
13 remember back what we did five or six years ago,
14 there's just no way. But about a month ago there
15 was a letter put out explaining in detail why we felt
16 it was important that our members participate not only
17 in DRIVE but in registration, in voting and exercising
18 their rights --

19 Q Uh-huh.

20 A -- as a citizen. This was just about a month
21 ago, I would think. And incidentally, we've gotten
22 extremely good responses.

23 Q Who was the letter sent to, the entire
24 membership or --

25 A No. It was sent to employees of companies

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1 that provided in the contract for the DRIVE check-off
2 but who had never joined DRIVE.

3 Q I see. It was not then sent to non-DRIVE
4 Union members who worked for companies that don't have
5 check-off provision, is that right?

6 A I don't believe so. We put out mailings to
7 the membership periodically on various things, but
8 because of the size of the Local, it's tremendously
9 expensive to do it real often.

10 Q Uh-huh.

11 A But it seems to me it was not on this one.

12 Q What directives does Local 745 receive from
13 the National DRIVE Chapter?

14 A I can't remember seeing any in quite a number
15 of years.

16 Q How long ago is quite a number of years?
17 Can you pinpoint it any?

18 A I really can't.

19 Q Say five, six, seven years?

20 A I really can't. We get such a tremendous
21 amount of mail that it would be almost impossible for
22 me to give you anywhere near an accurate time.

23 Q But you would say that some time -- at some
24 time in the past you do recall directives from National
25 DRIVE to this Local?

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Q Directives as to what?
A As to recruitment efforts.
Q No.
Q Well, then, let me ask you what kind of directives do you recall?
A I don't recall directives per se at all.
Q Do you recall --
A Correspondence.
Q Do you recall correspondence then?
A Possibly a number of years back.
Q What about any kind of communication from the International concerning the DRIVE effort by this Local, do you recall any of --
A Never.
Q Never at all?
A (Witness indicates negative response by shaking the head.)
Q Does any part of the contributions, the DRIVE contributions go to National DRIVE?
A We keep all of it here to work locally and statewide.
Q Has that always been the policy?
A Now you must remember -- let me enlighten you. Until about 1972, thereabouts, there was another lady in the office that handled all of this.

1 Q Uh-huh.
2 A She has since that time retired and I can
3 only give you my knowledge on what's happened since
4 I've directly connected with it.

5 Q Who is this lady?

6 A Mrs. Adine Wheeler.

7 Q Do you recall a membership application being
8 sent to Archie Brown around October the 1st, 1976?

9 A I do not personally handle any sort of
10 membership applications going out.

11 Q Did it come to your knowledge though that --
12 for any reason that Archie Brown either had requested
13 to affiliate with the Local or that materials had been
14 sent to him so that he could obtain membership?

15 A Mr. Ponder, and I don't mean for this to
16 sound smart; in the last several months I have heard
17 so much one way and the other about and from Mr. Brown
18 I don't know.

19 MR. PONDER: Off the record.

20 (Discussion off the record.)

21 Q (By Mr. Ponder) Mrs. Cox, if an application
22 is received by the Local but for some reason is in-
23 complete, is the applicant notified why the application
24 has been delayed or what would happen in such a situa-
25 tion?

1 A Are you talking about a transfer or just
2 someone joining or what?

3 Q Someone transferring, like Mr. Brown.

4 A If we don't have the full information or we
5 for some reason, cannot get him transferred --

6 Q Uh-huh.

7 A -- if we have a telephone number we try to
8 contact them to let them know.

9 Q Do you know whether this occurred with
10 Mr. Brown?

11 A I do not.

12 Q Did you speak with Mr. Brown at the Union Hall
13 on December 30th, 1976?

14 A I did not.

15 Q Did you call Local 886 in Oklahoma to check
16 on Mr. Brown's membership status?

17 A No, sir.

18 Q Do you know anyone that did?

19 A I do not know offhand, no, sir.

20 Q Did -- were you aware of conversations by
21 anyone with Mr. Brown on that day, December 30th, 1976?

22 A Not on that day, I was not --

23 Q Have you had any contact with Mr. Brown
24 since December 30, 1976?

25 A Yes, sir.

1 Q Would you describe that contact?

2 A He's been at the office several times. He
3 called me on the telephone several times.

4 Q Have you had correspondence with him?

5 A Only over Mr. Haddock's signature.

6 Q Do you attend the Union membership meetings?

7 A I do.

8 Q Were you present at the Union meeting in
9 which Mr. -- the membership application of Mr. Brown
10 was denied?

11 A In February of '77, I believe I was, if that
12 was the Union meeting.

13 Q Yes.

14 A The reason I'm so hesitant, the only Union
15 meeting I've missed in a number of years I had protheses
16 surgery a year ago and I missed out on one or two,
17 either one or two meetings at that time.

18 Q Do you recall that meeting where Mr. Brown's
19 membership was -- I mean application was denied?

20 A Let me clarify something. I was at the
21 meeting.

22 Q Uh-huh.

23 A I work at the Sunday meetings. Once the
24 initiates are taken back in to be obligated, we close
25 the office and go into the meeting. Prior to the

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1 initiated being obligated, the Minutes are read and
2 any action having to do with the Minutes is taken at
3 that time, so it was prior to the time that I actually
4 got into the meeting. I was in the building, not in
5 the meeting hall per se.

6 Q Do you recall a letter or any kind of direc-
7 tive from Frank Fitzsimmons stating -- to the Local
8 stating that Mr. Brown should be allowed membership in
9 Local 7457?

10 A Are you talking about after his transfer,
11 I mean --

12 Q Yes.

13 A -- having to do with his transfer?

14 Q After the denial of his application originally?

15 A Yes, sir, we got something.

16 Q Uh-huh.

17 A I did not read it in detail and I cannot
18 tell you exactly what it said.

19 Q Do you recall the -- any resulting correspon-
20 dence between the Local and Mr. Fitzsimmons or his
21 office regarding this matter?

22 A I do not personally recall any.

23 Q You did not handle any correspondence?

24 A I'm saying I don't remember it.

25 Q Who contacted Mr. Brown to notify him of his

1 application being accepted?

2 I haven't the foggiest notion.

3 Is Mr. Brown currently a member of the local?

4 So is

5 MR. PONDER: Okay, thank you very much.

6 I don't have any other questions.

7 THE WITNESS: You're welcome.

8 (The deposition was recessed
9 until April 7, 1978, at which
10 time the deposition resumed
11 at the offices of Local Union
12 No. 745 before Damon L. Smith,
13 Notary Public.)

14 (By Mr. Ponder) Mrs. Cox, you're aware
15 that you were sworn yesterday under oath in connection
16 with this deposition, and this is a continuation of
17 the deposition that you participated in yesterday?

18 A All right.

19 Q Mrs. Cox, as you're aware, the Subpoenas
20 for this deposition requested certain information per-
21 taining to the Union personnel. The reason I wanted
22 to talk to you more today is to find out about the
23 recordkeeping system you have for the personnel.

24 So, first of all, you mentioned -- or,
25 it has been mentioned that some personnel information
is computerized, it's on tape, and I would like to a
clear understand of exactly what information is

1 computerized now.

2 MR. CURREN: Mr. Ponder, maybe she under-
3 stands your question, I don't. You're talking in
4 terms of personnel; do you mean office personnel?

5 MR. PONDER: No. I'm sorry, I'm talking
6 about the Union members.

7 Q (By Mr. Ponder) What information pertaining
8 to the Union members is computerized?

9 A Are you talking about Union members or
10 DRIVE members?

11 A I'm talking about Union members.

12 A Their names and addresses, the company they
13 work for.

14 Q Uh-huh.

15 A If they have been initiated and what the
16 rate of dues are.

17 Q Okay. Excuse me, when you said "initiated,"
18 would the date of initiation be included?

19 A The date of initiation.

20 Now, you understand initiation and
21 joining the Union are two different things?

22 Q No, I don't understand that, and I would like
23 for you to explain that, please.

24 A We have some members who have belonged to
25 this Union for twenty years that have never taken their

1 obligation at the meeting.

2 Q I see.

3 A Their date of initiation is the date they
4 actually come before the membership and take their
5 oath of allegiance or whatever to the Local Union and
6 the International.

7 Q Would the date that they became members be
8 contained on the tape?

9 A It would not.

10 Q You said that -- I believe, that their
11 address would be on the tape, is that right?

12 A Yes.

13 Q Does that include the zip code?

14 A In most instances.

15 Q Is it possible from the information that's
16 on the tape to distinguish between who is -- who of the
17 members are casual employees and who are regular
18 employees?

19 A Yes.

20 Q Is it possible from the information contained
21 on the tape to tell who has been a casual employee?
22 By that I mean --

23 A No.

24 Q -- a regular employee who has formerly been
25 a casual employee.

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1 A No.

2 Q It is possible from the information contained
3 on the tape -- well, first of all, when I -- I need to
4 get it straight: Are we talking about only one tape
5 or is there more than one tape?

6 A I have no idea. The tapes are in Washington.

7 Q I see. No, I don't see. If the tapes are
8 in Washington then what use are they to you?

9 A We have a computer, we can pull up an
10 individual member and see what we need to do. But, no
11 tapes per se are kept at any Local Union that is on
12 a computer.

13 Q These tapes then are kept at the International
14 office?

15 A That is correct.

16 Q In the information that's contained on tape
17 are the Union members who are also members of DRIVE
18 identified?

19 A They are not.

20 Q Well, then, maybe you can clarify for me:
21 Yesterday it was mentioned that a mailing was recently
22 made to Union members who were not DRIVE members in
23 order to inform them about DRIVE. How was it possible
24 for this office to come up with a list of those persons?

25 A It took a lot of manual work. The DRIVE

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1 check-offs are done manually.

2 Q Uh-huh.

3 A The Union check-offs are done by computer,
4 and it was a comparison of the two.

5 Q As a result of having made that mailing,
6 do you now have a compiled list of Union members who
7 are not DRIVE members?

8 A I do not.

9 Q Wouldn't it have been a lot easier the next
10 time you want to make a mailing?

11 A Probably could have been. We just simply did
12 not keep one.

13 Q Well, concerning the information about members
14 that is computerized, would the tape or tapes contain
15 information about members who are not active members?

16 A You're talking about ones that are suspended
17 or on withdrawal?

18 Q Or retired.

19 A Or retired.

20 Q Uh-huh.

21 A There is a special status code given to the
22 members who are no longer active.

23 Now, we are still talking strictly
24 Union versus DRIVE?

25 Q That's right.

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1 A I mean, we're talking about the Union?

2 Q That's right.

3 A Okay.

4 Q Strictly Union members.

5 Now, am I right that the information
6 concerning DRIVE members is not computerized?

7 A It is not.

8 Q Can you tell me approximately how many letters
9 were sent out last month to non-DRIVE members?

10 A No, I really cannot. I could give you a
11 guess.

12 Q Okay. That's better than nothing.

13 A But it would be strictly an estimation.

14 Q That's fine.

15 A Three thousand, thirty-five hundred.

16 Q Okay. Is there a list of the companies who
17 participate in the DRIVE check-off?

18 A Not a list as such, no.

19 Q Would we be able to -- by the way the DRIVE
20 files are maintained, be able to put together a list
21 of those companies?

22 A Yes, sir.

23 Q About the computerized information about
24 Union members, how is the information keyed in; is it
25 by the last name of the Union member or is it

1 sectionalized by the companies that they work for?

2 A There are any number of ways we can do it.
3 I can pull up my record by my social security number.
4 I would also show -- it would show under Teamsters
5 office; in other words, where I work.

6 Q I see. Which would be the same then as if
7 a company --

8 A The same information is not shown.

9 Q Would you explain that, please?

10 A If we pull up an individual member you have
11 more information. The only way you would pull up a
12 member otherwise would be if you were posting a check-
13 off, and then it would only show a name and the amount
14 they owed and the amount they paid or an individual
15 posting. Which would mean if I came in and paid my own
16 dues it would show a little more information in the
17 check-off posting but not as much information as an
18 individual pull-up.

19 Q Would we be able to find out from this
20 computerized information how many people from a company
21 are Union members?

22 A Now, you're talking about Union again?

23 Q Uh-huh.

24 A Yeah. You would have to run a complete list
25 and it would give you the total at the bottom.

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1 Q From each company?

2 A Right.

3 Q Again referring to this computerized infor-
4 mation: If someone has been a casual and they are no
5 longer working would they still be on the tape? In
6 other words, would they be coded inactive or something
7 and carried indefinitely?

8 A Yes.

9 Q How far back does this information go then?
10 Does it cover the life span of the Union?

11 A No. Only since we went on computer.

12 Q And how long ago was that?

13 A We began converting in October of 1976.

14 We completed conversion in January of '77.

15 Q Well, when you say that, can I take it then
16 that the information pertaining to members would reach
17 back to October, 1976 or not?

18 A To some of them, not all of them. You
19 cannot completely convert a Local Union in one month
20 this size. We were fortunate to do it in three.

21 Q Am I correct that yesterday you stated that
22 with respect to casual members who sign a check-off
23 card at the time of their application for Union member-
24 ship, that those check-off cards are maintained even
25 if the deduction is never taken? The DRIVE check-off

1 I'm referring to, not Union check-off.

2 A If we never use it, you're saying --

3 Q That's right.

4 A -- do we keep it here?

5 Q That's right.

6 A For a period of time.

7 Q For approximately how long?

8 A I don't know right offhand. I would be
9 hesitant to tell you. I would just have to check.

10 Q Am I correct that in connection with this
11 yesterday you said that a DRIVE -- strike that.

12 Q Am I correct that you stated before that
13 a casual member who has signed a DRIVE check-off form
14 is not considered a DRIVE member until the time the
15 deduction is made?

16 A Nobody is a DRIVE member, whether they're
17 casual, regular or what, until either a deduction is
18 made or they desire to personally pay for it.

19 Q Okay. That's what I understood.

20 MR. PONDER: Okay. Thanks very much.

21 THE WITNESS: You're welcome.

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MARY JANE COX

STATE OF TEXAS)
COUNTY OF DALLAS)

SUBSCRIBED AND SWORN TO by the said witness,
MARY JANE COX, before me, the undersigned authority,
on this the _____ day of _____, A.D., 1978.

BARON ERASEABLE BOND
25% COTTON

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

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1 STATE OF TEXAS)
2 COUNTY OF DALLAS)

3 WE, DAVID B. JACKSON and DAMON L. SMITH, Notaries
4 Public in and for the State of Texas, do hereby certify
5 that the facts as stated by us in the caption hereto
6 are true; that the foregoing answers in response to the
7 interrogatories as indicated were made before us by
8 MARY JANE COX, the witness hereinbefore named, after
9 said witness had been first duly cautioned and sworn to
10 testify the truth, the whole truth and nothing but the
11 truth, and were thereafter reduced to typewriting by us
12 and under our supervision, same to be sworn to and
13 subscribed by the said witness before any Notary Public
14 pursuant to the agreement of the parties.

15 We further certify that the above and foregoing
16 deposition as set forth in typewriting is a full, true,
17 correct and complete transcript of the proceedings had
18 at the time of taking said deposition.

19 GIVEN UNDER OUR HANDS AND SEALS OF OFFICE on this
20 the ____ day of April, A.D., 1978.

21
22 DAVID B. JACKSON, NOTARY
23 PUBLIC IN AND FOR THE
24 STATE OF TEXAS

DAMON L. SMITH, NOTARY PUBLIC
IN AND FOR THE STATE OF TEXAS

25 Taxable Original Fee: \$_____.

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[illegible]

1 FEDERAL ELECTION COMMISSION)

2 VS.)

NO. MUR 412-77

3 TRANSFERS LOCAL NO. 745)

4 '78 APR 14 PM 12:41

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7
8
9 ORAL DEPOSITION

10 OF

11 CHARLES E. HADDOCK

12
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14
15
16 SWORN AND DEPOSITION OF CHARLES E. HADDOCK, a

17 witness produced at the instance of the Federal
18 Election Commission, taken in the above styled and
19 numbered cause on the 6th day of April, A.D., 1978,
20 before David B. Jackson, a Notary Public in and for
21 the State of Texas, at the offices of Federal Court
22 Reporters, located at Suite 411, 1226 Commerce Street,
23 in the City of Dallas, County of Dallas and State of
24 Texas, pursuant to Notice, Subpoena and the agreement
25 hereinafter set forth:

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1 **APPEARANCES:**

2 **MR. HAL PONDER**

3 **and**

4 **MS. GAIL ROSS**

5 **Attorneys at Law**
6 **Washington, D.C.**

7 **APPEARING FOR THE FEDERAL**
8 **ELECTION COMMISSION**

9 **ALSO PRESENT:**

10 **SUSANNE CALLAHAN**

11 **MR. JIM CURLEE**

12 **Attorney at Law**

13 **1207 Main Bank Building**
14 **Dallas, Texas**

15 **APPEARING FOR TEAMSTERS**
16 **LOCAL 745**

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CHARLES E. HADDOCK,

the witness heretofore named, having been first duly cautioned and sworn to testify the truth, the whole truth and nothing but the truth, testified on his oath as follows:

DIRECT EXAMINATION

THE WITNESS: How about a transcript?

MR. PONDER: I'm sorry.

THE WITNESS: Do I get a copy?

MR. PONDER: You will get a copy to read over and sign if your counsel requests that. I don't know what --

MR. CURLEE: I will.

MR. PONDER: How you want to handle that?

MR. CURLEE: That is a request as of right now.

QUESTIONS BY MR. PONDER:

Q Before we go any further, if you will please state your full legal name for the record.

A Charles E. Haddock, Edward.

Q Edward. Let me introduce myself to you, Mr. Haddock. I'm Hal Ponder. I'm with the Federal Election Commission. I'm going to ask you questions concerning the scope of inquiry that we set out in the Subpoena that was served on you. If you have any

1 questions during the course of the deposition stop and
2 ask me and we will clear up any problems in understand-
3 ing that you have?

4 If you will, please, I would like to
5 start off with the documents that I requested in the
6 Subpoena. I want to discuss these.

7 Did you bring the documents listed in
8 Paragraphs (a) through (f) of the Subpoena? Did you
9 bring those with you today?

10 A No, sir.

11 Q Why did you not bring those documents?

12 A I don't understand them, most of it. I
13 brought some.

14 Q Okay. Why don't we -- why don't you start
15 off by telling us what you did bring? Which of these
16 paragraphs in the Subpoena have you satisfied?

17 A I have a DRIVE check-off authorization form

18 Q Uh-huh.

19 A -- that I brought. And also have a piece of
20 literature, whatever you want to call it, in answer to
21 questions to a member about what DRIVE is.

22 Q Do you have a copy of the Subpoena with you?

23 A I also have --

24 MR. CURLEE: I do.

25 Q I would like for you to tell me which demand

1 which paragraphs in the Subpoena are these documents
2 provided in response to.

3 A I also have some statements that are made by
4 myself, Rogers --

5 Q I'm sorry, you said Rogers, would you state
6 the --

7 A Charles Rogers.

8 Q -- full name of that person?

9 A Okay.

10 A And two by Charles Rogers.

11 Q Uh-huh.

12 A And one by Ray Munk. One by myself.

13 Q Maybe your counsel can advise you on this.

14 I would like to ask you again which paragraphs of the
15 subpoena are these documents in response to?

16 MR. CURLEE: Mr. Ponder, really your
17 Subpoena itself is so broad that to a large
18 extent, one paragraph overlaps other paragraphs
19 for the information that's been furnished to you.
20 It could fit into several paragraphs. I don't
21 think your question as stated is capable of being
22 answered.

23 Q Let's try it another way.

24 I will read to you Paragraph (a) which
25 requested, "All correspondence, memoranda or other

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1 relevant documents from or to you under your control
2 which are either to or from any person, associated with
3 Mr. Brown's denial of membership in Local 745 or to
4 the possible denial of membership of any other applicant
5 in Local 745 for failure to contribute to DRIVE --"
6 that's capital D-R-I-V-E (spelling) "-- or which pertain
7 to the voluntary contribution fund of DRIVE."

8 Now, are any of the documents that you
9 brought in response to Paragraph (a)?

10 MR. CURLEE: I think the only way to answer
11 that, Mr. Ponder --

12 A We don't -- correspondence, where we have
13 denied membership to somebody?

14 MR. CURLEE: The documents fit in part in
15 that paragraph and the documents fit in part in
16 other paragraphs.

17 A It says which are to or from any person
18 associated with Mr. Brown's denial of membership in
19 Local 745, what do you want there? I don't know what
20 you want.

21 Q I'm asking you whether the documents you've
22 just described, these statements, whether they pertain
23 to Paragraph (a) which deals with Mr. Brown's denial
24 of membership --

25 A I suppose --

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1 Q -- in Legal 745.

2 A I suppose they could, because they're state-
3 ments that were made by these people in connection with
4 the Brown case.

5 Q Well, I would think they could too, that's
6 all I'm trying to get at. This is not a tricky question
7 but I want to understand how these documents tie in
8 with this document demand, that's all. If they are
9 provided in response to more than one of these paragraphs
10 then I would like to know that.

11 A Okay.

12 MR. CURLEE: Can we go off the record just
13 a minute?

14 MR. PONDER: Fine with me.

15 (Discussion off the record.)

16 Q (By Mr. Ponder) Mr. Maddock, I will read you
17 Paragraph (b) of the Subpoena which states, "Contemporane-
18 ous memoranda including telephone logs and any records
19 under your control regarding phone calls or oral
20 communications with persons associated with the member-
21 ship of Archie Brown or others in connection with the
22 voluntary contribution fund of DRIVE."

23 Are any of the documents that you
24 brought today in response to Paragraph (b)?

25 A Yes, I think one statement from Mr. Rogers

1 could be under (b). Now, we don't have any telephone
2 logs and records under our control regarding phone
3 calls.

4 Q Uh-huh.

5 A I don't know what you want. What do you
6 want? or others. It says.

7 Q Yeah. If you have some kind of record other
8 than telephone log, say a memorandum of a telephone
9 call.

10 A I don't have any.

11 MR. PONDER: Okay. Before we go any further,
12 let's mark these documents for identification, if
13 you would, please, Mr. Court Reporter.

14 (FEC Exhibit Nos. 1 thru 7 were
15 marked for identification.)

16 Q (By Mr. Ponder) Mr. Haddock, if you would
17 correct me if I state this wrongly, the document
18 marked as FEC Exhibit 1 is entitled Local Number 745,
19 DRIVE Check-off -- DRIVE, I'm sorry, then Check-off
20 Authorization for DRIVE, is that correct?

21 A Yes, sir.

22 Q FEC Exhibit 2 is entitled "\$5.00 Investment
23 in Security." If you would, describe this document
24 for me, what it represents.

25 A Well, it represents literature or whatever you

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1 want to call it that's given to a member when he joins
2 the Local Union at the building itself. It explains
3 some of the things of DRIVE, is that it does.

4 Q All right. FEC Exhibit 3 is a memorandum of
5 conversation that is authored by Ray Munk, is that
6 right?

7 A Yes, sir.

8 Q FEC Exhibit 4 is a memorandum of a telephone
9 call received from Archie Brown and this is authored
10 by Charles Rogers, is that correct?

11 A Yes, sir.

12 Q FEC Exhibit 5 is a statement on Archie Brown
13 by Charles Rogers. This again is a memorandum of a
14 conversation, is that correct?

15 A Yes, sir.

16 MR. CURLEE: If those are dated, if you're
17 going to question him you probably ought to
18 identify dates or some other way --

19 MR. PONDER: Yes. This has the date
20 December 30, 1976.

21 MR. CURLEE: That's Exhibit 4 or 5?

22 MR. PONDER: I'm referring to Exhibit 5.

23 MR. CURLEE: December what?

24 MR. PONDER: 30, 1976.

25 MR. CURLEE: Okay.

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MR. PONDER: Exhibit 4 has the date February 7th, 1977.

And Exhibit 3 is dated December 30, 1976.

Q (By Mr. Ponder) Exhibit 5, dated June 28th, 1977 is a memorandum of conversation with Archie Brown, is this --

A By myself.

Q This is authored by you?

A Yes.

Q And FEC Exhibit 7 is the check-off authorization for DRIVE signed by Archie Brown dated 10/6/75.

Am I correct then, Mr. Haddock, in saying that Exhibits 3, 4, 5 and 6 which are memoranda pertaining to Archie Brown are in response to either Paragraphs (a) or (b) of the Subpoena?

A Yes.

Q Now, in Paragraph (c) of the Subpoena we asked you for copies of all documents pertaining to the procedure to be followed in soliciting contributions to DRIVE.

What have you provided in response to that?

A That right there (indicating).

Q Am I correct that there are no memoranda or other documents which set out guidelines for persons to

1 follow in soliciting contributions to DRIVE?

2 A You're correct.

3 Q Does that include any directive from the
4 International or --

5 A There's no directives.

6 Q No directives at all?

7 A None.

8 Q In responding to Paragraph (c), did you --

9 A There is none, that's -- and that's the only
10 thing --

11 Q Let me ask my question and you can -- if
12 you're right you can tell me so.

13 What I'm getting at is in connection
14 with soliciting contributions to DRIVE are there any
15 kinds of literature that are used in that effort to
16 solicit contributions?

17 A I've already told you no, there's not any.
18 I don't have any.

19 Q Are there -- let me ask you another way.

20 Have you ever sent or has DRIVE ever
21 sent letters to individuals soliciting funds for DRIVE
22 or soliciting their joining DRIVE?

23 A Yes, just lately.

24 Q How lately?

25 A Last month or two.

1 Q Could you provide us with a copy of that?

2 A Be glad to.

3 Q Is there any kind of document or correspondence

4 or anything that relates to the DRIVE effort to solicit

5 contributions?

6 A Do that again. I was making my note here.

7 Q Is there anything similar to the solicitation

8 letter that we just discussed that DRIVE has sent out?

9 A Not that I can think of.

10 Q Okay. Paragraph (d) of the Subpoena asks for

11 a list of Local 745 members including social security

12 numbers or alternatively means by which the membership

13 of Local 745 can be identified. For example, authoriza-

14 tion cards or any other receipt of membership dues.

15 What did you provide in response to Paragraph (d)?

16 A Nothing.

17 Q Why was that?

18 A Well, I don't think you're entitled to them.

19 number one.

20 Q Is there such a list of Local 745 members?

21 A Not a list as such, no, sir.

22 Q Is there a way of identifying Local 745

23 members?

24 A By making up a list, I guess.

25 Q Did your counsel instruct you not to provide

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1 the documents in response to Paragraph (d)?

2 MR. CURLEE: I'm going to instruct him not
3 to answer that. Any communication between me and
4 my client is strictly confidential.

5 Q Mr. Haddock, what kind of documents on file
6 with Local 745 would give information about the members?

7 In other words, I'm asking, are there
8 some authorization cards or some sort of noncompiled
9 list that would show the total membership?

10 A Well, you see, when you say noncompiled, you
11 know --

12 Q Yeah.

13 A -- this is what we don't understand.

14 Q Well, for instance, you could have a card on
15 each Union member but on the other hand you might not
16 have put all of that together into one list of every
17 member you've got, that's all I'm asking you.

18 A That's correct, we don't have a list of
19 members as such.

20 Q But you do keep cards on every member?

21 A No, we don't keep cards on them.

22 Q How do you know what your membership is then?

23 A It's on computer.

24 Q And what kind of information about the members
25 is on computer?

1 A Well, name, address, phone number, social
2 security number, place he works or she.

3 Q When you say the address is included in the
4 computerized information, does this include the zip
5 code?

6 A Yes. Now, that ain't on DRIVE though.

7 Q I understand. Okay --

8 A In other words, DRIVE is not on the computer.

9 Q Paragraph (f) of this Subpoena asks for
10 information pertaining to the persons who have joined
11 DRIVE. What kind of information does the Union have on
12 DRIVE members?

13 A Well, we have each company on a check-off
14 form of members at that company.

15 Q Uh-huh.

16 A That are members of DRIVE. Each company has
17 a separate file not on computer.

18 Q That you maintain?

19 A Maintain them?

20 Q Yeah, you -- if I understand you correctly,
21 you're saying that the DRIVE membership information
22 is kept by the Union on a company-by-company basis,
23 is that right?

24 A That's correct, yes, as to name only.

25 Q Name only?

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1 A Name only, no address, no phone number, no
2 social security number.

3 Q Uh-huh.

4 A Name only and by company. That's the reason
5 we -- the problem of complying with your Subpoena --

6 Q Uh-huh.

7 A -- you see?

8 A Now, I don't understand. I would like you to
9 explain why there was a problem in complying. We asked
10 for documentation whether compiled --

11 A Or not.

12 Q -- or not, however complete, of persons who
13 have joined DRIVE. Now, what you've described to me
14 sounds like you do have that information.

15 A No, not the way you've asked for it, we
16 don't have it.

17 Q Will you explain to me why you don't have
18 that information?

19 A Or at least as I understand it, we don't
20 have it.

21 Q Well, you do have information about individual
22 who have joined DRIVE, didn't you just state that?

23 A We've got a name.

24 Q Well, I think that would fall within the
25 documentation that we're requesting, because the

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1 Subpoena specifically says, "however complete." If
2 the Union only had names and no other information, I
3 think that falls within the scope of our demand.

4 Paragraph (e) of the Subpoena asks for
5 all DRIVE withdrawal forms or written statements of
6 withdrawal which have been received by companies which
7 employ members of Local 745 and have been forwarded to
8 Local 745.

9 What have you provided in response to
10 that paragraph?

11 A Well, we don't have any withdrawal forms.
12 There are some written statements of withdrawal within
13 the files at each company.

14 Q But not in the Union?

15 A Yeah.

16 Q Oh, I guess I misunderstood. You mean in the
17 breakdown you have in your file system by company?

18 A Yes. Now I don't know particularly which
19 ones of those we may have received from a company or
20 just received direct, you see.

21 Q Uh-huh.

22 A We don't have any DRIVE withdrawal forms.
23 All it takes is a note, a letter or whatever to say
24 "Take me out of DRIVE." That's all it takes and that's
25 put in his file or in the file where he's at, the

1 company file.

2 Q So --

3 A Now those records are at the office, but it
4 would be a tremendous job to photostat or whatever you
5 call -- whatever you wanted of those records.

6 Q Well --

7 A In other words, our position is that you can
8 see any records you want to see at the Union office.

9 Q I think that position should have been made
10 to us. I don't think that that has been --

11 A Yeah, you've already done it.

12 Q No, not in response to this.

13 A You haven't, but your representatives have.

14 Q In response to this Subpoena that position
15 was not made to us.

16 A It would be much simpler to do it that way.
17 It would take a truck to haul all the records down here,
18 maybe two trucks.

19 Q I don't think that we'll accomplish anything
20 by beating this around, but I do need to say I think
21 that you're aware that we requested an inspection of
22 documents, of records at the Union Hall yesterday to
23 which we received no response.

24 MR. CURLEE: In that connection I will respond
25 this way: There was an agreement made between your

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1 office and my office and it has been, if necessary
2 it was firmed in writing from your office that
3 these depositions would be taken out there on a
4 voluntary basis where all the voluminous records
5 are kept and there's just -- as a practical matter
6 there is no way to bring those down here, all of
7 the records.

8 I will make the offer now, if you want
9 to adjourn these depositions at this time and go
10 to the --

11 MR. PONDER: You should have made --

12 MR. CURLEE: Wait a minute. You had your say.

13 MR. PONDER: All right.

14 MR. CURLEE: If you want to adjourn the
15 deposition at this time and go to the Teamster Hall
16 and start going through -- look at those records or
17 continue the deposition out there that would be
18 fine by me. I notified your office last summer
19 that it would take three to four weeks of clerical
20 time to compile --

21 MR. PONDER: Counsel, stop. I think that
22 we're getting nowhere. I don't think that our
23 understanding of the understanding is the same
24 so we might as well stop at this point.

25 THE WITNESS: You don't want to go see the

1 records then?

2 MR. PONDER: I do want to see the records.

3 I'm trying to set up a time to do that.

4 Q (By Mr. Ponder) Mr. Haddock, I want to clear
5 up one more thing with respect to this Paragraph (a)
6 of the Subpoena concerning DRIVE withdrawal forms.
7 Am I correct that companies -- the companies party to the
8 collective bargaining agreement and participating in
9 DRIVE send the withdrawal forms to the Union Hall and
10 are they on file?

11 A If they were sent there, they are.

12 Q You're saying that as a general matter they
13 are not sent there?

14 A Well, I'm of the opinion that any company
15 that got one --

16 Q Uh-huh.

17 A -- should have honored it and if they didn't
18 send it to us we probably checked on, you know, why.
19 You think it's -- you seem to think it's a real simple
20 matter or something, it just isn't that -- it just
21 isn't that simple. I think the files would show you
22 what I'm trying to tell you.

23 Now, if we have a member write -- he
24 don't have to send it to the company.

25 Q No, I understand that.

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1 A Just mail it to us.

2 Q I think I understand you and --

3 A It's done both ways, it's done both ways.

4 Q But when it's the company rather than the
5 individual, you expect to receive the withdrawal form
6 although you can't be sure, is that what you're saying?

7 A There may have been some sent to the company
8 that we didn't get.

9 Q Okay.

10 A And then let's say that being as we didn't
11 get it, we would have put that individual on the dues
12 check-off form going out to the company, because we
13 didn't get it, let's say. And let's say that the company
14 then took the check-off form --

15 Q Uh-huh.

16 A -- and didn't deduct that amount from that
17 individual, because they had received a form to not
18 do so.

19 Q Mr. Haddock, what is your position with
20 Local 745?

21 A I'm secretary-treasurer.

22 Q How long have you held that position?

23 A Two years and three or four months.

24 Q And before that were you with Local 745?

25 A Yes, sir.

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1 Q How long have you been with the Local 745?

2 A Oh, since about 1956.

3 Q Prior to your being a secretary-treasurer,
4 what was your position with Local 745?

5 A I was president prior to being secretary-
6 treasurer.

7 Q For how long, approximately?

8 A About nine years, I think.

9 Q And prior to that did you have an official
10 capacity with Local 745?

11 A Yes, sir.

12 Q What was that, please?

13 A Business agent.

14 Q About how many years were you business agent?

15 A Well, if we had nine and two, that would be
16 eleven, wouldn't it?

17 Q Uh-huh.

18 A '56, at the end of the year, twenty-two --
19 the remainder of the twenty-two years, whatever that
20 is.

21 Q Am I correct that in your capacity as
22 business agent, as president and presently as secretary-
23 treasurer, you have been familiar and are familiar with
24 the application process for membership in Local 745?

25 A I think that's a fair statement.

1 Q Have you been instrumental or have you
2 participated in formulating the policy for taking an
3 application for membership in the Local?

4 A Yes, sir.

5 Q If you would, please, describe the process
6 by which a person applies for and obtains membership
7 in Local 745.

8 A Well, there's a process where someone can
9 come to the Union office --

10 Q Uh-huh.

11 A -- and make application for membership or
12 he may go to work at one of the companies that we have
13 under contract, fill out the application blank at that
14 company. That's sent into the Local Union or given to
15 the agent. Or a company we're organizing fills out
16 the application blanks and in our Local, unless we get
17 a contract with the company, those are just maintained,
18 kept. But, if we get a contract then we go on a check-
19 off list, you know. It's the same application blank,
20 whether it's at a company, organizing a company or at
21 the Union office, same thing.

22 Q The Union furnishes the companies that are
23 party to the collective bargaining agreement with the
24 application forms for membership, is that correct?

25 A No, no.

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1 Q If a person goes --
2 A Stewards have them, business agents have them
3 companies don't have them.
4 Q But at the company then the application forms
5 are the ones that have been originated by the Union and
6 furnished to, for instance, the stewards to distribute
7 A Yeah. They're the same form, there's just
8 the one form, but that's at least three different ways
9 applications are handled.
10 Q What else besides the application form for
11 membership does a person fill out at the time that he
12 applies for membership in the Local?
13 A Well, some stewards have the DRIVE check-off
14 which is a separate form.
15 Q Uh-huh.
16 A Some do, some don't. Really, that's about
17 it, I guess. The application --
18 Q Uh-huh.
19 A -- blank and the DRIVE check-off.
20 Q Are there no forms, for instance, for health
21 benefits or retirement benefits or anything like that?
22 A Well, yeah, there is if you're working at a
23 company that has those benefits. There's a card on the
24 health and welfare and there's a card on the pension.
25 Q Uh-huh.

1 I don't know that those are just in general
2 at companies, they're at the office theirselves. The
3 health and welfare --

4 Q When you say the office, you mean the Union
5 office?

6 A Uh-huh.

7 Q Are there any --

8 A They're automatically covered anyway, it
9 doesn't -- those forms mean nothing.

10 Q But a person has to sign something in order
11 to get the benefits, is that correct?

12 A No, it's not correct.

13 Q But am I correct then that as a matter of
14 course these forms are given to applicants for member-
15 ship to fill out or to sign?

16 A No, sir, you're not correct.

17 Q Well, let's go back then because --

18 A Some members don't have those benefits. At
19 some companies the company plan prevails.

20 Q Okay, I understand that.

21 A Even the health and welfare and pension fund
22 of the companies that provide those benefits, the company
23 is required to report that employee once he becomes a
24 regular employee to those particular funds.

25 Q Uh-huh. I would like to request -- it wasn't

1 in the information request we have already made: but
2 subsequent to this deposition if you could provide me
3 with a -- the forms that a person would fill out at the
4 time of application for fringe benefits as well as
5 membership, such things as health and pension --

6 MR. CURLEE: We'll take that under advisement
7 and let you know.

8 MR. PONDER: Okay.

9 THE WITNESS: What's that got to do with --

10 MR. CURLEE: Charles.

11 Q (By Mr. Ponder) Can an individual mail an
12 application for membership in Local 745?

13 A Can he mail it in?

14 Q Uh-huh, mail in a request for an application
15 form in order to become a member.

16 A Well, I don't know that he can't, but it's
17 not --

18 Q It doesn't happen?

19 A It isn't usually handled that way.

20 Q So a person either comes to the Union Hall
21 or through -- joins through the company?

22 A Or the steward might handle it.

23 Q Concerning persons who join the Union through
24 the -- through the company, through their Union steward
25 there, do they subsequently have to appear before the

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1 membership in order for a voice vote to --

2 A They're supposed to, yes, sir.

3 Q Would that take place at the Union Hall?

4 A Yes, sir.

5 Q Is there any other reason that those persons
6 -- I'm referring again to the persons who join not by
7 coming to the Union Hall originally --

8 A Those who --

9 Q What I'm referring to are persons again who
10 don't apply originally at the Union Hall for membership
11 in the Local but who do it at their place of employment.
12 Is there any other reason that they would have to come
13 to the Union Hall during the pendency of their applica-
14 tion?

15 A Any other reason?

16 Q To fill out any forms, to be interviewed --

17 A No, sir.

18 Q We've just discussed that there has to be a
19 voice vote of the membership, is there any other
20 process that an applicant for membership in the Local
21 has to go through like an interview or an educational
22 session where you just tell them about the Union?

23 A Well, members that join at the Union office
24 or make application to join --

25 Q No, I'm talking about members who join through

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1 their company.

2 A Well, what I was going to tell you is it's
3 the same.

4 Q Tell me then, I don't understand.

5 A Whether you apply at the office, make applica-
6 tion at the office or whether you fill out the applica-
7 tion blank on the job itself --

8 Q Uh-huh.

9 A -- and give it to the agent or the steward
10 or another guy to bring it by the Union Hall, whatever,
11 the induction into the Union itself --

12 Q Uh-huh.

13 A -- then is before the members of the Union
14 itself --

15 Q Uh-huh.

16 A -- which meets on the first Sunday of every
17 month. And at that point a member that's made applica-
18 tion can come to that meeting and submit his name for
19 induction.

20 Q I understand that. What I'm asking --

21 A I don't think that's got anything to do with
22 Election Commission either.

23 Q Well, I think your opinions aren't going to
24 contribute to the deposition.

25 A Just keep that in mind, though.

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1 Q What I'm asking you is besides what you've
2 just described, the situation you've just described,
3 whether there is any other reason that an applicant
4 for membership who's made application from the -- their
5 place of employment for them to come down to the Union
6 Hall in order to be informed about the Union or to be
7 screened by the Union or --

8 A No, sir.

9 Q -- anything like that, that's what I'm
10 wanting to know.

11 How many members are presently in
12 Local 745, if you know?

13 A Just a close -- reasonably close guess would
14 be about eleven thousand.

15 Q And how many of those are casual employees,
16 if that is correct?

17 A What's that got to do with DRIVE?

18 Q Mr. Haddock, I'm asking the questions. I'm
19 asking you for responses. You are instructed to,
20 unless your counsel instructs you otherwise, to respond
21 to the question that I've asked.

22 A Now that's your question?

23 Q I've asked you how many of the members of
24 Local 745 are casual employees or casual DRIVERS?

25 A Just strictly a guess, twelve hundred.

1 Q Would you say that that ratio is generally
2 constant, the ratio of casual employees to regular
3 employees?

4 A It varies, it varies.

5 Q Are casual employees of Local 745 also members
6 of Local 745? Are they encouraged or allowed to become
7 members?

8 A Sure they're members.

9 Q Are all casual members --

10 A Anybody that pays dues to the Union in this
11 Union is a member.

12 Q Do casuals become members of the Union in
13 one of the two ways that you've described, either by
14 coming to the Union Hall --

15 A They --

16 Q Excuse me, let me finish. Or by requesting
17 application from their place of employment?

18 A Well, that question really has got two or
19 three answers to it.

20 Q Go ahead.

21 A Go ahead what?

22 Q I would like to hear what the two or three
23 answers are.

24 A Well, one would be a fellow comes down to
25 join the Union, makes application to join and hasn't got

1 a job.

2 Q Uh-huh.

3 A He could be a casual employee. A guy that's
4 got a job, he gets fired, stays fired, let's say were
5 not able to put him back to work, he would then become
6 a casual. Casuals, unless -- as far as I know, don't
7 make application to join the Union at a company, if you
8 understand what I mean.

9 Q They obtain Union membership before they seek
10 employment, is that what you're saying?

11 A No, there's some employed by the Union, some
12 working that ain't in the Union.

13 Q Okay.

14 A Check-offs don't apply as a general rule to
15 casuals.

16 Q Would you explain that statement? What
17 do you mean first of all by check-off?

18 A Union dues check-off.

19 Q And you say that they don't apply to casuals?

20 A As a general rule they don't apply to casuals,
21 correct.

22 Q Well, are you saying that it doesn't apply to
23 casuals who are Union members?

24 A Same thing, wouldn't it?

25 Q If I'm correct, you've just stated that not

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1 all casuals are Union members.
2 A That's correct.
3 Q And then I'm asking you with respect to your
4 statement that casuals aren't generally checked off,
5 does this apply to those casuals who are Union members?
6 A I don't understand your question.
7 Q Well, I guess we're even, I didn't understand
8 your answer.
9 A Well, there are some people that work that
10 are not in the Union.
11 Q Uh-huh, I understand that.
12 A And there's casuals that are in the Union that
13 work, their dues are not checked off, they pay them
14 at the office.
15 Q Oh, okay.
16 A Some of those belong to DRIVE and some of
17 them don't.
18 Q I understand you now.
19 A All right.
20 Q Tell me, please, what geographic area falls
21 within Local 745's jurisdiction.
22 A We go north to the river.
23 Q What river?
24 A Red River. East of Tyler.
25 Q Excuse me, I don't know the geography. How

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1 far away is the Red River from Dallas?

2 A It's about seventy-five miles. East of Tyler
3 about a hundred miles. South to Waco.

4 Q How many miles is that?

5 A About a hundred miles. And we split Fort
6 Worth. There's usually an argument in that area some-
7 where between the Local over there, you know, who's
8 got what.

9 MR. CURLEE: I can correct Mr. Haddock, we
10 go east to Longview.

11 THE WITNESS: Well, yeah, that's -- but we
12 just got jurisdiction of three companies there.
13 The Local in Shreveport has jurisdiction of the
14 rest of Longview. We have the --

15 MR. CURLEE: Which puts it about seventy-five
16 miles further.

17 MR. PONDER: Longview I know.

18 THE WITNESS: The Schlitz Brewery and the
19 Schlitz Can Plant Company in Longview and jurisdic-
20 tion over Laturno (phonetic spelling) in Longview,
21 but other than that, generally the jurisdiction
22 ends in Tyler.

23 Q (By Mr. Ponder) Mr. Haddock, can you give me
24 an approximate percentage of those Union members who are
25 in the Dallas-Fort Worth metropolitan area rather than

1 from these outlying areas?

2 A Dallas-Fort Worth area?

3 Q Uh-huh. -- Well, the Fort Worth area that you
4 -- that the Union does cover.

5 A Let's see, the biggest part is in that area.
6 The biggest part of the Locals. At least the metropol
7 I would say all but a couple of thousand, but I don't
8 have that broken down, that figure really --

9 Q But it --

10 A The biggest part of it.

11 Q But roughly it could be as much as nine
12 thousand of the eleven thousand membership is within
13 the metropolitan area?

14 A You mean where they live, right?

15 Q That's right.

16 A See, we got fellows that live even up into
17 Oklahoma, in Mississippi.

18 Q That work in the metropolitan --

19 A Yeah, they may work here, but their address
20 isn't that.

21 Q Okay. If you consider the ones that work
22 in the metropolitan area then --

23 A Or out of it?

24 Q Wait, I don't -- drive out, work from here.

25 A Yeah.

1 Q Then it would be safe to say that perhaps --

2 A I think so, but I just don't have that
3 figure broken down, really.

4 Q Okay.

5 A But it's the biggest part of it.

6 Q Of the membership who work in the metropolitan
7 area, would you say that the majority of them apply
8 at the Union Hall or at -- or from their place of
9 employment?

10 A The ones already in?

11 Q No, I'm talking of the membership that you've
12 got now, at the time of their application which of the
13 two ways would you say they most generally followed?

14 A I would say -- I would think -- I don't have
15 a figure on that either, but I would think that most
16 of them probably applied at the Union office.

17 Q Uh-huh.

18 A Except for some company that was organized,
19 you know, and taken into the Union through organization
20 as a group --

21 Q Uh-huh.

22 A -- you see, otherwise most of them at the
23 Union office, I think.

24 Q What percentage of the membership would you
25 say has been taken in through organization within the

1 last year, say?

2 A Not many, very few. We ain't got time.
3 We're doing other things.

4 Q Do the records Local 745 maintain, do they
5 indicate who applied at the Union Hall and who has had
6 an application mailed in or brought down by a Union
7 steward?

8 A Some kind of mark or something you might mean

9 Any way -- anything that would indicate it.

10 A Not that I know of. You're saying if we could
11 take the membership and go through it and say that this
12 one applied at the office and this one applied at
13 the company and this one applied at the company and this
14 one applied somewhere else?

15 Q Uh-huh.

16 A Not that I know of.

17 Q For instance, I was thinking, is there any
18 kind of log book for persons who come into the Union
19 Hall who sign in just to indicate that they have been
20 there for business of one sort or another?

21 A No, sir. Except we sign in at the regular
22 meeting.

23 Q Uh-huh. Mr. Hadcock, if you would, please
24 explain; what is DRIVE?

25 A Well, when I'm asked that question I give a

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1 person that gave me a copy of that thing that I brought
2 you, and that's my --

3 Excuse me, you're referring to --

4 That it is a political organization --

5 Excuse me, you're referring to Exhibit 2?

6 Yes, Sir. It's the political group of this
7 Union.

8 How long has there been a DRIVE Chapter of
9 Local 7457?

10 A Well, quite a while.

11 Q Can you remember the year that it was
12 initiated?

13 A Well, it was the year we left the Federation.
14 I don't really remember the particular year. Quite a
15 while ago, though.

16 Q Would you say more than ten years?

17 A I think so, yeah, ten years would only be
18 what, 1968? When did we leave the Federation? I would
19 say within a year or so after that we created DRIVE.
20 The political group was COPE then.

21 Q I'm sorry.

22 A Prior to that it was COPE.

23 Q When you say prior to that it was COPE,
24 you're referring to the political action group?

25 A Of the AF of L-CIO. When we was a member of

1 the AFL-CIO he participated in COPS.

2 Q What is your position with DRIVE?

3 A Secretary-treasurer.

4 Q How long have you held that position?

5 A Two years and three or four months.

6 Q Prior to that did you have a position with
7 DRIVE?

8 A Yes, sir.

9 Q What was your position?

10 A President.

11 Q Sounds familiar, doesn't it? How many years
12 were you president of DRIVE?

13 A About nine.

14 Q And what have been your duties as president
15 and as secretary-treasurer of DRIVE?

16 A What has been my duties?

17 Q Uh-huh, your responsibilities.

18 A Well, responsibilities just to administer
19 the organization as secretary-treasurer, take the
20 funds in or see to it that they're taken in, credited
21 to the proper accounts. Generally administer the
22 action program of the Local Union more so than the
23 president.

24 Q In your capacity as secretary-treasurer are
25 you responsible for the recruitment activities of DRIVE?

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1 A -- as one I would be just as -- yeah, yeah.
2 Q If you would, please, describe the procedure
3 for joining DRIVE.

4 A All you have to do to join DRIVE is sign that
5 check-off right there or --

6 Q Wait. When you say that check-off, you're
7 referring to SEC Exhibit 1, is that correct?

8 A Yes, sir.

9 Q Okay.

10 A Or we have DRIVE members that pay it theirselves.

11 Q I don't know if I understand that last
12 statement. If you will explain that for me, please.

13 A We have DRIVE members that pay their DRIVE
14 membership fee theirselves without it being taken out
15 of their check.

16 Q Without it being deducted?

17 A Now whether or not those are on -- they're
18 not on a list that I know of. Well --

19 Q Are you saying that there wouldn't be any
20 record of them or that they couldn't be identified as
21 being persons who pay themselves rather than having the
22 money deducted?

23 A I'm not sure. We could probably identify
24 them. There's several of them too, not all that many.
25 There's not like five or six hundred, you know, but

1 there is several.

2 Is it customary for a person to join DRIVE
3 the time that they make their application for membership
4 in the Union?

5 Are both of those actions taken --

6 A Let me qualify that. They don't really join
7 DRIVE, they make application to join it.

8 Q Uh-huh.

9 A They don't pay their fee of DRIVE except in
10 rare cases some may.

11 Q When you say they don't pay their fee to join
12 DRIVE --

13 A Yeah.

14 Q -- are you meaning that instead, they just
15 sign the check-off form so that it can be at a later
16 time deducted?

17 A Yes, sir, that's true.

18 Q What is the fee that you're referring to,
19 what amount is that?

20 A For DRIVE, \$5.00.

21 Q Annually?

22 A Annually.

23 Q The check-off authorization cards that a
24 person fills out if they want to join DRIVE, does the
25

1 Union keep those on file?

2 A Yes, sir.

3 Q If a person joins DRIVE who is making appli-
4 cation for membership at their place of employment
5 rather than at the Union Hall, how is that done?

6 A Well, he fills out the application for
7 membership --

8 Q Uh-huh.

9 A -- and fills out the application for DRIVE.

10 Q Would he get both of those forms from the
11 Union steward at his place of employment?

12 A Yes, sir, or an agent, yes, sir.

13 Q But it would have to be from a Union
14 official there at the place of employment, am I correct?

15 A Yes, sir. Then they're brought into the
16 office and put on file, you see.

17 Q Uh-huh.

18 A And in a lot of cases a company -- fellow goes
19 to work at a company, let's say, he fills out the
20 application for membership --

21 Q Uh-huh.

22 A -- he may fill out the DRIVE check-off and
23 he may not. Some of the stewards are more active
24 politically than others.

25 Q Uh-huh.

1 A That's brought to the office then he's put
2 on the dues check-off, maybe put on the DRIVE check-off
3 when it goes out. It only goes out once a year. Dues
4 go out every month, see, and they're separate, com-
5 pletely separate lists deducted at separate times.

6 Q Now, I assume that the recruitment efforts
7 DRIVE are coordinated by you and from your office, is
8 that correct?

9 A Yeah, I guess so, whatever -- what part of
10 it's done, yeah.

11 Q Do you meet on a periodic basis or have you
12 ever met with stewards and agents to, for instance,
13 give them a pep talk about recruitment or to discuss
14 how they can better accomplish the recruitment for
15 DRIVE?

16 A We haven't had a meeting with stewards for
17 that purpose in a lot of years.

18 Q Uh-huh.

19 A Yeah, agents, we have. I don't recall the
20 last one really, but it's been quite some time.

21 Q When you say quite some time, within a year
22 or --

23 A More.

24 Q More than a year?

25 A More than a year, but we'll talk about it at

1 the meetings, you know, we will do that.

2 Q That would be the most --

3 A Everybody just --

4 A convenient way to have an opportunity to
5 talk about it would be at the regular meetings?

6 A See, the agents service the companies
7 regularly.

8 Q Uh-huh.

9 A And everybody kind of works on it as you go,
10 day to day.

11 Q Is there any kind of reward or bonus that
12 good recruiters for DRIVE get? In other words, if they

13 A No, sir.

14 Q If some agent gets more members --

15 A No, sir.

16 Q -- than anyone else there's nothing, no
17 monetary bonus?

18 A No, sir.

19 Q Is there any kind of citation or distinction
20 that's given to a person who has, say, the highest
21 recruitment record for a given period?

22 A No, sir.

23 Q Any kind of papers or certificate for that?

24 A No, sir.

25 Q How many members of Local 745 are members of

1 DRIVE

2 A I don't have an exact figure, but my best
3 guess is around three thousand, just in that general
4 area.

5 Q How many of the -- regular members are members
6 of DRIVE, how many of the regular Union members are
7 opposed to the casuals belong to DRIVE?

8 A I would think that most of the ones that
9 belong to DRIVE are regular employees.

10 Q Uh-huh.

11 A All members are members, they're all members.

12 Q I know it, that's why I'm making the distinction
13 between regular members and casual members.

14 A Okay.

15 Q Is it safe to say that --

16 A Great majority.

17 Q -- most of the -- the DRIVE contributors
18 are members rather than casual members?

19 A I think that's correct.

20 Q Okay.

21 A But there is casual members.

22 Q Do all the companies who have a collective
23 bargaining arrangement with the Teamsters and with
24 Local 745 participate in the DRIVE effort?

25 A They don't participate in the DRIVE effort

1 at all, any of them.

2 Q Let me rephrase that.

3 With respect to companies which have
4 a collective bargaining arrangement with the Teamster
5 is there a DRIVE recruitment effort at each of those
6 companies?

7 A DRIVE recruitment effort?

8 Q Uh-huh.

9 A By the company?

10 Q No, by the Union at those companies.

11 A Well, not other than just general, you know,
12 we talk DRIVE. We've got companies now that -- to answer
13 you further than you've asked, a lot of companies that
14 we have under collective bargaining contract don't have
15 a provision for DRIVE dues to be deducted from the check.
16 At those companies, some of them are members, some of them
17 are not. See, we've got probably a hundred and
18 seventy-five, eighty-five companies in this one Local
19 Union, it isn't just one company.

20 Q Yeah, I understand.

21 Of those one hundred and seventy-five or
22 hundred and eighty-five companies that are party to
23 collective bargaining agreements with Local 743, in
24 how many of these would you say that there's a provi-
25 sion in the agreement for DRIVE deductions?

1 I don't really know. I never have checked
2 to that degree, but probably the majority of them, the
3 good majority, say.

4 Q And then am I correct that you stated also
5 that with respect to those companies that don't
6 have this deduction provision there are Teamster members
7 who on their own contribute to DRIVE?

8 A There are Teamster members on their own
9 contribute to DRIVE rather than to the check-off itself.

10 Q Right, rather than have it deducted?

11 A Yes.

12 Q Okay.

13 A Now we have companies that has the DRIVE check-
14 off provision negotiated, you have to negotiate just
15 like you have to do Union dues where maybe there's not
16 a single member at all in DRIVE, none. Nobody wants to
17 join. They don't have to.

18 Q The provision is there if they -- for
19 deduction if they want to joint DRIVE?

20 A It's a separate check-off. They are Union
21 members but not DRIVE members. Totally separate.

22 Q Is there any way from the Union records of
23 identifying DRIVE members by company?

24 A The DRIVE members are in separate files.

25 Q Uh-huh. Broken down as individuals or broken

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1 down --

2 A Just by name.

3 Q Or by company?

4 A By company.

5 Q By company?

6 A Yeah. We could show you the DRIVE members
7 at East Texas Motor Freight, let's say, in a folder of
8 DRIVE for East Texas Motor Freight which would be name
9 but nothing else.

10 Q Uh-huh.

11 A And the amount.

12 His address and telephone number and
13 social security number and such as that, we would have
14 to go to the computer to get that on an individual
15 basis.

16 Q Okay.

17 A Another reason it's impossible to comply
18 with your Subpoena, totally.

19 And at each company -- I don't know of
20 any companies where the membership of DRIVE is a
21 hundred percent. We've probably got some, you know --

22 Q Uh-huh.

23 A -- but just offhand I don't know of any,
24 any company.

25 Q Mr. Haddock, who generally deals with an

1 applicant for Union membership who comes to the Union

2 Hall: EXASABLE BONO

3 A Well, we have the ladies in the office that
4 make the -- when he comes up to join. It ain't all
5 that many, you know.

6 Q How many people are in the front office?

7 A Ten or eleven.

8 Q And are you saying that any one of those
9 people could deal with --

10 A Could.

11 Q -- with a person who walks in and --

12 A Could, but most likely it would boil down
13 to two or three.

14 Q Who are those people?

15 A The ladies that normally handle dues, check-
16 off.

17 Q Which ladies are those?

18 A Well, they would be Jean Beard, Deborah Leak,
19 I would think Pat Newby --

20 Q Do these same ladies handle the application
21 for membership as well as the check-off?

22 A It's the same thing.

23 Q I'm talking about now Union membership, not
24 DRIVE membership.

25 A I understand. Application for membership and

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1 dues check-off for membership is the same thing.

2 I thought when you were referring to check-off
3 you were talking about the dues for DRIVE.

4 A No, sir.

5 Q No, you're only talking about --

6 A There's two separate check-offs. One is for
7 membership, one is for DRIVE.

8 Q I misunderstood you.

9 A Set the application for membership --

10 Q All right.

11 A -- is checked off but it doesn't have anything
12 to do with DRIVE. DRIVE is totally separate.

13 Q If a person comes in, talks -- who is the
14 first person they would speak to as they come in? Is
15 there a receptionist?

16 A Yes, sir.

17 Q Who is the receptionist?

18 A Marge Pierce.

19 Q I would assume she would ask their business
20 and they would say they wanted to apply for membership --

21 A She would refer them to --

22 Q -- to these three ladies you mentioned?

23 A Not to all three of them, no.

24 Q I understand. To one of those three ladies?

25 A Yes, sir, to that area.

1 Q Then are those any one of those three
2 ladies instructed to ask an applicant for Union member-
3 ship if they want to join DRIVE?

4 A Yes, sir.

5 Q And what are they instructed to say?

6 A To ask them to join DRIVE too.

7 Q Is there any --

8 A I gave them the check-off form, perhaps we
9 should have brought an application form too, but we
10 didn't.

11 MR. CURLEE: They've been furnished an
12 application. You're talking about membership
13 application? They've been furnished that.

14 A They're given then an application blank,
15 DRIVE check-off blank.

16 Q Are they given the -- the description of
17 DRIVE which is marked as FEC Exhibit 2?

18 A Yes, sir. Now again here, now you understand
19 even though he signs the DRIVE check-off --

20 Q Uh-huh.

21 A -- he's still not a member of DRIVE unless he
22 pays the DRIVE fee at that time.

23 Q Are you saying that until the deduction is
24 made he's not really a member of DRIVE?

25 A That's correct. All that is is a commitment

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Q Uh-huh.

A When the check-off goes out --

Q And when after that is the deduction made?

A Whenever the check-off goes out.

Q Generally how long is that?

A It depends on when he joins. We just send it out once a year.

Q So it's going to vary greatly for any individual?

A Oh, yeah, yes, sir. But he's not a member of DRIVE.

Q So when we've been discussing before the numbers of Union members who were DRIVE members are you referring or have you been referring to only individuals who have had the deduction already made?

A Yes, sir.

Q So there could be another number of individuals who have say a pending membership or provisional membership until the deduction is made?

A Yes, sir. See, let's say a guy joins a Union and he's casual.

Q Uh-huh.

A He don't have a regular job but he becomes a regular. He may call the office itself and say, "Put

1 me on the regular check-off list." Or he may have
2 the steward do it.

3 Q Uh-huh.

4 A He may come by and do it. He may move from
5 one company to another, you know, add him on, the
6 stewards do it, he does it, the business agents do it.

7 Q Concerning the three women that you described
8 as having the responsibility to take in applications
9 for Union membership, I believe you said also that
10 they're instructed to recruit for DRIVE?

11 A They're instructed to anybody applying for
12 membership to give them an application to join the
13 Union and an application check-off to join DRIVE,
14 yes, sir.

15 Q Do they just give them the applications
16 without saying anything then?

17 A Well of course, he's there at the window
18 to join the Union, you know, so that's what he is given.
19 He has to fill it out in order to join the Union.

20 Q And the same with DRIVE?

21 A Same with DRIVE.

22 Q If a person says I don't want to fill out
23 this form for DRIVE then do these women have any
24 instructions of how they're supposed to respond to
25 that?

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1 A Yes, sir.

2 Q What are their instructions?

3 A The instructions to them are that if someone
4 doesn't want to join DRIVE --

5 Q Uh-huh.

6 A -- even though he wants to join the Union,
7 they're instructed to refer those to a business agent.

8 Q Uh-huh. And how many business agents are
9 at the Union Hall?

10 A Fourteen, I think it is. Fourteen.

11 Q What if a person said that he or she didn't
12 want to talk to the business agent about DRIVE?

13 A I don't know what you mean, what if.

14 Q Has that ever happened, first of all, to your
15 knowledge?

16 A To my knowledge it hasn't happened. To my
17 knowledge it has happened they've been referred to
18 agents though.

19 Q As far as you know they always have gone
20 ahead and talked to the business agent, as far as --

21 A As far as I know they have. Very rarely,
22 very rarely.

23 Q Is there any policy of the Union concerning
24 a situation where a person said that he or she didn't
25 want to talk to the business agent about DRIVE?

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- 1 A No policy, no.
- 2 Q What would the Union do, if anything?
- 3 A Well, there's no policy on it. I never have
- 4 had it happen that I know of.
- 5 Q Well, would their application for membership
- 6 be accepted?
- 7 A I don't know. I've never had it happen.
- 8 As a normal situation, if they don't want to join
- 9 DRIVE they just don't join it. I think the number in
- 10 DRIVE against the number in the Union is -- if you
- 11 can't figure that out, you know, the statement that
- 12 you got to join DRIVE or belong to DRIVE to belong to
- 13 this Local is a lie.
- 14 Q You've stated a person who initially states
- 15 that he or she doesn't want to join DRIVE is referred
- 16 then to one of your business agents?
- 17 A That's my instructions to the girls.
- 18 Q And have you given instructions to the
- 19 business agents about what they're supposed to say to
- 20 the applicant concerning DRIVE?
- 21 A Instructions are to try to explain what DRIVE
- 22 is, what the program is and what it's all about.
- 23 Q Are there any written instructions?
- 24 A Other than this exhibit?
- 25 Q Exhibit 2?

1 A Now after that discussion, if the person
2 still don't want to join DRIVE they just don't join.
3 It's no problem. But we want them to know what the
4 DRIVE program is.

5 Q Uh-huh.

6 A Well, I'll tell you what. I never have had
7 anybody referred to me from the window -- I don't
8 recall any after we talked about the DRIVE program,
9 explained the program, that they didn't say, "Well,
10 if that's what it's all about I want to join it anyway."
11 I never have had any.

12 Q How often do you recruit for DRIVE? Would
13 you say that the applicants are referred to you more
14 often than other business agents?

15 A If I'm there they refer them to me, but
16 we don't have that many. Just to guess, it wouldn't be
17 one out of three or four hundred.

18 Q Who didn't just initially fill out the check-
19 off form for DRIVE?

20 A Yes, sir. Most folks understand, I suppose,
21 what the DRIVE program is when they're told it's the
22 political action part of the Union, you know.

23 Q Now, I wasn't clear that they were told that.
24 Do the women who initially deal with an applicant for
25 Union membership, they do describe DRIVE to that extent

at least?

A Well, they give -- this describes it.

Q Uh-huh.

A You know, the check-off itself describes it and then the -- the investment in security describes it further, I think, and then if they still don't want to join it then if an agent is there, and normally there's somebody there --

Q Uh-huh.

A -- they're referred to them, and if they don't want to join it after talking to the agent they don't have to and don't.

Q Uh-huh.

A Very few though don't.

Q I think we've got confusion as to the numbers. Let me see if I can get it straight.

We started out, I think you stated that about three thousand out of the total eleven thousand of your membership are DRIVE members. Out of the eleven thousand Union membership about three thousand are DRIVE members?

A Yes, sir.

Q And you also said I think that -- and correct me if I'm wrong, that most of your members apply for membership at the Union Hall, is that correct?

1 A Except for new organization companies I would
2 think yeah. I would think the majority do, yes.

3 Q That's why I'm confused when you say that
4 only about one out of four hundred who apply at the
5 Union Hall --

6 A Well, that was just --

7 Q It seems like -- what I'm getting at, it
8 seems like there would be a much larger number of
9 Union members who were DRIVE members if those
10 numbers all follow.

11 A Well, I could be wrong about the majority
12 making application at the Union office, you know. It's
13 done both ways.

14 Q The policy that you just described,
15 Mr. Haddock, with respect to an applicant for member-
16 ship first being talked to by the three women that you
17 named and given forms for both Union check-off and
18 DRIVE check-off and then the process of their being
19 referred for further discussion about DRIVE with you
20 or a business agent if they're not initially interested
21 in DRIVE, how long has this policy existed?

22 A A long time.

23 Q Would you say since DRIVE began that you've
24 had generally the same policy?

25 A Well, since it began, I don't know, but a long

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1 time.

2 Q Several years at least?

3 A Several years, yes.

4 Q All right.

5 A Several years.

6 Q What was the policy of recruiting members for
7 DRIVE when DRIVE first began? In other words, of the
8 existing Union membership, what kind of policy was there
9 for soliciting their contributions to DRIVE?

10 A Back when we first started DRIVE?

11 Q Uh-huh.

12 A Oh, we had meetings, met with folks at the
13 companies separately, in group meetings, meetings called
14 at the Union office. Really a recruitment program,
15 you might say.

16 Q What kind of response did you get from the
17 Union membership?

18 A Some joined, some didn't.

19 Q Can you give an approximate percentage of the
20 Union membership who joined DRIVE initially at the time
21 it was created?

22 A The Local was much smaller then. I don't have
23 those figures, really.

24 Q I realize it was a long time ago. Can you
25 recall or give an approximation of how many individuals

1 within the past year have been referred to you to talk
2 about DRIVE?

3 A The last year?

4 Q Uh-huh.

5 A Well, I had one just the other day. Two or
6 three.

7 Q And did all of them join DRIVE?

8 A I think so.

9 Q Is the procedure the same for a casual who
10 wants to join DRIVE as opposed to a regular?

11 A Yes, sir, except a casual you don't -- unless
12 he pays it, it doesn't come out anyway, generally
13 speaking, anyway. In other words, he might -- he
14 might sign the DRIVE check-off --

15 Q Uh-huh.

16 A -- and never become a member of DRIVE.

17 Q I see. He could sign the check-off but not
18 make his --

19 A Never become a regular employee somewhere,
20 never become a member of DRIVE.

21 Q If he, at the time that he signed the --
22 I'm sorry.

23 If a casual contributed on his own to
24 DRIVE and later got regular employment, would a
25 deduction be made? Would he -- could he also have a

1 deduction made? I mean, is there ever that problem?

2 A He wouldn't have a deduction made if he's
3 already paid. It's an annual fee. Many fellows sign
4 the DRIVE check-off that never become a member of
5 DRIVE.

6 Q Do you maintain those check-off forms whether
7 or not they ever -- whether or not a deduction is ever
8 made?

9 A Yes, sir.

10 Q For how long a period of time?

11 A Forever and ever.

12 Q That's good recordkeeping.

13 A We do that on Union applications as well,
14 it's the same system.

15 Q Does Local 745 receive any directives from
16 the National Chapter of DRIVE?

17 A None.

18 Q Is there any correspondence with the National
19 Chapter of DRIVE?

20 A None that I can think of at least lately or
21 in the last several years.

22 Q Does Local 745 report to the International
23 concerning the -- the number of members of DRIVE?

24 A I don't think so.

25 Q Does any money collected by Local 745 for

1 DRIVE go to National DRIVE?

2 A Not lately, no, sir.

3 Q When you say lately, how -- what period of
4 time are you thinking of? The last year or the last
5 several years?

6 A The last several years.

7 Q Is that a policy that just happened or was
8 there some official change that took place?

9 A I think it's kind of a policy that just
10 happened before my time.

11 Q Do you recall any instructions or has the
12 Union received any instructions from the International
13 to try to increase Local 745's membership in DRIVE?

14 A No, sir.

15 Q Concerning this solicitation of DRIVE members,
16 you've already spoken earlier about a letter that was
17 sent to solicit members. Are there notices encouraging
18 DRIVE membership that are posted in work places or in
19 the Union Hall?

20 A No, sir. Probably need to be.

21 Q Are there regular solicitations made at
22 Union meetings?

23 A Generally, yeah, you know, just in the line
24 of the meeting itself to get politically active, to
25 help yourself. There's no literature handed out or

1 check-offs handed out but --

2 Q The letter that I was just talking about,
3 the solicitation letter for DRIVE, to whom was that
4 letter sent?

5 A To whom what was sent?

6 Q The letter that you mentioned earlier as
7 soliciting members for DRIVE.

8 A Oh, it was sent to members that don't belong
9 to DRIVE.

10 Q Has the membership at any time taken a vote
11 that all members should join DRIVE?

12 A No, sir.

13 Q Say --

14 A No, sir.

15 Q -- unanimous opinion that it should happen?

16 A No, sir. See, DRIVE is a separate organiza-
17 tion.

18 Q I think though that the --

19 A The Local Union wouldn't have any power to
20 do that, it's a separate organization.

21 Q Well, the members are the same in both
22 organizations.

23 A So what?

24 Q Well, why don't --

25 A They don't have to be.

1 Q You've said before that at Union membership
2 meetings DRIVE is discussed.

3 A Well --

4 Q So I'm wondering whether as a result of that
5 at any time there's been any sort of endorsement of
6 greater DRIVE activity or any sentiments that were
7 formalized concerning recruitment for DRIVE.

8 A Well, I think that statement is much broader
9 than your other one, but there has never been any vote
10 taken that all members in the Union must belong to
11 DRIVE or anything of that nature.

12 (Discussion off the record.)

13 Q (By Mr. Ponder) Mr. Haddock, can a person
14 who has -- can a Union member who is also a member of
15 DRIVE withdraw from DRIVE?

16 A Sure.

17 Q What's the procedure to withdraw from DRIVE?

18 A The procedure is, all he needs to do or she
19 is to simply write out a letter or note --

20 Q Uh-huh.

21 A -- saying, "I wish to withdraw from DRIVE,"
22 or "not conduct my DRIVE dues any more," or any form of
23 writing that says, "I don't want to be a member of
24 DRIVE anymore."

25 Q Where do they get this --

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- 1 A No form, just a piece of paper.
- 2 Q There's no -- there's no withdrawal form?
- 3 A Somebody say calls --
- 4 Q Uh-huh.
- 5 A Say that dues just came out, the fee I mean.
- 6 in this case; I have decided I don't want to be a member
- 7 of DRIVE.
- 8 A On the phone, you know, you get no way to
- 9 know who's -- exactly who's on the phone so you say,
- 10 "Look, if you want out of DRIVE just drop us a note
- 11 and we'll see to it that you get out of DRIVE." When
- 12 that comes in, they're out of DRIVE. They don't have
- 13 to come to the hall and get a form, they don't have to
- 14 come to the company and get a form, just a piece of
- 15 paper.
- 16 Q Is there a form that they can use though?
- 17 A No, sir.
- 18 Q Okay. Could they, if they wanted to, make
- 19 their withdrawal from DRIVE through the steward or
- 20 business agent at their company?
- 21 A I don't know why they couldn't. They may
- 22 come by the office and want to do it, you know, just
- 23 write it out.
- 24 Q Is any sort of notarized statement necessary
- 25 to withdraw?

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1 A No.
2 Q Has it ever been?
3 A No.
4 Q Have you ever told anyone that it's necessary
5 A To notarize the statement?
6 Q Yes, sir.
7 A No, sir.
8 Q Now, companies that have an agreement to
9 make the deduction for DRIVE, do they also handle the
10 withdrawal if a person wants to get out of DRIVE?
11 A If the person notifies the company --
12 Q Uh-huh.
13 A -- then the company should honor that
14 request.
15 Q How does the company then notify you --
16 not notify you, but notify the Union?
17 A I would say probably in some cases they send
18 us on the form and in some cases they don't.
19 Q Uh-huh.
20 A And just simply not honor the check-off.
21 If somebody notifies the company --
22 Q Uh-huh.
23 A -- but doesn't notify us, let's say. They're
24 on the check-off. If we don't know that they've re-
25 quested to get out of DRIVE, they didn't notify us,

1 let's say, we put them on the check-off just like
2 everybody else. The company may not then deduct it
3 though because they've been notified.

4 Q Then you or someone with the Union would
5 contact the company and find out why that deduction
6 hadn't been made for the individual?

7 A Well probably so. There's not that much of
8 it with the company that I know of.

9 Q Most withdrawal is made through the Union
10 rather than through the company, you think?

11 A I would think so, yes. Not all of it, but
12 let's say at least the real great majority.

13 Q When are the drive contributor lists sent
14 to companies for the annual deduction?

15 A Well, it varies. The last one we sent out
16 in probably September, October. It's either -- it's
17 usually either done way before summer or after summer.
18 Now, let's say that we send the DRIVE check-off out --

19 Q Uh-huh.

20 A -- to be deducted and somebody isn't there
21 when it comes out that week so they have no money
22 coming, let's say vacation, paid in advance, no money
23 to take it out of, it just doesn't come out. Some
24 companies, but very few, would take it out when there
25 is earnings. The majority, if they're not there it

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1 just doesn't come out.

2 Q Uh-huh.

3 A Then if they don't come pay it theirself then
4 it's not paid, if that makes any sense to you.

5 Q Yeah, I understand.

6 A There's not just a lot of activity running
7 down somebody that didn't pay this month or -- you
8 know, we don't fool with it, let's say, to that degree.
9 Now Union dues are another matter. If somebody's marked
10 off the check-off, they're required -- the company's
11 required to put why on that, sick or vacation or what
12 have you and that's -- Union dues are not just forgotten
13 about. They're just like a house payment, you owe them
14 for every month.

15 Q But you wouldn't -- maybe not right away,
16 but if you found out that a company was not making a
17 deduction for an individual member of DRIVE you would
18 follow up and find out why that was happening --

19 A Not necessarily.

20 Q -- wouldn't you?

21 A Not necessarily. We don't follow it up like
22 you would Union dues. We've got several companies that
23 we don't even have the DRIVE dues deduction too.

24 Q Uh-huh.

25 A The company wouldn't agree to it.

1 Q Yeah, I'm only talking about the ones that
2 you do have the agreement with.

3 MR. CURLEE: Excuse me, Mr. Ponder. For
4 clarification purposes there's an entirely
5 different method for -- for withdrawing from the
6 Union than there is from withdrawing from DRIVE.

7 THE WITNESS: Oh, yeah.

8 MR. CURLEE: And that is set out -- if that
9 is a point of confusion, that's set out in other
10 information that we don't have here, not prepared
11 to present today but there is a formal procedure
12 for withdrawing from the Union.

13 MR. PONDER: I'm only directing my questions
14 to withdrawal from DRIVE.

15 THE WITNESS: Well, it has to be done timely,
16 properly --

17 Q (By Mr. Ponder) You're talking about with-
18 drawal from DRIVE?

19 A From the Union, but not DRIVE.

20 Q Let's don't get into that because that's
21 out of the scope of what we're concerned with.

22 A Being you're outside of it anyway, you might
23 as well get into it because I think it's pretty well --

24 Q Talk. Tell me why you think it's pertinent.

25 A Getting out of the Union --

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1 Q Uh-huh.
2 A -- is by check -- they sign a check-off too
3 Q Uh-huh.
4 A -- for their Union dues --
5 Q Uh-huh.
6 A -- to come out of their check. It requires
7 a certain period of time and has to be done at a
8 certain time in order for that check-off to not be
9 honored by the company.

10 Q Uh-huh.

11 A A member isn't permitted to go to the
12 company and say, "Quit taking out my Union dues," at
13 just any time or write the Union and say, "Take me
14 out of the Union," at just any time. They have to do
15 it at a certain time depending on when they joined
16 the Union or depending on when their contract expires.

17 But on DRIVE, they can get out of DRIVE
18 any time, any time, no particular time. We might get
19 letter from a fellow that says, "I want you to quit
20 taking dues out of my check." We check the contract,
21 we check the check-off he signed and if it's not
22 timely he's not taken off the check-off and the company
23 is required to deduct it until he notifies the Union
24 at the proper time.

25 Q If after a person has notified the Union that

1 he wants to withdraw from DRIVE, what steps do you take
2 then -- what steps does the Union take to see that
3 that's done?

4 A Well, we put his request in the file with the
5 company he's in.

6 Q Uh-huh.

7 A And when it goes out again he's marked off.

8 Q If a member wants to withdraw from DRIVE is
9 there a policy that he should speak to a Union official
10 like a business agent before he makes that withdrawal
11 and do you make one last effort to try to encourage him
12 to stay in?

13 A No, sir, there's no policy to that effect.

14 Q Do you know if that ever happens?

15 A Well, let's say some fellow calls, you know

16 Q Uh-huh.

17 A -- yeah, we may say to him, "Well, look, you
18 know, it's the only way we have to participate
19 politically, we can't use Union funds politically."
20 And talk to him, but tell him at the same time, "If you
21 want out just drop us a letter and we'll take you out."

22 Q Are you aware of any situation, any instance
23 where a person who first indicated he wanted to withdraw
24 from DRIVE, after being encouraged to stay in did
25 stay in?

1 A Some particular name you mean or something?

2 Q Well, I guess if you thought of a situation
3 you might think of a particular name but generally,
4 would you say that that does happen?

5 A Well, I don't really recall anybody that was
6 wanting out of DRIVE that stayed in.

7 Q Uh-huh.

8 A But I really don't doubt there is some --
9 you know, we have had members get out of DRIVE and then
10 get back in DRIVE too.

11 Q Uh-huh.

12 A They'll get out, they'll get back in.

13 Q Has anyone ever brought it to your attention
14 or to your knowledge any officials with the Union that
15 they've tried to withdraw from DRIVE but they find
16 that the deduction is still being taken out?

17 A To me?

18 Q Uh-huh, or to anyone working for you.

19 A Well, as to me, I don't know of any.

20 Q Are you aware from your staff that this kind
21 of complaint has been made in the past?

22 A That a complaint was made to an agent?

23 Q Right, to an agent that someone tried to
24 withdraw but found that the deduction was still being
25 taken out through, for instance, clerical oversight or

1 something.

2 A Well, yeah, okay. Yeah, we've had some to
3 where maybe not by an agent now but let's say someone
4 had wrote to get out --

5 Q Uh-huh.

6 A -- and through an error it was deducted and
7 the complaint was raised that, "I wanted out." Those
8 have been refunded. We've got records on that, yeah.

9 Q Mr. Haddock, I want to refer you to December
10 30th, 1976. Would you have been at the Union Hall at
11 that time?

12 A Well, we were just talking about it this
13 morning. I think that I was there.

14 Q Did you have any contact with Archie Brown
15 on that day?

16 A No, sir.

17 Q Do you know Archie Brown?

18 A Yes, sir.

19 Q Did you or do you recall overhearing any
20 conversations between Archie Brown and anyone else
21 in the office that day?

22 A No, sir, I didn't hear any.

23 Q Was -- at a later time was -- did anyone
24 working for you discuss any discussion they had had
25 with Archie Brown?

1 (Lunch recess.)

2 Q (By Mr. Ponder) Mr. Haddock, to pick back
3 where we left off, I think I had just asked you whether
4 anyone spoke to you after December 30th, 1976 about
5 an incident they had with Archie Brown and your
6 response was negative, is that correct?

7 A I don't recall that as the last question
8 you asked, no.

9 Q Let me -- I will ask you then again, you've
10 said that you had no contact with Archie Brown on
11 December 30th, 1976?

12 A That's correct.

13 Q Did anyone working with you discuss any
14 altercation or discussion they had had with Archie
15 Brown on that day?

16 A I heard about the incident that happened,
17 yeah.

18 Q Who spoke to you about it?

19 A I'm not sure, but I think it was probably
20 Rogers.

21 Q That's Charles Rogers?

22 A Yeah.

23 Q What was your understanding of that
24 situation?

25 A Well, my understanding was, and I think that

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1 I was there anyway, but doing some other things
2 apparently. I didn't hear the conversation in the
3 hall or anything. My understanding was that from
4 Munk too, I guess -- I don't remember whether Munk was
5 still there or not. Anyway, generally that the way
6 Archie came into the hall, just raising hell, Rogers
7 told me about the incident, about his dues in Oklahoma
8 City and when he told him what they was, he created
9 a commotion.

10 Q With Rogers, is that right?

11 A Uh-huh.

12 Q Have you personally discussed Local 745
13 membership with Mr. Brown at any time --

14 A Yeah,

15 Q -- since then?

16 A Since December 30th?

17 Q Uh-huh.

18 A Yeah.

19 Q What has that discussion involved?

20 A You mean personally, right?

21 Q Uh-huh.

22 A Well, I had a little discussion with him
23 on June 28th. He and Brother Weed came by the office.
24 I talked to him and asked him if he wanted to join
25 DRIVE and he said he didn't. I told him he didn't have

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1 to. I also told him there was a lot of members that
2 didn't belong and it was strictly voluntary. I told
3 him I didn't appreciate the handbills that he put out
4 around town, especially the ones that weren't true.
5 He told me he was going to sue me and -- he told me he
6 wanted me to sue him and I told him I didn't have any
7 desire to sue him. Well, really, the conversation with
8 him is this exhibit.

9 Q This document that you're looking at, which
10 numbered exhibit is it? This is the June 28th, 1977
11 which would be Exhibit 6, is that right?

12 A Yes.

13 Q Okay.

14 A Now, prior to that -- I don't recall really
15 any particular conversation with him prior to that.
16 There may have been some correspondence. What actually
17 happened is his transfer -- request to be transferred
18 from Local 886 to 745 4--

19 Q Uh-huh.

20 A -- I took before the Executive Board of the
21 Local Union. The Executive Board of the Local Union
22 instructed me to take it before the membership. We
23 took it before the membership and the membership by
24 unanimous decision voted to not transfer him,
25 unanimously.

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1 Q You mentioned a little before about handbills
2 that Mr. Brown had printed up and distributed. What
3 is your knowledge of that?

4 A Well, there were several calling us crooks
5 and thieves and gangsters and thugs, all that kind of
6 crap.

7 Q Did Mr. Brown print up withdrawal forms
8 also?

9 A Yes, sir.

10 Q And did you receive any of those printed
11 withdrawal forms sent in by other Union members who
12 wanted to withdraw from DRIVE?

13 A Of the ones he printed?

14 Q Uh-huh.

15 A He had some printed and distributed them
16 all over town, I guess to just about every place that
17 there is any DRIVE members whatsoever.

18 Q Uh-huh.

19 A And it does seem like there were like two
20 or three of a half dozen or something like that that
21 came in.

22 Q Were they accepted?

23 A Sure.

24 Q That was -- the Union deemed that a proper way
25 of going through the withdrawal procedure?

1 A That's what it says, "I want to withdraw."
2 Now don't hold me to a half dozen or two or three, but
3 there were some. I don't really remember just how
4 many, but very few for the distribution that it got.
5 He put that out along with a financial report of the
6 LM-2 forms. Very few though came in.

7 Q Are you aware that Mr. Brown requested and
8 received application forms from the Local and through
9 the mail, and sent them to the Local around October 1st,
10 1976?

11 A Am I aware of it?

12 Q Uh-huh.

13 A No. I am aware that's what he said. I
14 don't really know.

15 Q Are you aware that he did mail an application
16 for Union membership to -- to the Union?

17 A Am I aware of it personally?

18 Q Uh-huh.

19 A No.

20 Q Are you aware of that through the ordinary
21 course of business that your office transacts? Did
22 some of your staff, in other words, bring it to your
23 attention?

24 A That he just -- just when he done it, you
25 mean?

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1 Q Uh-huh.

2 A No. See, I don't handle that kind of stuff
3 on a routine basis. If it came in the mail it went to
4 the check-off department.

5 Q Is there -- what reason would there be for
6 Mr. Brown's mailed application to not be accepted by
7 the Union?

8 A Well, if he mailed it, I don't know of any.

9 MR. CURLEE: Excuse me, are we talking about
10 application for membership or application for
11 transfer?

12 MR. PONDER: I was talking about application
13 for membership, but I may be misspeaking myself
14 on that.

15 Q (By Mr. Ponder) We don't know, for instance,
16 whether it was an application or transfer or for
17 membership, that's what we're trying to find out, what
18 the -- what the Union's understanding of his application
19 was about. Did he apply for transfer or -- from the
20 Oklahoma Local or was he no longer a member of that
21 and applied for membership here?

22 A What he says, as I understand it, is that he
23 applied for it and didn't hear nothing from it --

24 Q Uh-huh.

25 A -- and so then on December the 30th he came

1 by the office to see about it, is what he says.

2 Q Uh-huh.

3 A And at that point, from what I understand,
4 Rogers -- and he didn't want to join DRIVE, I under-
5 stand. Rogers was called by one of the girls up there
6 and had to check what he owed in Oklahoma City to
7 transfer him. And that was an amount he was behind on
8 his dues in Oklahoma City.

9 Q Would your files show an application from
10 Mr. Brown that was received prior to December 30th,
11 1976?

12 A If it's there, it should.

13 Q Do you know if it's there?

14 A Do I know?

15 Q Uh-huh.

16 A I don't know. I would have to check the
17 files and see. But now when Rogers then checked with
18 Oklahoma City, it seems like he owed something like
19 \$77.00, something like that to transfer.

20 Q Uh-huh.

21 A And as I understand it, that made him mad
22 and he went to raising hell about the amount. But
23 before we can transfer a member he has to pay up in
24 the Union that he's in.

25 So at any rate then, they had a

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1 conversation that I'm sure you will be asking him
2 about and that's supposed to be on these statements
3 here, and after which he left the Union Hall, started
4 putting out handbills, lies and what have you. And
5 on that basis, we took the whole issue of him trans-
6 ferring into the Union up before the Executive Board.
7 This is several days after December 30th, you understand.

8 Q Uh-huh.

9 A We didn't have a meeting in January because of
10 January 1st or New Year's Day. Several things --
11 several handbills were put out prior to the February
12 meeting and the Executive Board instructed me to take
13 the whole matter and the whole issue up with the
14 membership itself. The membership itself rejected
15 his transfer by unanimous decision so I wouldn't
16 transfer him.

17 Q What happened subsequent to that?

18 A Subsequent is first or later?

19 Q Later.

20 A Okay.

21 Q What happened after that? Sorry for those --

22 A I always get mixed up.

23 Q Lawyers get into pompous words --

24 A After the meeting --

25 Q -- I apologize.

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1 I probably -- I'm not sure, but I probably
2 wrote Mr. Brown and told him that he had been rejected
3 by the membership. Well, he appealed that to Fitts.

4 Q Wait, by Fitts you mean Frank Fitzsimmons?

5 A Yeah. And then later on Fitzsimmons inter-
6 preted the Constitution to mean that we had to transfer
7 him in so we transferred him in.

8 Q When would this have been?

9 A The transfer?

10 Q Uh-huh.

11 A Sometime in June, July, somewhere in there.
12 July, probably.

13 Q Of 1977?

14 A Yes.

15 Q Is Mr. Brown currently a member of Local 745?

16 A Yes.

17 Q At the time, referring back to the membership
18 meeting that you spoke of when the membership rejected
19 Mr. Brown's application, was it -- were there any
20 reasons given, or was it a voice vote and that was it?

21 A Any reasons given?

22 Q Uh-huh.

23 A Well, everybody -- just about everybody in
24 town had seen the handbills and apparently most of
25 them didn't agree with it. No, a full explanation of

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1 what had happened --

2 Q Uh-huh.

3 A -- then I think even some of the handbills
4 were read, as I recall. Mr. Brown had been suspended
5 in 745, which is this Union, about three different
6 times. He had been a member and went suspended three
7 different times before he transferred out of 745 to
8 Oklahoma City, 886. So with all of that and with all
9 the things that he had done, the members didn't want
10 to take him in as a member of their Union. And you
11 understand now, we were -- the Board instructed me to
12 take it to the membership and do what the membership
13 said and the membership said, "Don't do it." So I
14 didn't do it.

15 Now, we was ordered later to do it and
16 then the membership disgruntledly, let me say, finally
17 agreed to go along and transfer him in.

18 Q Let me skip back, if I may.

19 A We discussed earlier the documents
20 that were requested in the Subpoena and particularly
21 the documents pertaining to identification of the Union
22 membership and identification of the DRIVE members.
23 I understand you have a concern about releasing the
24 names of -- of the Union members. Would it be
25 possible and would you describe what you would have to

1 go through to come up with documentation of the current
2 Union membership, not names, but numbers?

3 A I done told you that.

4 Q Well I know you've told me. I would like to
5 get something that had it down to the umpteenth number.
6 I think you said roughly eleven hundred. Is it exact
7 eleven hundred --

8 A Eleven thousand.

9 Q Eleven thousand. I'm sorry.

10 A Well, no, I wouldn't -- I wouldn't say
11 it's exactly eleven thousand.

12 Q If, for instance, the Union has to make or
13 report periodically to the International of the number
14 of members it has, that might be an easy way to come
15 up with the number.

16 A Well, a more exact number might be to take
17 the per capita tax paid over a period of three, four,
18 five months and figure ever how much money that is and
19 divide it by the per capita rate per month to get
20 maybe a more exact number.

21 Q Uh-huh.

22 A But other than that, I don't really under-
23 stand your question.

24 Q I can't think of another way to --

25 A We can run a list of the members.

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1 Q Yeah.

2 A And it's got a total.

3 Q That's what I'm interested in, is the
4 total number of members.

5 A You've got to run the whole thing to do that.

6 Q You mean you have to do a handcount or --
7 you've got all of them on computer, right?

8 A Right.

9 Q Well, that doesn't sound like then it would
10 be a hard thing to do.

11 A Well, it ain't all that hard to do but it's
12 time consuming.

13 Q I realize that. I'm just thinking --

14 A That would be the only way I know to get an
15 exact number other than figuring the per capita tax
16 which would give you the same thing.

17 Q I know, we got a lot of things to do
18 other than just fool with Archie Brown.

19 Q I realize that, but I want you to realize
20 also that we're trying to accommodate this concern you
21 have about releasing the names of the members and so
22 I'm trying to find some kind of solution where we're
23 all satisfied.

24 A You're wanting to know how many members we
25 got?

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Q Uh-huh.

A Well, I told you about eleven thousand.

Q Okay. Let's leave it at that, maybe we'll have to work out something later.

Mr. Haddock, a few minutes ago you were saying that Archie Brown is still a member of Local 783?

A Yes, sir.

Q But you submitted to us previously a letter dated February 28 -- well, we have a letter dated February 28th, 1978 from you to Mr. Brown that indicates that he was expelled from the membership.

A So?

Q So how can he be both?

A He ain't both.

Q I thought you said that he is a member.

A I did.

Q And this letter says, "You are hereby expelled from membership."

A Right, that's right.

MR. PONDER: I think we'd better go off the record a minute.

MR. CURLEE: Yeah.

(Discussion off the record.)

MR. PONDER: If you will, repeat the last question.

(The last question was read by the Court Reporter.)

Q Mr. Haddock, are you saying that although the February 28th letter stated that Mr. Brown was expelled from the membership that he has since been taken into the membership?

A Yes.

MR. PONDER: Thank you. I have no further questions, thank you.

THE WITNESS: Okay.

MR. CURLEE: May he be excused?

MR. PONDER: Yes.

CHARLES E. HADDOCK

STATE OF TEXAS)

COUNTY OF DALLAS)

SUBSCRIBED AND SWORN TO by the said witness,
CHARLES E. HADDOCK, before me, the undersigned authority
on this the 11 day of February, A.D., 1978.

NOTARY PUBLIC IN AND FOR
THE STATE OF TEXAS

81040253153

Local No. 745 DRIVE CHECK-OFF AUTHORIZATION FOR DRIVE Date _____

I, the undersigned, hereby authorize and direct my Employer to deduct from my earnings the sum of \$ _____ each year, the same to be deducted once each year during the month of _____, with the understanding that said sum so deducted each year by my Employer shall BE PAID TO THE LOCAL 745 DRIVE.

It is understood that this authorization is voluntarily given and the amount indicated above represents my contribution to DRIVE each year to be used for political purposes in accordance with the Constitution and rules of such organization.

I RESERVE THE RIGHT, in accordance with the applicable State, or Federal laws to revoke this check-off authorization at any time by giving written notice of such revocation to my Employer in accordance with such laws or otherwise.

FOR VALUE RECEIVED, I, for myself, for any member of my family, or anyone acting by or through me, my heirs, administrators, executors, and/or assigns, agree to hold, and do so hold my Employer, my Local Union, and DRIVE free and harmless, and do release them from any and all claims, actions, damages, and the like, by reason of such deduction from my earnings by my Employer and the payment of such to LOCAL 745 DRIVE even in the event that this check-off authorization shall be declared to be ineffective or violative of any law.

_____ PRINT NAME	_____ SIGNATURE
_____ EMPLOYER	_____ ADDRESS
_____ SOCIAL SECURITY NO.	_____ CITY



FEC Ex #1 09

CONFIDENTIAL

HOW DOES THE RANK-AND-FILE TEAMSTER BECOME A MEMBER OF DRIVE?

By making an annual \$5 contribution, you become a member of DRIVE. Your contribution can be made in cash, or it can be taken out of your salary by your employer on the check-off basis.

HOW WILL THE MONEY BE SPENT?

DRIVE money is spent to help elect congressmen, senators, and others friendly to working people's problems.

WILL DRIVE TELL ME HOW TO VOTE?

NO! DRIVE from time to time will provide information and voting records of members of Congress for you to determine for yourself your voting preference. No one is desirous of telling you how to vote.

WHAT DO I GET FOR MY MONEY?

You get an organization through which to channel your political efforts to protect gains made at the bargaining table. You get the peace of mind knowing that working men and women are rallying their collective political strength through DRIVE to fight against anti-unionism whipped up by labor's enemies.

I PAY MONTHLY UNION DUES. WHY DON'T YOU TAKE MONEY OUT OF THE UNION TREASURY FOR POLITICAL ACTION?

That's the problem! Federal law makes it a crime to use dues money for support of candidates for federal office. Already--by law--our enemies have made it more difficult for you to participate in political action through your union. All monies used for political action by unions must come from voluntary contributions. Thus, the need for your \$5 DRIVE voluntary political action contribution.

HOW CAN WE FIGHT CORPORATE BILLIONS WITH A \$5 CONTRIBUTION.

Every little bit helps. Collectively, we've matched corporations at the bargaining table. Collectively, our DRIVE memberships could match corporate wealth; and certainly through our DRIVE organizations we can out-vote management many times over.

HOW DOES A MEMBERSHIP IN DRIVE OBLIGATE ME?

Only to the extent that you want to obligate yourself. Naturally, no organization is effective simply because it has a large political fund. Some Republicans and Democrats participate in their parties by contribution of money only. Others contribute money, ring door bells, distribute literature, help with registration drives, help get out the vote and hold party office. DRIVE would encourage you to participate actively. However, you can only obligate yourself; and the least you can do is to support you union's political action program with a \$5 contribution.

I SEE THE NEED FOR UNION POLITICAL ACTION, BUT I'M NOT A DEMOCRAT. DON'T UNIONS LEND MORE SUPPORT TO THE DEMOCRATIC PARTY THAN THE REPUBLICAN?

The refreshing aspect of DRIVE is its bipartisanship. DRIVE is designed to support friends of labor, regardless of party label. It is designed to support legislation which is in the interest of working men and women, regardless of which party may introduce such legislation. No, DRIVE will not be dominated by either Democrats or Republicans.

"All your strength is in your union,
All your danger is in discord;
Therefore be at peace henceforward,
And as brothers live together."

Henry Wadsworth Longfellow

FEC 6x#2
8

Thursday, December 30, 1976, in the afternoon, I walked down the hall from the kitchen towards my office. Mrs. Smart called me to her window and asked if I would help the gentleman who was there.

I asked him if I could be of help and he told me his name was Archie Brown and told me to be sure and remember it because he was going to raise some cain around here.

I asked what his problem was and he said first he wanted a copy of the Local Union Bylaws and International Constitution, and I told him I could give him our Bylaws, but we did not have the new International Constitution which was ratified in June in Las Vegas. I told him we had some old ones, but I did not know all the changes in the new one. He asked me how long it would be before we would get copies and I said I did not know as the freight contract was negotiated in March and we had just gotten the new contracts.

He then asked me who made the ruling of having to attend 50% of the meetings to run for office. I told him it was passed by the membership at a regular meeting. He wanted to know if the members could protest. I told him if he had been here he could have voted against it. He stated it could only help the ones in office.

He then wanted to know who on the Executive Board worked at the Local Union. I told him only the President and Secretary Treasurer were paid Executive Board members. He then asked if George Prda did not get paid as a Business Agent and for being Vice President. I told him no other position pays a salary. I told him the Company where the Executive Board member worked paid him. He wanted to know if the companies paid all members of the Executive Board and I told him only the two members who worked for the Local Union were paid by the Local Union and that was because they got salaries for working for the Local Union.

FEC Ex #3
DD

He then asked me what I thought about him running for office and I stated I could care less who ran for office, that I did not intend to. He asked if I was nominated, would I not run for office and I told him I had been nominated and I declined.

He then stated again I should remember his name because he was going to raise a lot of cain. I told him I could care less what he did.

He then wanted me to point out about the 50% rule in the International Constitution and I stated it had been there for years as far as I knew and the membership had decided to put it into effect here.

When I located this for him in the Constitution, he walked off reading it. Later I observed him in George Prda's office.

Ray Monk

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Telephone call from Archie Brown received Monday, February 7, 1977 at approximately 8:50 A. M.

Brown: Who is speaking?

Rogers: Rogers

Brown: This is Archie Brown. The reason I am calling is someone told me what happened yesterday. I know that you refused me membership for not joining DRIVE.

Rogers: We did not refuse you membership. The general membership did.

Brown: You did not refuse to let me join 745 because I would not join DRIVE.

Rogers: I told you the other day that was not the reason. It was your attitude.

Brown: Well I want you to know I have enough information and evidence and you can get prepared. I have enough information and evidence to warrant a Federal investigation of Local 745. I am not going to sue Local 745. I am a good Teamster member even though you all do not think so. I wanted to speak to Haddock about it. I tell you what, you give me a card and I will ~~not~~ not go with the evidence.

Rogers: We cannot do this it would go over the membership's vote.

Brown: That is illegal. You cannot do that. I tell you what. I am going to eat breakfast. Prda has my telephone number. You think it over and you can call me if you want to give me a card. Otherwise I am going to Ft. Worth to the Federal prosecutor's office.

Rogers: You do what you have to do.

Brown: That is where I am going then.

Rogers: OK

Conversation ended.

FEC Ex #4
22

Statement on Archie Brown by Charles Rogers

On December 30, 1976 at approximately 3 to 3:30 p.m. I walked out of my office to the switchboard operator. While I was talking to her there was a man at the second window who was cussing and complaining about why we had not taken any dues out of his check.

I did not pay any particular attention and the lady who was waiting on him called me to the window. Brown turned to me with the DRIVE checkoff authorization in his hand. Before I said anything he said "I am not signing this damn DRIVE checkoff." "I did not sign one in Oklahoma City and I am not signing one here."

I asked if he was transferring from Oklahoma and he said yes but he was not signing DRIVE checkoff. I turned to the girl at the window since I saw she had a ledger card and said "let me see his card." His card showed he had been suspended from this Local 3 times and was transferred to Local 886 on 7 29 76.

I was curious if he was suspended and since I had heard him complain about no dues being held out of his check, I said nothing else to Brown, opened the door and went into the office and told the lady to call Oklahoma City and see what it would cost to transfer him. We were advised it would cost \$77.50 to transfer him since no dues had been paid to Local 886.

I told her to go ahead and transfer him. I walked back out of the office and said nothing else to Brown and went back to the switchboard operator.

He started complaining about it costing so much to transfer him and she explained all that money had to go to Local 886 and there was nothing we could do about it. Brown made the statement that "I guess that I made him mad as hell because I would not sign that damn DRIVE checkoff."

I walked back over to Brown and told him yes he had made me mad as hell, but not because he did not sign the DRIVE checkoff but because of his attitude and profanity, and as far as I was concerned he could remain at Local 886.

Brown said "are you refusing me the right to transfer into this Local because I will not sign DRIVE?" Again I told him no, but because of his attitude.

His Business Agent, George Prda had just walked into the door and we started to go see him. All of this was witnessed by Carl Branch, Garland Moore and Ray Monk.

I walked into Prda's office with Brown and told Prda exactly what my statement says here. Prda Stated "he has told you just like it is or that's fine with me, and Brown advised Prda and

FEC 5/15
AD

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myself in the presence of witnesses he was from Ohio and we had not heard the last of this and further he was probably a better Teamster than I was. I replied "you may be, but I have been in this Union since 1950 and have not been suspended for not paying my union dues."

Brown again advised we had not heard the last of this and left.

81040253159

June 28, 1977 approximately 11:05 A. M.

I had a discussion with Archie Brown in the presence of George Prda and William Weed. I asked Brown if he wanted to join DRIVE and he said he did not and I told him he did not have to. Also told him a lot of members did not belong and it was strictly voluntary.

Told Brown I did not appreciate the hand bills that he put out around town and the reason I did not appreciate them was because it was not true. I told him I did not care what he puts out that is true, but did not appreciate him putting out untruths.

He told me he wanted me to sue him and I told him I did not have any desire to sue him at the present time. He told me he was going to wear his PROD patches to the meeting. I told him there was a lot of members in this Local that did not like PROD and I wanted him to know I was not responsible for what everybody did. He agreed I was not responsible for what everybody did and he said he had written Fitzsimmons a letter to the effect he did not think I had anything to do with anything that happened at the meetings because I was inside holding the meetings.

He also stated he did not believe George Prda had anything to do with it either.

I told him he should quit getting on TV and telling the people this Local Union did not represent its members and everybody who got fired stayed fired because that was not true. He said that he had proof that we were blackballing over 200 members. I told him that was absolutely not true and we were not blackballing anybody. He then said maybe it was not 200. I said we were not blackballing anybody. I said there might be people not working because of their record, not because of anybody at this Local Union.

I further told him he should stop his activities of trying to destroy this union because this union represented a lot of employees and families and not just a few people.

He stated he thought DRIVE was a good thing and had belonged to it in Akron and here too and I told him he had not paid a penny into DRIVE here but again DRIVE was strictly voluntary and a lot of members were not in it.

He stated he was going to file charges on several of the members.

I then asked Weed how he was doing and he said pretty good and I asked if he had filed any charges lately and he said he had not but was working on it and I told him when he filed them we would get to them just as soon as we can.

FEC E #6

ROSEBOROUGH & CURLEE
ATTORNEYS AND COUNSELORS
1207 MAIN BANK BLDG.
DALLAS, TEXAS 75202



RECEIVED
FEDERAL ELECTION
COMMISSION

'77 OCT 25 AM 8:53

Federal Election Commission
1325 K. Street N.W.
Washington, D.C. 20463



PROCLAIM LIBERTY

13c



PROCLAIM LIBERTY

13c



8101053161

81040253162

Local No. 745 DRIVE CHECK-OFF AUTHORIZATION FOR DRIVE Date 10-6-75

I, the undersigned, hereby authorize and direct my Employer to deduct from my earnings the sum of \$ _____ each year, the same to be deducted once each year during the month of _____ with the understanding that said sum so deducted each year by my Employer shall be PAID TO THE LOCAL 745 DRIVE.

It is understood that this authorization is voluntarily given and the amount indicated above represents my contribution to DRIVE each year to be used for political purposes in accordance with the Constitution and rules of such organization.

I RESERVE THE RIGHT, in accordance with the applicable State, or Federal laws to revoke this check-off authorization at any time by giving written notice of such revocation to my Employer in accordance with such laws or otherwise.

FOR VALUE RECEIVED, I, for myself, for any member of my family, or anyone acting by or through me, my heirs, administrators, executors, and/or assigns, agree to hold, and do so hold my Employer, my Local Union, and DRIVE free and harmless, and do release them from any and all claims, actions, damages, and the like, by reason of such deduction from my earnings by my Employer and the payment of such to LOCAL 745 DRIVE, even in the event that this check-off authorization shall be declared to be ineffective or violative of any law.

ARCHIE E. BROWN SIGNATURE Archie E. Brown

10614 ALPICO DR.

DALLAS TEXAS 75209

CASUALTY

223-44-0162

SOCIAL SECURITY NO.

FEC 477

1 STATE OF TEXAS)
2)
3 COUNTY OF DALLAS)
4

5 I, DAVID B. JACKSON, a Notary Public in and for
6 the State of Texas, do hereby certify that the facts
7 as stated by me in the caption hereto are true; that
8 the foregoing answers in response to the interrogatories
9 as indicated were made before me by CHARLES E. HADDOCK,
10 the witness hereinbefore named, after said witness had
11 been first duly cautioned and sworn to testify the
12 truth, the whole truth and nothing but the truth, and
13 were thereafter reduced to typewriting by me and under
14 my supervision, same to be sworn to and subscribed by
15 the said witness before any Notary Public pursuant to
16 the agreement of the parties.

17 I further certify that the above and foregoing
18 deposition as set forth in typewriting is a full, true,
19 correct and complete transcript of the proceedings had
20 at the time of taking said deposition.

21 GIVEN UNDER MY HAND AND SEAL OF OFFICE on this
22 the ____ day of April, A.D., 1978.

23 DAVID B. JACKSON, NOTARY PUBLIC
24 IN AND FOR THE STATE OF TEXAS

25 Taxable Original Fee \$_____.

81040253164

[illegible]



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

April 19, 1978

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *MWE*
SUBJECT: MUR 412 (77) - Interim Report dated 4-14-78
Received in Office of Commission
Secretary: 4-14-78, 2:13

The above-mentioned document was circulated to the Commissioners at 10:00 a.m., April 18, 1978 on a 24 hour no-objection basis.

As of 10:00 a.m., this date, no objections have been received in the Office of Commission Secretary to the Interim Report.

81040253165

April 14, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa F. Garr
SUBJECT: MUR 412

Please have the attached Interim Report on MUR 412 distributed to the Commission on a 24 hour no-objection basis.

Thank you,

81040253166

Before the Federal Election Commission

April 12, 1978

In the Matter of)
)
Local 745 of the International) MUR 412 (77)
Brotherhood of Teamsters,)
Chauffeurs, Warehousemen)
and Helpers of America)

Interim Report

The facts of this case center on the allegation by Archie Brown that he was denied membership in Local 745 of the International Brotherhood of Teamsters because of his refusal to join D.R.I.V.E.

On June 25, 1977, the Commission found reason to believe that Local 745 may be in violation of 2 U.S.C. §441b.

On March 14, 1978, subpoenas for deposition and production of records were issued to union officials and personnel.

On April 6 and 7th, the depositions were taken, at which time we were informed by the respondent that the subpoenaed records would not be made available to us. The records which we have requested are necessary to complete our analysis of this matter. Therefore, we are currently preparing a petition for subpoena enforcement.

Upon receipt of the deposition transcripts and subpoenaed records of Local 745, we will apprise the Commission of the status of this matter.

14 April 1978
Date


William C. Oldaker
General Counsel

81040253167

TEAMSTERS LOCAL UNION NO. 886

*Affiliated With The International Brotherhood Of
Teamsters, Chauffeurs, Warehousemen Of America*

3528 W. RENO

OKLAHOMA CITY, OKLA. 73107

85

CERTIFIED

No. 303899

MAIL



RETURN RECEIPT REQUESTED

FEDERAL ELECTION COMMISSION

70 W

William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street N. W.
Washington, D. C. 20463



801292

RECEIVED
FEDERAL BUREAU OF
INVESTIGATION
MAR 27 AM 11:11

1. On the day of October 1, 1976 was Archie Brown a member in good standing of Local 886?
2. On December 30, 1976 was Archie Brown a member in good standing of Local 886?
3. On or around December 30, 1976 was a call received by the Local 886 office in Oklahoma City from Local 745 requesting current dues information on Archie Brown or concerning Mr. Brown's membership standing in Local 886?
4. What, if any, was the response?
5. Was Archie Brown ever suspended from Local 886? If yes, (a) what were the dates and reasons for suspension; and (b) was Mr. Brown reinstated in Local 886 after suspension; and (c) if Mr. Brown was suspended for delinquent payment of dues, was he required to pay a reinstatement fee? If so, please indicate the amount.
6. Does the union have a policy regarding a member behind in his dues? If so, please detail the policy.
7. Does this policy extend to transferees from other locals to Local 886?

1. NO

2. NO

3. Do not Recall

4.

5. YES

A- He went suspended Nov. 1, 1976. He transferred into Local 886 July 29, 1976 and did not pay any dues as of Nov. 1, 1976. If a member does not pay his dues for three months he is suspended.

B- YES

January 4, 1977 he paid his dues through December 1976.

C- NO

He did not pay a reinstatement he paid back dues which was cheaper.

6. YES

If dues are not paid for three months they are suspended.

7. YES

Sincerely,

Thomas J. Henry
Thomas J. Henry
President, Local 886

81042253169

United States of America
Federal Election Commission

In the Matter of)
) MUR 412 (77)
Local 745)

Order

To: Secretary Treasurer,
Travis Newby
Teamsters Local 886
3528 West Reno
Oklahoma City, Oklahoma 73118

Pursuant to the authority set forth in Section 437d
(a)(1) of Title 2, United States Code, and in furtherance
of its investigation in the above captioned matter, the
Federal Election Commission hereby orders you to submit
written answers to the attached questions. The answers must
be submitted under oath, within ten (10) days of your receipt
of this Order, to the Federal Election Commission, 1325 K
Street, N.W., Washington, D.C. 20463, attention: Office of
General Counsel.

Whereas, the Chairman of the Federal Election Commission
has hereunto set his hand at Washington, D.C., on this, the
14th day of March, 1978.

Thomas E. Harris
Thomas E. Harris, Chairman
Federal Election Commission

ATTEST:

Margaret E. Cummings
Secretary to the Commission

810017253170

1040253121

PERSONAL MONEY ORDER

PERSONAL MONEY ORDER



**NORTHWESTERN FEDERAL SAVINGS
AND LOAN ASSOCIATION**
DOWNTOWN OFFICE
1401 EYE STREET, N.W.
WASHINGTON, D.C. 20005

No. 209641

18-86
540

PAY TO THE
ORDER OF

Mary Jane Cox

NOT VALID
AFTER 90 DAYS

AMERICAN SECURITY & TRUST CO., N.A.
WASHINGTON, D. C.

NOT GOOD FOR MORE THAN \$300.00

CUSTOMER'S RECORD COPY

NOT NEGOTIABLE

THE PERSONAL MONEY ORDER, BEARING THE ABOVE NUMBER, IS SOLD UPON THE FOLLOWING CONDITIONS: (I) THAT THE PURCHASER SIGN IN INK, HIS/HER NAME AND ADDRESS THEREON AFTER FILLING IN A DATE AND THE NAME OF THE PAYEE; (II) THAT NO REQUEST FOR REFUND OR TO STOP PAYMENT OR OTHERWISE BE MADE TO THE BANK WITH RESPECT TO THE SAID PERSONAL MONEY ORDER UNLESS THIS RECORD IS SUBMITTED THEREWITH.

7/11/86 19 86

Argon
H 71W
110 20463

PERSONAL MONEY ORDER

PERSONAL MONEY ORDER



NORTHWESTERN FEDERAL SAVINGS AND LOAN ASSOCIATION

DOWNTOWN OFFICE
1401 EYE STREET, N.W.
WASHINGTON, D.C. 20005

No. 209638

13-55
540

PAY TO THE
ORDER OF

Charles Rogers

NOT VALID
AFTER 90 DAYS

AMERICAN SECURITY & TRUST CO., N.A.
WASHINGTON, D. C.

NOT GOOD FOR MORE THAN \$300.00

CUSTOMER'S RECORD COPY
NOT NEGOTIABLE

THE PERSONAL MONEY ORDER, BEARING THE ABOVE NUMBER, IS SOLD UPON THE FOLLOWING CONDITIONS: (I) THAT THE PURCHASER SIGN, IN INK, HIS/HER NAME AND ADDRESS THEREON AFTER FILLING IN A DATE AND THE NAME OF THE PAYEE (II) THAT NO REQUEST FOR REFUND OR TO STOP PAYMENT OR OTHERWISE BE MADE TO THE BANK WITH RESPECT TO THE SAID PERSONAL MONEY ORDER UNLESS THIS RECORD IS SUBMITTED THEREWITH.

PERSONAL MONEY ORDER

PERSONAL MONEY ORDER



NORTHWESTERN FEDERAL SAVINGS AND LOAN ASSOCIATION

DOWNTOWN OFFICE
1401 EYE STREET, N.W.
WASHINGTON, D.C. 20005

No. 209642

13-55
540

PAY TO THE
ORDER OF

George Prda

NOT VALID
AFTER 90 DAYS

AMERICAN SECURITY & TRUST CO., N.A.
WASHINGTON, D. C.

NOT GOOD FOR MORE THAN \$300.00

CUSTOMER'S RECORD COPY
NOT NEGOTIABLE

THE PERSONAL MONEY ORDER, BEARING THE ABOVE NUMBER, IS SOLD UPON THE FOLLOWING CONDITIONS: (I) THAT THE PURCHASER SIGN, IN INK, HIS/HER NAME AND ADDRESS THEREON AFTER FILLING IN A DATE AND THE NAME OF THE PAYEE (II) THAT NO REQUEST FOR REFUND OR TO STOP PAYMENT OR OTHERWISE BE MADE TO THE BANK WITH RESPECT TO THE SAID PERSONAL MONEY ORDER UNLESS THIS RECORD IS SUBMITTED THEREWITH.

PERSONAL MONEY ORDER

PERSONAL MONEY ORDER

15-55
540

NORTHWESTERN FEDERAL SAVINGS AND LOAN ASSOCIATION

DOWNTOWN OFFICE
1401 EYE STREET, N.W.
WASHINGTON, D.C. 20005

No. 209640

19__

PAY TO THE
ORDER OF

Garland Moore

NOT VALID
AFTER 90 DAYS

NOT GOOD FOR MORE THAN \$300.00

AMERICAN SECURITY & TRUST CO., N.A.
WASHINGTON, D. C.

CUSTOMER'S RECORD COPY

NOT NEGOTIABLE

THE PERSONAL MONEY ORDER, BEARING THE ABOVE NUMBER, IS SOLD UPON THE FOLLOWING CONDITIONS: (I) THAT THE PURCHASER SIGN IN INK, HIS/HER NAME AND ADDRESS THEREON AFTER FILLING IN A DATE AND THE NAME OF THE PAYEE. (II) THAT NO REQUEST FOR REFUND OR TO STOP PAYMENT OR OTHERWISE BE MADE TO THE BANK WITH RESPECT TO THE SAID PERSONAL MONEY ORDER UNLESS THIS RECORD IS SUBMITTED THEREWITH.

PERSONAL MONEY ORDER

PERSONAL MONEY ORDER

15-55
540

NORTHWESTERN FEDERAL SAVINGS AND LOAN ASSOCIATION

DOWNTOWN OFFICE
1401 EYE STREET, N.W.
WASHINGTON, D.C. 20005

No. 209639

19__

PAY TO THE
ORDER OF

Charles Haddock

NOT VALID
AFTER 90 DAYS

NOT GOOD FOR MORE THAN \$300.00

AMERICAN SECURITY & TRUST CO., N.A.
WASHINGTON, D. C.

CUSTOMER'S RECORD COPY

NOT NEGOTIABLE

THE PERSONAL MONEY ORDER, BEARING THE ABOVE NUMBER, IS SOLD UPON THE FOLLOWING CONDITIONS: (I) THAT THE PURCHASER SIGN IN INK, HIS/HER NAME AND ADDRESS THEREON AFTER FILLING IN A DATE AND THE NAME OF THE PAYEE. (II) THAT NO REQUEST FOR REFUND OR TO STOP PAYMENT OR OTHERWISE BE MADE TO THE BANK WITH RESPECT TO THE SAID PERSONAL MONEY ORDER UNLESS THIS RECORD IS SUBMITTED THEREWITH.



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 15, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Mary Jane Cox
Local 745 of the International
Brotherhood of Teamsters,
Chauffeurs, Warehousemen
and Helpers of America
P.O. Box 17270
Dallas, Texas 75217

Re: MUR 412 (77)

Dear Ms. Cox:

Enclosed is a subpoena to appear for deposition in connection with Local 745.

Pursuant to §111.14 of the Commission's regulations, a witness summoned by the Commission shall be paid \$20.00. Enclosed is a money order made payable to you in that amount.

If you have any questions, please direct them to Suzanne Callahan (telephone no. (202) 523-4058).

Sincerely yours,

William C. Oldaker
General Counsel



Handwritten: MUR 412 Callahan

1. The following service is requested (check one): <input type="checkbox"/> Show to whom and date delivered. <input checked="" type="checkbox"/> Show to whom, date, and address of delivery. <input type="checkbox"/> RESTRICTED DELIVERY <input type="checkbox"/> Show to whom and date delivered. <input type="checkbox"/> RESTRICTED DELIVERY. <input type="checkbox"/> Show to whom, date, and address of delivery. (CONSULT POSTMASTER FOR FEES)		2. ARTICLE ADDRESSED TO: Mary Jane Cox Local 745 P.O. Box 17270 Dallas, TX 75217	
3. ARTICLE REGISTERED NO. 943476 REGISTERED NO. 943476 SECURED NO.		4. DATE OF DELIVERY: 3/15/78 5. ADDRESS COMPLETE: Dallas, TX 75217 6. UNABLE TO DELIVER REASON: NONE	

Handwritten: I have received the article described above.
SIGNATURE: [Signature] AUTHORIZED AGENT

UNITED STATES OF AMERICA

FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon Oral Examination and
to Produce Books, Records and other Relevant Documents

To: Ms. Mary Jane Cox
Local 745 of the International
Brotherhood of Teamsters,
Chauffeurs, Warehousemen
and Helpers of America
P.O. Box 17270
Dallas, Texas 75217

At the instance of the Federal Election Commission pursuant to section 437d of Title 2 of the United States Code, you are hereby subpoenaed to appear for deposition with regard to membership in the D.R.I.V.E. Chapter of Local 745 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America. Notice is hereby given that the deposition is to be taken at the office of Mickey Waldie Court Reporting Service, 1226 Commerce, Suite 411, Dallas, Texas 75202, on April 6 and 7, 1978, beginning at 9:30 a.m. and continuing each day thereafter as necessary.

Pursuant to section 437d of Title 2, United States Code, you are hereby subpoenaed to produce at the time of the deposition:

(a) All correspondence, memoranda, or other relevant documents from or to you under your control which are either to or from any person associated with Mr. Brown's denial of membership in Local 745, or to the possible denial of membership of any other applicant in Local 745 for failure to contribute to D.R.I.V.E., or which pertain to the voluntary contribution

fund of D.R.I.V.E.

(b) Contemporaneous memoranda, including telephone logs, and any other records under your control regarding phone calls or other oral communication with persons associated with the membership of Archie Brown, or others, in connection with the voluntary contribution fund of D.R.I.V.E.

WHEREAS, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C. this *8th* day of *March* 1978.

Thomas E. Harris
Thomas E. Harris, Chairman
Federal Election Commission

ATTEST:

Margaret W. Enmons
Secretary to the Commission



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 15, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. George Prda, Vice President
Local 745 of the International
Brotherhood of Teamsters,
Chauffeurs, Warehousemen
and Helpers of America
P.O. Box 17270
Dallas, Texas 75217

Re: MUR 412 (77)

Dear Mr. Prda:

Enclosed is a subpoena to appear for deposition in connection with Local 745.

Pursuant to §111.14 of the Commission's regulations, a witness summoned by the Commission shall be paid \$20.00. Enclosed is a money order made payable to you in that amount.

If you have any questions, please direct them to Suzanne Callahan (telephone no. (202) 523-4058).

Sincerely yours,

William C. Oldaker
General Counsel



MUR 412 Callahan

● SENDER: Complete items 1., 2., and 3. Add your address in the "RETURN TO" space on reverse.	
1. The following service is requested (check one). <input type="checkbox"/> Show to whom and date delivered. <input checked="" type="checkbox"/> Show to whom, date, and address of delivery. <input type="checkbox"/> RESTRICTED DELIVERY <input type="checkbox"/> Show to whom and date delivered. <input type="checkbox"/> RESTRICTED DELIVERY. <input type="checkbox"/> Show to whom, date, and address of delivery. \$ (CONSULT POSTMASTER FOR FEES)	
2. ARTICLE ADDRESSED TO: <i>Prda, George Local 745 P.O. Box 17270 Dallas, TX 75217</i>	
3. ARTICLE DESCRIPTION: REGISTERED NO. <i>99205</i>	INSURED NO.
I have indicated the article described above. SIGNATURE <input checked="" type="checkbox"/> Addressee <input type="checkbox"/> Authorized agent	
4. DATE OF DELIVERY <i>Emp 3/20/78</i>	
5. ADDRESS (Complete and print)	
6. UNABLE TO DELIVER REASON: CLIENT'S INITIALS	

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon Oral Examination and
to Produce Books, Records and other Relevant Documents

To: Mr. George Prda, Vice President
Local 745 of the International
Brotherhood of Teamsters,
Chauffeurs, Warehousemen
and Helpers of America
P.O. Box 17270
Dallas, Texas 75217

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(a) All correspondence, memoranda, or other relevant documents from or to you under your control which are either to or from any person associated with Mr. Brown's denial of membership in Local 745, or to the possible denial of membership of any other applicant in Local 745 for failure to contribute to D.R.I.V.E., or which pertain to the voluntary contribution

fund of D.R.I.V.E.

(b) Contemporaneous memoranda, including telephone logs, and any other records under your control regarding phone calls or other oral communication with persons associated with the membership of Archie Brown, or others, in connection with the voluntary contribution fund of D.R.I.V.E.

WHEREAS, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C. this *8th* day of *March* 1978.

Thomas E. Harris

Thomas E. Harris, Chairman
Federal Election Commission

ATTEST:

Margaret W. Commons

Secretary to the Commission



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 15, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Charles Rogers, President
Local 745 of the International
Brotherhood of Teamsters,
Chauffeurs, Warehousement
and Helpers of America
P.O. Box 17270
Dallas, Texas 75217

Re: MUR 412 (77)

Dear Mr. Rogers:

Enclosed is a subpoena to appear for deposition in connection with Local 745.

Pursuant to §111.14 of the Commission's regulations, a witness summoned by the Commission shall be paid \$20.00. Enclosed is a money order made payable to you in that amount.

If you have any questions, please direct them to Suzanne Callahan (telephone no. (202) 523-4058).

Sincerely yours,

William C. Oldaker
General Counsel



to MUR 412 Callahan

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.	
1. The following service is requested (check one). <input type="checkbox"/> Show to whom and date delivered. <input checked="" type="checkbox"/> Show to whom, date, and address of delivery. <input type="checkbox"/> RESTRICTED DELIVERY <input type="checkbox"/> Show to whom and date delivered. <input type="checkbox"/> RESTRICTED DELIVERY <input type="checkbox"/> Show to whom, date, and address of delivery. \$ (CONSULT POSTMASTER FOR FEES)	
2. ARTICLE ADDRESSED TO: Rogers P.O. Box 17270 Dallas, TX 75217	
3. ARTICLE DESCRIPTION: REGISTERED NO. 943172	INSURED NO.
(Always obtain statement of value from carrier.) I have received the article described above. SIGNATURE: [Signature] AUTHORIZED AGENT	
4. DATE OF DELIVERY: 3/15/78	TIME OF DELIVERY: 11:15 AM
5. ADDRESS COMPLETELY IN FULL: 1325 K STREET N.W. WASHINGTON, D.C. 20463	
6. UNABLE TO DELIVER MESSAGE: []	

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon Oral Examination and
to Produce Books, Records and other Relevant Documents

To: Mr. Charles Rogers, President
Local 745 of the International
Brotherhood of Teamsters,
Chauffeurs, Warehousemen
and Helpers of America
P.O.Box 17270
Dallas, Texas 75217

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fund of D.R.I.V.E.

(b) Contemporaneous memoranda, including telephone logs, and any other records under your control regarding phone calls or other oral communication with persons associated with the membership of Archie Brown, or others, in connection with the voluntary contribution fund of D.R.I.V.E.

WHEREAS, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C. this *8th* day of *march*, 1978.

Thomas E. Harris

Thomas E. Harris, Chairman
Federal Election Commission

ATTEST:

Marjorie W. Emmons
Secretary to the Commission



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 15, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Garland Moore, Business Agent
Local 745 of the International
Brotherhood of Teamsters,
Chauffeurs, Warehousemen,
and Helpers of America
P.O. Box 17270
Dallas, Texas 75217

Re: MUR 412 (77)

Dear Mr. Moore:

Enclosed is a subpoena to appear for deposition in connection with Local 745.

Pursuant to §111.14 of the Commission's regulations, a witness summoned by the Commission shall be paid \$20.00. Enclosed is a money order made payable to you in that amount.

If you have any questions, please direct them to Suzanne Callahan (telephone no. (202) 523-4058).

Sincerely yours,

William C. Oldaker
General Counsel



MUR 412 Callahan

1. The following service is requested (check one). <input type="checkbox"/> Show to whom and date delivered. <input checked="" type="checkbox"/> Show to whom, date, and address of delivery. <input type="checkbox"/> RESTRICTED DELIVERY <input type="checkbox"/> Show to whom and date delivered. <input type="checkbox"/> RESTRICTED DELIVERY. <input type="checkbox"/> Show to whom, date, and address of delivery. (CONSULT POSTMASTER FOR FEES)		2. ARTICLE ADDRESSED TO: <i>Moore</i> <i>Local 745</i> <i>P.O. Box 17270</i> <i>Dallas TX 75217</i>	
3. ARTICLE DESCRIPTION: REGISTERED NO. <i>142074</i> INSURED NO. _____		4. DATE OF DELIVERY: _____	
5. ADDRESS (Complete only if registered) <i>EDC Gray</i>		6. ADDRESS (Complete only if registered)	
7. UNABLE TO DELIVER BECAUSE _____		8. UNABLE TO DELIVER BECAUSE _____	

*DALLAS, TX PLEASE
MAR 20 1978*

UNITED STATES OF AMERICA

FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon Oral Examination and
to Produce Books, Records and other Relevant Documents

To: Mr. Garland Moore, Business Agent
Local 745 of the International
Brotherhood of Teamsters,
Chauffeurs, Warehousemen,
and Helpers of America
P.O. Box 17270
Dallas, Texas 75217

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(a) All correspondence, memoranda, or other relevant documents from or to you under your control which are either to or from any person associated with Mr. Brown's denial of membership in Local 745, or to the possible denial of membership of any other applicant in Local 745 for failure to contribute to D.R.I.V.E., or which pertain to the voluntary contribution

fund of D.R.I.V.E.

(b) Contemporaneous memoranda, including telephone logs, and any other records under your control regarding phone calls or other oral communication with persons associated with the membership of Archie Brown, or others, in connection with the voluntary contribution fund of D.R.I.V.E.

WHEREAS, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C. this *8th* day of *March*, 1978.

Thomas E. Harris

Thomas E. Harris, Chairman
Federal Election Commission

ATTEST:

Margaret W. Emmons

Secretary to the Commission



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 15, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Charles Haddock, Secretary/ Treasurer
Local 745 of the International
Brotherhood of Teamsters,
Chauffeurs, Warehousemen
and Helpers of America
P.O. Box 17270
Dallas, Texas 75217

Re: MUR 412 (77)

Dear Mr. Haddock:

Enclosed is a subpoena to appear for deposition in connection with Local 745.

Pursuant to §111.14 of the Commission's regulations, a witness summoned by the Commission shall be paid \$20.00. Enclosed is a money order made payable to you in that amount.

If you have any questions, please direct them to Suzanne Callahan (telephone no. (202)523-4058).

Sincerely,

William C. Oldaker
General Counsel



UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon Oral Examination and
to Produce Books, Records and other Relevant Documents

To: Mr. Charles Haddock, Secretary/ Treasurer
Local 745 of the International
Brotherhood of Teamsters,
Chauffeurs, Warehousemen
and Helpers of America
P.O. Box 17270
Dallas, Texas 75217

At the instance of the Federal Election Commission pursuant to section 437d of Title 2 of the United States Code, you are hereby subpoenaed to appear for deposition with regard to membership in the D.R.I.V.E. Chapter of Local 745 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America. Notice is hereby given that the deposition is to be taken at the office of Mickey Waldie Court Reporting Service, 1226 Commerce, Suite 411, Dallas, Texas 75202, on April 6 and 7, 1978, beginning at 9:30 a.m. and continuing each day thereafter as necessary.

Pursuant to section 437d of Title 2, United States Code, you are hereby subpoenaed to produce at the time of the deposition:

(a) All correspondence, memoranda, or other relevant documents from or to you under your control which are either to or from any person associated with Mr. Brown's denial of membership in Local 745, or to the possible denial of membership of any other applicant in Local 745 for failure to contribute to D.R.I.V.E., or which pertain to the voluntary contribution

fund of D.R.I.V.E.

(b) Contemporaneous memoranda, including telephone logs, and any other records under your control regarding phone calls or other oral communication with persons associated with the membership of Archie Brown, or others, in connection with the voluntary contribution fund of D.R.I.V.E.

(c) Copies of all documents pertaining to the procedure to be followed in soliciting contributions to D.R.I.V.E.

(d) A list of Local 745 members, including social security numbers, or, alternatively, means by which the membership of Local 745 can be identified (e.g., obligation cards or any other receipt of membership dues).

(e) All D.R.I.V.E. withdrawal forms or written statements of withdrawal, which have been received by companies which employ members of Local 745, and have been forwarded to Local 745.

(f) Documentation, whether compiled or not, however complete, of individuals who have joined D.R.I.V.E.

WHEREAS, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C. this *14th* day of *March*, 1978.

Thomas E. Harris

Thomas E. Harris, Chairman
Federal Election Commission

ATTEST:

Margaret W. Emmons

Secretary to the Commission



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 15, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James W. Curlee, Esquire
1207 Main Bank Building
Dallas, Texas 75202

Re: MUR 412 (77)

Dear Mr. Curlee:

Enclosed are copies of subpoenas for Deposition
which the Commission has just sent to your clients
regarding MUR 412 (77).

If you have any questions, please direct them to
Suzanne Callahan, (telephone no. 202/523-4058).

MUR 412 Callahan

PS Form 3811, May 1977

1. SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

☐ Show to whom and date delivered.

☒ Show to whom, date, and address of delivery.

☐ RESTRICTED DELIVERY
Show to whom and date delivered.

☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
*Curlee
1207 Main BK
Dallas, TX 75202*

3. ARTICLE DESCRIPTION:
REGISTERED NO. *943871* CERTIFIED NO. *1* INSURED NO.

(Always obtain signature of addressee on receipt)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

J. Curlee

4. DATE OF DELIVERY
MAR 20 1978

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

DALLAS, TX
MAR 20 1978
MAIL ROOM SIX
CLERK'S INITIALS

Sincerely,

William C. Oldaker

William C. Oldaker
General Counsel



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 14, 1978

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *mae*
SUBJECT: Request for Subpoena in Relation to MUR 412

The attached subpoena, approved by Commissioners Springer, Tiernan, Staebler, Thomson, and Harris, has been signed and sealed this date.

ATTACHMENT

81040253190

March 10, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Carr
SUBJECT: MUR 412

Please have the attached Request for subpoenas
circulated to the Commission for approval.

Thank you.

81040253191



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 10, 1978

MEMORANDUM TO: Commissioners
FROM: William C. Oldaker *WCO*
SUBJECT: Subpoena for Deposition in Connection
with MUR 412 (77)

The facts of this case center on the allegation by Archie Brown that he was denied membership in Local 745 of the International Brotherhood of Teamsters because of his refusal to join D.R.I.V.E.

The Commission has previously found reason to believe that Local 745 is in violation of 2 U.S.C. §441b and has authorized the issuance of subpoenas for deposition to the following individuals, who we plan to depose April 6 and 7, 1978:

Charles Rogers - President

George Prda - Vice President

Garland Moore - Business Agent

Mary Jane Cox - Receptionist

During the course of our investigation of this matter, it has come to our attention that Charles Haddock, Secretary/Treasurer of Local 745, should also be deposed.



The Office of General Counsel recommends that the attached subpoena be issued to Charles Haddock, in order to facilitate the investigation of MUR 412 (77).

81040253193

AUTHORIZATION TO ISSUE A SUBPOENA TO FACILITATE THE
INVESTIGATION OF LOCAL 745 OF THE INTERNATIONAL
BROTHERHOOD OF TEAMSTERS

The Commission hereby authorizes a subpoena to be
issued to Charles Haddock, Secretary/Treasurer of Local
745.

Address: P.O. Box 17270
Dallas, Texas 75217

Thomas E. Harris
Chairman

Vernon W. Thomson
Commissioner

Joan D. Aikens
Vice Chairman

Neil O. Staebler
Commissioner

William L. Springer
Commissioner

Robert O. Tiernan
Commissioner

81049253194



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 15, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Travis Newby,
Secretary Treasurer
Teamster Local 886
3528 West Reno
Oklahoma City, Oklahoma 73118

Re: MUR 412 (77)

Dear Mr. Newby:

Enclosed is an order issued by the Federal Election Commission requiring you to answer questions regarding a union member and Local 886 policies.

Your responses should be returned to the Commission within ten days of your receipt of this letter.

Sincerely yours,

William C. Oldaker
General Counsel

Enclosure

412 62

● SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.	
OK The following service is requested (check one): <input checked="" type="checkbox"/> Show to whom and date delivered. <input type="checkbox"/> Show to whom, date, and address of delivery. <input type="checkbox"/> RESTRICTED DELIVERY <input type="checkbox"/> Show to whom and date delivered. <input type="checkbox"/> RESTRICTED DELIVERY. Show to whom, date, and address of delivery. \$ (CONSULT POSTMASTER FOR FEES)	
2. ARTICLE ADDRESSED TO: Travis Newby Secretary, Teamster Local 886, 3528 West Reno Oklahoma City, Oklahoma 73118	
3. ARTICLE DESCRIPTION: REGISTERED NO. 98063	INSURED NO.
4. ADDRESS (Complete only if requested) WEST RENO TEAMSTERS LOCAL 886 3528 WEST RENO OKLAHOMA CITY, OKLAHOMA 73118 MAR 21 1978	
5. ADDRESS (Complete only if requested) MAR 21 1978	
6. UNABLE TO DELIVER BECAUSE:	
CLERK'S INITIALS	

PS Form 3847, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED, AND CERTIFIED MAIL



★ 800-1-877-O-234-337

United States of America
Federal Election Commission

In the Matter of
Local 745

)
)
)

MUR 412 (77)

Order

To: Secretary Treasurer,
Travis Newby
Teamsters Local 886
3528 West Reno
Oklahoma City, Oklahoma 73118

Pursuant to the authority set forth in Section 437d
(a)(1) of Title 2, United States Code, and in furtherance
of its investigation in the above captioned matter, the
Federal Election Commission hereby orders you to submit
written answers to the attached questions. The answers must
be submitted under oath, within ten (10) days of your receipt
of this Order, to the Federal Election Commission, 1325 K
Street, N.W., Washington, D.C. 20463, attention: Office of
General Counsel.

Whereas, the Chairman of the Federal Election Commission
has hereunto set his hand at Washington, D.C., on this, the
14th day of March, 1978.

Thomas E. Harris

Thomas E. Harris, Chairman
Federal Election Commission

ATTEST:

Margaret W. Emmons
Secretary to the Commission

81040253196

1. On the day of October 1, 1976 was Archie Brown a member in good standing of Local 886?
2. On December 30, 1976 was Archie Brown a member in good standing of Local 886?
3. On or around December 30, 1976 was a call received by the Local 886 office in Oklahoma City from Local 745 requesting current dues information on Archie Brown or concerning Mr. Brown's membership standing in Local 886?
4. What, if any, was the response?
5. Was Archie Brown ever suspended from Local 886? If yes,
(a) what were the dates and reasons for suspension; and
(b) was Mr. Brown reinstated in Local 886 after suspension; and (c) if Mr. Brown was suspended for delinquent payment of dues, was he required to pay a reinstatement fee? If so, please indicate the amount.
6. Does the union have a policy regarding a member behind in his dues? If so, please detail the policy.
7. Does this policy extend to transferees from other locals to Local 886?

81040253197



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 14, 1978

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *mwE*
SUBJECT: Request for an Order in Relation to MUR 412

The attached Order, approved by Commissioners Springer, Tiernan, Thomson, and Harris, has been signed and sealed this date.

ATTACHMENT:

81040053198

March 10, 1978

MEMORANDUM TO: Marge Hanson
FROM: Eliasa T. Carr
SUBJECT: MUR 412

Please have the attached Request for an Order
circulated to the Commission for approval.

Thank you.

81040293199



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 10, 1978

MEMORANDUM

TO: The Commission

FROM: William C. Oldaker *W.C. Oldaker*

RE: MUR 412 (77) - Request for Issuance of Order

On June 25, 1977, the Commission found reason to believe that Teamster Local 745 may have violated 2 U.S.C. §441(b)(3). The complainant Brown alleged that his denial of membership in Local 745 was due to his refusal to join the Local's D.R.I.V.E. chapter. Officials of Local 745 contend otherwise.

In conversations with our staff, officials of Local 745 said that a call was placed to Local 886 regarding Brown's union status. It was his delinquent status in 866 which, they contend, was the basis for denying Brown's request to transfer into Local 745.

To validate this alleged phone call and conversation and determine Brown's standing in Local 886 it is necessary to require Local 886 to furnish the requested information. Knowledge of the common union practices regarding transferees would be helpful in evaluating Local 745's handling of Brown's application to transfer from Local 886 to Local 745.

Recommendation

The Commission should authorize the attached order for Local 886.



81040253200



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

Authorization for Issuance of an Order to
Facilitate the Investigation of a Complaint
Against Teamster Local 745

The Federal Election Commission hereby authorizes
an order to be issued to Travis Newby, Secretary Treasurer
of Teamster Local 886.

Address: 3528 West Reno
Oklahoma City, Oklahoma 73118

Thomas E. Harris
Chairman

Vernon W. Thomson
Commissioner

Joan D. Aikens
Vice Chairman

Neil O. Staebler
Commissioner

William L. Springer
Commissioner

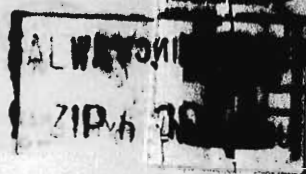
Robert O. Tiernan
Commissioner



81040253201

10402532
DALLAS, TX 75217
Nechie Brown
4890
Dr.

COPIES
RECEIVED
FEDERAL ELECTION
COMMISSION



'78 MAR 7 AM 9:20

Federal Election Commission
1325 K. Street, N.W.
WASHINGTON D.C., 20463

Att.
SUSZANNE CALLAHAN

ACC 2847 n n

RECEIVED
FEDERAL BUREAU OF INVESTIGATION
March, 3, 1978

Miss Callahan 9:21
Thought you maybe
interested in this. They
finally tossed me out of the
Union. Also I was beaten
up by some union thugs
a few days ago.

Archie Brown

81040231203

**GENERAL DRIVERS, WAREHOUSEMEN & HELPERS
LOCAL UNION 745**

**AFFILIATED WITH THE INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS,
WAREHOUSEMEN & HELPERS OF AMERICA, THE SOUTHERN CONFERENCE OF TEAMSTERS,
TEAMSTERS JOINT COUNCIL 80, THE TEXAS CONFERENCE OF TEAMSTERS, AND
THE BREWERY AND SOFT DRINK WORKERS CONFERENCE — U.S.A. AND CANADA**

1007 JONELLE ST., P.O. BOX 17270, DALLAS, TEXAS 75217 214/398-0661

CHARLES E. ROGERS
President and Business Representative

CHARLES E. HADDOCK
Secretary Treasurer and Business Manager

February 28, 1978

Mr. Archie E. Brown
1439 Whitley Drive
Dallas, Texas 75217

Dear Sir and Brother:

As you are aware the Executive Board of this Local Union considered charges brought against you by numerous members, alleging violations of the Constitution of the International Brotherhood of Teamsters

As you are further aware, you declined to participate in the presentation of the evidence pertaining to these charges.

Following presentation of the evidence the Executive Board of this Local Union, in executive session, voted to uphold the charges brought against you.

In considering the evidence, the Local Union Executive Board considered only the alleged violations of the Constitution and the evidence pertaining to those violations.

Please be advised that as a result of Executive Board action, you are hereby expelled from membership in this Local Union.

Very truly yours,

Charles E. Haddock

Charles E. Haddock
Secretary-Treasurer
and Business Manager

As instructed by the Executive Board of
Local Union 745 on February 27, 1978.

CEH:mjc
Certified Mail 577391
Return Receipt Requested

cc: Executive Board of Local 745
Larry Robinson, Alfred Cox, Jr., Carl W. Branch, Sr., James Williams, Robert
McLain, Otis G. Holmes, Pamela D. Brewer, Bill G. Baker, P. J. Knippa, Jr.,
C. J. Randolph, D. E. Valentine, L. L. Chapman, J. L. Smith, Quincy Powell,
C. R. Lawrence, John J. Landingham, R. E. Hall.



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

March 3, 1978

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

James Curlee
1207 Main Bank Building
Dallas, Texas 75202

Re: MUR 412 (77)

Dear Mr. Curlee:

This is to confirm the conversation that Gail Ross, a member of our staff, had with you on Wednesday, March 1, 1978, setting the two following dates for depositions to be taken at the Teamster hall beginning at 9:00 a.m., Thursday, April 6 and Friday, April 7, 1978.

Sincerely yours,

W. C. Oldaker

William C. Oldaker
General Counsel

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

1. SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

☐ Show to whom and date delivered. _____

☒ Show to whom, date, and address of delivery. _____

☐ RESTRICTED DELIVERY

Show to whom and date delivered. _____

☐ RESTRICTED DELIVERY.

Show to whom, date, and address of delivery. \$ _____

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

James Curlee
1207 Main Bank Bldg.
Dallas, Texas 75202

3. ARTICLE DESCRIPTION:

REGISTERED NO. _____ CERTIFIED NO. *438370* INSURED NO. _____

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

J. Curlee

4. DATE OF DELIVERY *3-9-78*

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLEAR'S INITIALS

★ GPO : 1977-O-234-337

8104025320

MISS CALAHAN

ATTN: SUEANNE
CALAHAN



TO: FEDERAL ELECTIONS COMMISSION
1325 K. STREET N.W.
WASHINGTON D.C. 20463

IMPORTANT
RUSH

POSTMAN.

Do not put anything in line

8 1 0 4 0 2 5 3 2 0 7

800680

THIS IS (5) Pages OF A ~~(33)~~ Page Conversation
between Charles Haddox Top Officer of Local
Teamster 745, DALLAS & Archie Brown
F.B.I. & M.L.R.B. HAVE Complete TRANSCRIPT

Haddock:

~~Brown:~~ (Unintelligible)

Brown:

Haddock: You know Charlie . . .

Haddock: I'm not (unintelligible)

Brown: You weren't there . . . you didn't (unintelligible)

Haddock: Yeah, I was here. You never (unintelligible)

Brown: Well, I didn't even know you to tell you the truth

Haddock: I was right here in my office.

Brown: I didn't know who Roger was. I know there was two *Charles* there. But I didn't know which one was which

voted

Haddock: Got damn, you mean you ~~wasn't~~ for somebody you didn't even know? I'm surprised at you.

Brown: (Laugh) Well, you know uh, you were the present uh whatever you call it, officer, you know?

Haddock: And the future too.

Brown: You not ~~gonna be no future officer~~ *gonna be no future officer Charlie.*

Haddock: Yeah.

Brown: You think so?

Haddock: You better hope I am.

Brown: I better hope you are?

Haddock: Yeah.

Brown: Why?

Haddock: You just had.

Brown: Why? You wouldn't be threatening me would you?

Haddock: Oh naw, naw I'm not threatening you, I'm promising you.

Brown: You're promising me.

Haddock: Yeah.

Brown: In other words if you're not, something's going to happen to me?

Haddock: Ch, I ain't said anything like that. Naw. You got that old recorder on.

Brown: No, no. *No, I'm...* No, my recorder is not hooked up.Haddock: *Turn that son of a bitch off*Brown: *I don't have it on.*Haddock: You're just spending ~~away~~ *money* on old tapes, *that's all.*

Brown: I know. Nah, I don't have any more tapes.

Haddock: (Unintelligible)

Brown: Tapes? Nah. I don't record much anymore.

Haddock: . . . what's happened to the old lawsuit?

Brown: Which one?

Haddock: ~~(Unintelligible)~~ *That one you all* you was trying to get up.

Brown: I never did intend to have one.

Haddock: You and John Bryant ~~and~~ and Jim *Barber*.

Brown: I never did intend to have no lawsuit.

Haddock: Well, you know that meeting I told you about (unintelligible).

Brown: Oh well, I didn't. That's the truth. . . (unintelligible) *They called me. That's right. Course I found out after you told me there was going to be one.*

Haddock: Who called you?

Brown: John Bryant

Haddock: He called you his self?

Brown: Yeah, he called me and said 'what are you doing'? I said, 'Well, I'm not doing nothing.' He said, 'Well, why aren't you here at this meeting?' I said, 'Well, I had heard about it and I said what's the use in me coming up there. He said, well he said (unintelligible) Something to that effect you know.

Haddock: Yeah.

Brown: So I said (unintelligible)

Haddock: god damn lucky you (the rest is unintelligible)

Brown: . . . what? No law against suing anybody Charlie.

Haddock: Nah, but there's a law against lawyers doing that. There's a law against lawyers getting up suits.

Brown: Oh, you mean encouraging lawsuits?

Haddock: (Unintelligible)

Brown: Well, I don't think it's totally ethical.

Haddock: No, it's against their code.

Brown: Is that, is that a violation?

Haddock: They can be disbarred.

Brown: Is it really a violation?

Haddock: Yes sir.

Brown: ~~(Unintelligible)~~ *Um-m*

Haddock: They're guilty as hell. John Bryant's more guilty really than Barber, *I think.*

Brown: ~~(Unintelligible)~~ *Now.*

Brown: You mean more money than you make now?

Haddock: Yes sir.

Brown: No you can't either.

Haddock: Bullshit.

Brown: Shit, the top man makes about \$25,000 a year or twenty-six or twenty-seven

Haddock: Aw no, no. You don't know what you're talking about. You don't know what you're talking about.

Brown: Look, you gotta have 20 years, 25 years at a company. You got seniority man, stuff of this sort.

Haddock: Well, I know. But, but I know of other companies. Look, you take . . . I know of a car hauler that hasn't made less than \$4300 a month in two years.

Brown: Know of a what?

Haddock: I know of a car hauler that hadn't made less than \$4300 a month in two years.

Brown: Well . . . naturally, well you (unintelligible) local, but hell you can (unintelligible) on up the ladder.

Haddock: Aw shit, I don't want to go further on up the ladder. What I want to go further on up the ladder for? I like to be with the rank and file.

Brown: I tell you what, I suggest you better get with them cause you been away from them for awhile so far as I'm concerned.

Haddock: I'm pretty well with them. But anyway . . . just better hope and pray.

Brown: Hope and pray that what?

Haddock: That I don't lose.

Brown: Charlie, I don't even understand what you're . . .

Haddock: That ain't no threat, I'm just saying, you know . . .

Brown: (Unintelligible) you were to lose, what would happen?

Haddock: I don't mean it as a threat of any kind. I'm just saying you better hope and pray that I don't lose cause if I happen to lose I think you'd feel awful bad about it.

Brown: I'd feel awful bad?

Haddock: I think so. I think you . . . you know, even though you help beat me and get me out I think then that you'd feel bad is what I'm saying. So I'm saying you better not do (unintelligible). You understand. .

Brown: Charlie . . . I have every intentions in the world of trying to . . . now see you're trying to get personal. I don't look at the personal.

Haddock: I do. I'm looking at personal.

Brown: Yeah. Well now, I have every intention in the world of removing every officer in that local union down there.

Haddock: Every officer and every agent, right?

Brown: Well, officers are the only ones who can run for election. I have every intention to get behind a group that can run against seven officers down there.

Haddock: To get our jobs right?

Brown: Well I have every intention to get behind them just like Carter running against Ford, you know? And uh . . .

Haddock: No, it ain't the same thing see.

Brown: Hunh?

Haddock: This ain't the same thing here.

Brown: Why?

Haddock: It just ain't. It just ain't.

Brown: In other words (short laugh) I can't believe this.

Haddock: Yeah. Well you will.

Brown: Hunh?

Haddock: If it happens you'll believe it. Course it ain't gonna happen anyway.

Brown: In other words . . .

Haddock: It ain't gonna happen, but you better hope and pray it don't.

Brown: You know what Charlie, there's not, you know, there's only one thing I fear, and I tell you . . .

Haddock: If it happens Brown, I'm telling you you ain't gone to enjoy it. You ain't gone to enjoy it.

Brown: Well, I fear one thing . . .

Haddock: You better be governed accordingly Mr. Brown.

Brown: I better do what?

Haddock: You better be governed accordingly.

Brown: Well, I'll tell you what . . . you be prepared for it because I'll tell you what, I think you're gonna go out, you and Rogers and (unintelligible) and . . .

Haddock: Look, I'm just telling you, you better hope I don't.

Brown: And . . .

Haddock: You better work (unintelligible)

Brown: Hunh?

Haddock: I tell you what you'd better do

Brown: What?

Haddock: You better see to it that . . . you better do everything you can see to it that I don't leave. That's what you better do.

Brown: Well, there's no way I can get into any trouble by campaigning against (unintelligible)

Haddock: No, I'm talking about the way you'll feel about it if it happens, you know. The way you'll feel about it.

Brown: How can it possibly hurt me by you leaving down there or any of you leaving down there?

Haddock: I think you . . . I just think you'd feel bad about it. Probably get despondent by (unintelligible)

Brown: You mean have a remorseful feeling about it?

Haddock: Yeah. You probably . . . I think you'll get despondent and have a nervous breakdown and everything behind it . . .

Brown: You think so?

Haddock: (Responds in the affirmative) That's the reason I'm saying to you you better not do it, see.

Brown: In other words you better I, you'll win, huh?

Haddock: You better.

Brown: I better hope you'll win, huh?

Haddock: Right.

Brown: Well, you're gonna lose Charlie.

Haddock: Well you better hope I don't.

Brown: Cause you're going to lose the election fair and square like . . .

Haddock: It'll be fair and square.

Brown: Oh, I know. I know it's going to be fair and square.

Haddock: But you better hope I don't lose.

Brown: Well, I tell you what Charlie, you got about 10 more months and you'll be gone. Well, 11 months, it's still January so . . .

Haddock: You better hope not.

Brown: Huh?

Haddock: You better hope not.

Brown: Well, we going to do a little swapping on that or not?

Haddock: On what?

Brown: On that . . .

Haddock: Probably so, let me give you a holler next week.

Brown: Yeah, okay.

Haddock: I'll see you . . .

Brown: All right. Bye.

MUR 412

Teamsters face removal hearing



BILL WEED



Dallas News staff photos

ARCHIE BROWN

By EARL GOLZ

The executive board of Teamsters Local 745 has scheduled hearings Feb. 27 to determine whether the leaders of a dissident faction in the large Dallas-based union should be expelled.

Charges against William T. Weed and Archie Brown were brought last week by 17 union members, most of whom support the administration of union Secretary-Treasurer Charles E. Haddock.

Weed and Brown contend their expulsion from the 15,000-member union is an attempt to eliminate any serious competition for Haddock and other officers in the union election next November.

Weed, who ran unsuccessfully against Haddock in the last election in 1975, also was notified by Haddock this week that his union membership had been "placed on withdrawal status."

In a letter, Haddock told Weed that his union card had been withdrawn under a provision in the international union's constitution that had not been used here since its adoption in June 1976.

The provision states that an "honorable withdrawal card must be issued" to a union member after six months of continuous unemployment with an employer covered by a Teamsters contract.

Weed and Brown were fired by separate trucking firms last summer while they were involved in controversy with Local 745 officers.

However, Weed asserts he has been working part-time for trucking companies covered by Teamsters contracts

during the past six months. He has a \$41.15 check from Sullivan Transfer Co. dated one day before Haddock's letter withdrawing his union membership card.

Brown told The News, "... if they withdraw Weed's membership, they make them pull every union card from members with casual (part-time) jobs. This means hundreds, maybe thousands, of people who moonlight around town will be in danger of losing jobs."

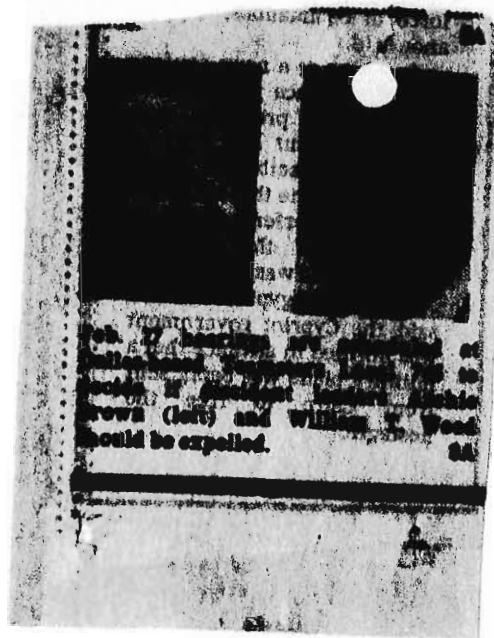
Some of the allegations in the charges against Weed are the same as those in charges calling for his ouster. Those charges, later dropped, alleged Weed had made "false and malicious" statements about union officers that "reached a point where it has become too time consuming of the local union officers and agents fooling around with unwarranted statements."

The new charges accuse Weed and Brown of "distributing literature around town" containing "false and slanderous" informations, including an allegation that Haddock and union President Charles E. Rogers "have a bar in the union hall."

A leaflet circulated by Brown last month stated that Weed and Hall Nichols, Weed's running mate in 1975, will be seeking election this year.

Another charge against Weed is that he "threatened to kill" several union members with a shotgun last May 1.

Weed has said he grabbed the shotgun to protect himself after he was beaten by two union members in the parking lot of the Local 745 union hall to prevent him from attending a union meeting.



81040253214



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

February 24, 1978

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS *mwe*

SUBJECT: MUR 412 (78) - Interim Investigatory Report dated
February 22, 1978

The above-mentioned document was circulated to the
Commissioners on February 23, 1978 at 4:00.

There are no objections to the Interim Investigatory Report.

81040253215

February 23, 1978

MEMORANDUM TO: Marge Ammons
FROM: Eliasa T. Carr
SUBJECT: MUR 412

Please have the attached Interim Invest. Report
on MUR 412 distributed to the Commission on a 24 hour
no-objection basis.

Thank you.

81040253216



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

DATE AND TIME OF TRANSMITTAL - Feb 23, 1978

Commissioner _____

RETURN TO OFFICE OF COMMISSION SECRETARY BY: - Feb 24, 1978

MUR No. MUR 412 (77) - Interim Investigatory Report dated Feb. 22, 1978

() I object to the recommendation in the attached report.

COMMENTS: _____

Date _____ Signature _____

OBJECTIONS, SIGNED AND DATED, MUST BE RECEIVED IN THE COMMISSION SECRETARY'S OFFICE NO LATER THAN THE DATE AND TIME SHOWN ABOVE OR THE MATTER WILL BE DEEMED APPROVED. PLEASE RETURN ALL PAPERS TO THE OFFICE OF THE SECRETARY TO THE COMMISSION.



81040253217

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
) MUR 412 (77)
Local 745 of the International)
Brotherhood of Teamsters)

INTERIM INVESTIGATORY REPORT

81010253218
This matter centers on allegations by Archie Brown that he was denied membership in Local 745 because he declined to contribute to the voluntary separate segregated fund known as D.R.I.V.E.

The Commission has found reason to believe that Local 745 of the International Brotherhood of Teamsters violated 2 U.S.C. §441b.

The records and statements received in connection with this investigation are presently being analyzed to ascertain whether depositions should be taken before making a recommendation to the Commission concerning the alleged violation.

DATE

2/22/78


William C. Oldaker
General Counsel



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

January 31, 1978

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *mwe*
SUBJECT: MUR 412 (77) - Interim Investigatory Report

The above-mentioned document was circulated to the
Commissioners on January 27, 1978 at 2:30 p.m.

As of 9:00 a.m., this date, no objections have been
received in the Office of Commission Secretary to the
Interim Investigatory Report on MUR 412 (77) dated January 26,
1978.

ATTACHMENT:
Certification

pc



81040253219

BEFORE THE FEDERAL ELECTION COMMISSION

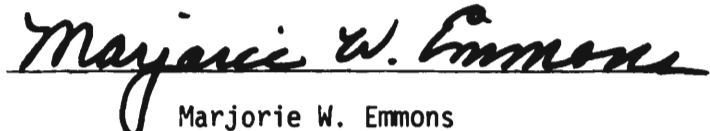
In the Matter of

Local 745 of the International
Brotherhood of Teamsters, Chauffeurs,
Warehousemen and Helpers of America

MUR 412 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on January 31, 1978, the Commission accepted without objection the General Counsel's Interim Investigatory Report, dated January 26, 1978, in the above-captioned matter.



Marjorie W. Emmons
Secretary to the Commission

81010253220

January 27, 1978

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Carr
SUBJECT: MUR 412

Please have the attached Interim Investigatory Report on MUR 412 distributed to the Commission on a 24-hour no-objection basis.

Thank you.

81040253221

BEFORE THE FEDERAL ELECTION COMMISSION
January 26, 1978

In the Matter of)
)
Local 745 of the International) MUR 412 (77)
Brotherhood of Teamsters, Chauffeurs,)
Warehousemen and Helpers of America)

INTERIM INVESTIGATORY REPORT

During the week of January 8 through January 13, 1978, an investigation was conducted in Dallas, Texas concerning the allegation by Archie Brown that he was refused membership in Local 745 because of his refusal to join D.R.I.V.E.

Twenty-one interviews were conducted in Dallas including union officials, union office personnel, union stewards, attorneys, Trans Con payroll personnel and witnesses who are or were members of Local 745.

The records and statements received are presently being analyzed. A recommendation will be made to the Commission shortly concerning the possible violation of 2 U.S.C. §441b.

81010253222
1/26/78
DATE

William C. Oldaker
William C. Oldaker
GENERAL COUNSEL

8 1 0 4 0 2 5 1 2 3

January 11, 1978

On September 7, 1977, the Federal Election Commission subpoenaed information from the Teamsters local 745 which included a list of the job stewards.

This list is currently in the possession of the U.S. Attorney's office in Dallas, Texas. This information will be released to agents of the Federal Election Commission with the understanding that the subpoenaed information will remain confidential during the course of the investigation pursuant to 2 U.S.C. 437g(a)(3).

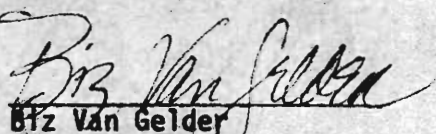
Furthermore, the information will not be released in the event that this matter reaches litigation pursuant to 2 U.S.C. 552b(7).

Finally, upon termination of all Commission action concerning this matter under review, the Teamsters have requested that the information remain confidential pursuant to 2 U.S.C. 552b(7)(C) in that the information would "constitute an unwarranted invasion of personal privacy" by subjecting their members to potential harassment. The Commission shall make every endeavor to respect the Teamsters' request and to protect that information from disclosure through representation in the administrative and judicial review of any FOIA request which may result from the Commission's possession of this information. The Teamsters understand and agree that the Commission cannot refuse to release this information under a bona fide FOIA request if a Court of competent jurisdiction rules that the names and addresses of stewards do not constitute an invasion of privacy if there is a counterbalancing public interest in the public disclosure of this document.

Nothing in this agreement shall be construed as a waiver by the Commission of any judicial remedies to secure this information pursuant to 2 U. S. C. 437d.



James Curlee
Attorney for the
Teamsters Local 745



Biz Van Gelder
Attorney for the
Federal Election Commission

December 7, 1977

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 412 Team #2 Callahan

Please have the attached Interim Investigatory Report on MUR 412 distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of December 15, 1977.

Thank you.

81040253224

BEFORE THE FEDERAL ELECTION COMMISSION
December 6, 1977

EXECUTIVE SESSION

DEC 15 1977

In the Matter of)
)
Local 745 of the International)
Brotherhood of Teamsters,)
Chauffeurs, Warehousemen and)
Helpers of America)

MUR 412 (77)

INTERIM INVESTIGATORY REPORT

On June 24, 1977, the Commission found reason to believe that Local 745 of the International Brotherhood of Teamsters violated 2 U.S.C. §441b. The complainant, Archie Brown, alleges that he was denied membership in Local 745 because he declined to contribute to the voluntary separate segregated fund known as DRIVE.

The complainant supplied us with a list of individuals who had either been subjected to the same membership requirements or who had specific knowledge of Mr. Brown's accusations. Those individuals, as well as others who have come to our attention during the investigation, have been contacted via phone.

On September 7th a subpoena was issued to Charles Rogers, President of the Local, for records relevant to this case. Some of the records subpoenaed were not available from the Local. We then subpoenaed those records from Trans Con, Lee Way Motor Freight, and East Texas Motor Freight, trucking companies in the Dallas area which employ members of Local 745.

As of November 21st, all subpoenaed information from those companies had been received

81040253225

We are presently analyzing the subpoenaed records
and are preparing to interview both witnesses and union
officials in Dallas.

12/7/77
DATE

William C. Oldaker
WILLIAM C. OLDAKER
GENERAL COUNSEL

81040253226

81910253227
Archie E. Brown
1439 Whitley Dr.
Dallas. Texas 75217

RECEIVED
FEDERAL ELECTION
COMMISSION



SMALL BUILDING
200
BUILDING

USA
Christmas 13c

Confidential.. ¹⁷⁷ NOV 28 AM 8:12
Susanne Calligan

Federal Election Commission
1325 K. St N.W.
Washington D. C. 20463

Mr. Archie E. Brown
1439 Whitley Dr.
Dallas. Texas 75217

400 2132
MUR 412
Nov. 24, 1977

Mr. Frank E. Fitzsimmons
General President Teamsters Union
25 Louisiana Ave. N.W.
Washington D. C. 20001

Dear Sir:

This is one of many letters I have written you and you did answer all of the past letters with the exception of the last two. I do hope you will show me the decency to respond to my request in this letter, one way or the other.

As you know I requested from Teamsters Lu.745 in Dallas a transfer from local 886 back in Late Sept. or Oct 1976. Transfer was mailed to my home and I signed it alone with a authorization for my dues to be taken out of my pay check each month like all the other empolyees from my employer and I did mail it back to lu.745 which is a common practice in most locals. You also know that I went down to the Union hall and ask them on Dec. 30, 1976 why they were not taken my dues out of my check, and you also know that I was denied membership because I did not sign the authorization form for the local to take \$5.00 per year out of my check to give to DRIVE a volunteer authorization.

I don't have to remind you that you did make LU.745 transfer me into the local after many months. As you also know if my transfer is not within at least 24 months of the next election at local 745 it would make me ineligible to run for the election. I now ask you again as in the last letter, or I demand that you intercede on my behalf and make sure that I do have the same rights as the other members at local 745 so that I can if I choose to, to run for any office for election which is approx. eleven months from now.

I wish to state futher that the officers as well as others still harass me at the monthly meetings. When I get up to speak Mr. Haddock (Charles Haddock) the top Officer will interrup me when I am speaking under good and well fare. It is my right to speak. Mr. Rogers the President will not keep order when I am trying to talk. When any of the other members get up order is kept. Mr. Haddock called me on the phone and told me the other day that I will never run for election in this local. I have never said I would, nevertheless I now want you to give me my rights as a Teamsters rights in good standing should be.

A copy of this is going to Mr. Marshall Sect. Labor as well as the Federal election Commission. I do request that the Labor Dept. and the F.E.C. will look into this matter if you as our international President don't.

Mr. Fitzsimmons how would you feel if someone treated you this way?

Yours truly, and Brother

Archie E. Brown

FEDERAL ELECTION
COMMISSION

NOV 21 AM 11:58

CERTIFIED

No. 504085

MAIL

FROM

VIAL. HAMILTON, KOCH, TUBB, KNOX & STRADLEY
ATTORNEYS AND COUNSELORS
FIFTEENTH FLOOR REPUBLIC NATIONAL BANK TOWER
DALLAS, TEXAS 75201

MS. BARBARA VANGELDER
FEDERAL ELECTION COMMISSION
1325 "K" STREET, N. W.
WASHINGTON, D.C. 20463

ACC 2084

RECEIVED
FEDERAL ELECTION
COMMISSION

VIAL, HAMILTON, KOCH, TUBB, KNOX & STRADLEY

ROBERT O. VIAL
GRAHAM R. E. KOCH
FRED S. STRADLEY
BYRON L. FALK
JAMES H. BAUMGARTNER, JR.
ROBERT H. FROST
ROBERT A. McCULLOCH
KENNETH K. STEPHENS
MICHAEL L. PARHAM
STEPHEN L. BASKIND
WALTER L. ASBEY
M. LEIGH BARTLETT

WILLIAM N. HAMILTON
JAMES C. TUBB
JAMES A. KNOX
C. L. MIKE SCHMIDT
GEORGE W. FAZAKERLY
PAUL D. SCHOONOVER
RONALD T. NEWTON
JEFFREY S. LYNCH
E. GLEN JOHNSON
DANIEL P. NOVAKOV
GEORGE C. DILLON
BARRY J. SCHNEIDERWIND

703382

77 NOV 21 AM 11:57
ATTORNEYS AND COUNSELORS
FIFTEENTH FLOOR REPUBLIC NATIONAL BANK TOWER
DALLAS, TEXAS 75201
TELEPHONE: 214-746-4541

D/FW METRO. TEL: 263-1849

November 18, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Barbara Vangelder
Federal Election Commission
1325 "K" Street, N. W.
Washington, D. C. 20463

Re: MUR 412 (77); Your Subpoena directed
to Mr. Garland Shaw, Regional Manager
Transcon Lines

Dear Ms. Vangelder:

As we discussed in our recent telephone conversations, Transcon did not maintain its records in a fashion readily susceptible to a January 1, 1976 through the present, review. Rather, the records are and have been in the past on a September to September basis and, therefore, in order to provide you with the information you have requested, it was necessary for us to revert to our September 1975 list for payroll deductions. Accordingly, enclosed for each of the respective years in question are the following:

1. 1975:

- A. Transcon computer run of September 20, 1975, on an authorized DRIVE deduction;

and
- B. A D.R.I.V.E. check-off forwarded to Transcon by Local 745.

2. 1976:

- A. Payroll computer run for DRIVE deductions September 18, 1976; and
- B. 1976 D.R.I.V.E. check-off received by Transcon from Local 745.

3104025330

Ms. Barbara Vangelder
November 18, 1977
Page 2

3. 1977:

- A. 1977 D.R.I.V.E. check-off list received by Transcon from Local 745 on November 15, 1977, including various DRIVE authorization forms for names added to the DRIVE list. Due to the recent receipt of the DRIVE check-off, there has been no separate payroll deduction or payment by Transcon as of this date for the 1977 DRIVE authorizations.

4. Various and sundry DRIVE authorization forms received by Transcon and located in the individual personnel files as the result of physical search. The search was not exhaustive, and the DRIVE authorization forms provided do not necessarily represent all of the DRIVE authorization forms Transcon has ever received for the subject individuals.

5. Various DRIVE withdrawal forms received by Transcon during the year 1977, and again the same are forwarded to you on the basis that they represent forms as received but not necessarily all forms received by Transcon.

During the time period in question, Transcon normally had in excess of 350 Local 745 members on its payroll and those members who are not shown as being contributors of DRIVE did not sign authorization forms. If necessary, we can supply you with a seniority list providing the names of all employees at the Dallas terminal which will confirm that less than one-half of the employees were DRIVE contributors.

I trust you will find the foregoing and the enclosed satisfactory, and should you have any questions or if we can be of further "reasonable" assistance to you, please do not hesitate to contact me at your convenience.

Yours very truly,

James H. Baumgartner, Jr.
James H. Baumgartner, Jr.

JHB/ag
Enclosures

610402331

1 AD

FEDERAL EXPRESS		COURIER PAK®	
Shipper's Name GEORGE E SEAY		Date 10-27-77	
Address 4245 FIRST INTL BLDG. FED. ELECTION COMMISSION		Shipper Number 30601062	
City DALLAS		Company Name HON. WILLIAM C. OLDAKER	
State TEXAS		Street Address 1325 K STREET N.W.	
Zip Code 75270		City WASHINGTON, DC	
Received At: <input checked="" type="checkbox"/> Customer <input type="checkbox"/> Station		Tel. No. 20463	
Date/Time 10/27		Description of Other Charges	
Prepaid Only Non-Negotiable		TOTAL CHARGES	

NOV 1 1977
FEDERAL EXPRESS
RECEIVED

CONSIGNEE COPY

SEAY, GWINN, CRAWFORD, MEBUS & BLAKENEY

ATTORNEYS AND COUNSELORS
4245 FIRST INTERNATIONAL BUILDING
DALLAS, TEXAS 75270

8 1 0 4 0 2 5 3 2 3 3

VIA FEDERAL EXPRESS

The Honorable William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

ATTENTION: Ms. Suzanne Callahan

GEORGE E. SEAY
ROBERT A. GWINN
DURWOOD D. CRAWFORD
ROBERT G. MEBUS
M. ROBERT BLAKENEY
WILLIAM C. STROCK
JAMES S. MAXWELL
HERSHELL L. BARNES, JR.
ROBERT D. SCOGGINS
JOHN F. MCCARTHY, JR.
THOMAS E. KURTH
CHARLES C. FREDERIKSEN
RAYMOND L. TOLLETT, JR.
DONALD E. GODWIN
DEBORAH A. ALTEMORE

SEAY, GWINN, CRAWFORD, MEBUS & BLAKENEY
ATTORNEYS AND COUNSELORS

4245 FIRST INTERNATIONAL BUILDING
DALLAS, TEXAS 75270
A. C. 214/742-5191

ACC 1903
RECEIVED
FEDERAL ELECTION
COMMISSION

77 OCT 28 AM 10:50

October 27, 1977

703126

The Honorable William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

Attn: Ms. Suzanne Callahan

Re: MUR 412 (77)

Dear Sir:

This will refer to your letter by certified mail of October 7, 1977, to Mr. H. L. Johnson, President of East Texas Motor Freight who we represent as attorneys, and to the October 7, 1977 subpoena of the Commission signed by Thomas E. Harris, Chairman, to produce documents pursuant to section 437d of Title II of the United States Code.

Pursuant to telephone conference of October 27, 1977, and to the aforesaid subpoena, you will find enclosed the following documentary evidence under the required provisions and protective provisions of 2 U.S.C.A. § 437d:

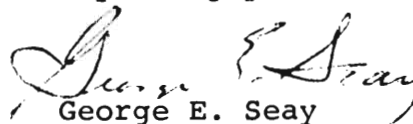
- (1) A list of the names, addresses, and phone numbers of all who have been in the employment of the Company and who are or were members of Local 745 DRIVE from January 1, 1976 to the present, according to the records of the Company, marked Exhibit A. (11 pages).
- (2) A list of all persons who have been in the employment of the Company from January 1, 1976 or may now be employed who were members that have withdrawn from DRIVE from January 1, 1976 to this date, marked Exhibit B. (1 page).
- (3) Xerox copies of executed withdrawals located in the Company's files, marked Exhibit C (22 pages).

Hon. W. C. Oldaker
Oct. 27, 1977
Page -2-

I am supplying this material as one of the duly authorized attorneys for and acting on behalf of the Company, as set forth above, and I believe you will find that it complies with the terms of the subpoena which your office has informed me the Federal Election Commission has power to enforce through an Order requiring compliance therewith in the United States District Court.

Thanking you,

Very truly yours,


George E. Seay

lw
Enclosures 3
Via Federal Express

CC: Mr. Robert H. Maier
Vice President-Administration
East Texas Motor Freight
Lines, Inc.
P.O. Box 10125
Dallas, Texas 75207

8104025333

81040253231

VIAL, HAMILTON, KOCH, TUBB, KNOX & STRADLEY
ATTORNEYS AND COUNSELORS
15TH FLOOR REPUBLIC NATIONAL BANK TOWER
DALLAS, TEXAS 75201

FEDERAL ELECTION COMMISSION
'77 OCT 27 AM 7:53

Mr. William C. Oldaker
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D.C. 20463



VIAL, HAMILTON, KOCH, TUBB, KNOX & STRADLEY

RECEIVED
FEDERAL ELECTION
COMMISSION

77 OCT 27

1:59

ROBERT G. VIAL
GRAHAM R. E. KOCH
FRED B. STRADLEY
BYRON L. FALK
JAMES H. BAUMGARTNER, JR.
ROBERT H. FROST
ROBERT A. MCCULLOCH
KENNETH K. STEPHENS
MICHAEL L. PARHAM
STEPHEN L. BASKIND
WALTER L. ABBEY
CHARLES R. BILLINGS

WILLIAM N. HAMILTON
JAMES C. TUBB
JAMES A. KNOX
C. L. MIKE SCHMIOT
GEORGE W. FAZAKERLY
PAUL D. SCHOONOVER
RONALD T. NEWTON
JEFFREY S. LYNCH
E. GLEN JOHNSON
DANIEL P. NOVAKOV
M. LEIGH BARTLETT

703112

ATTORNEYS AND COUNSELORS

FIFTEENTH FLOOR REPUBLIC NATIONAL Bldg TOWER

DALLAS, TEXAS 75201

TELEPHONE: 214-748-4541

D/FW METRO. TEL: 263-1849

October 24, 1977

Mr. William C. Oldaker
General Counsel
Federal Election Commission
1325 K. Street N.W.
Washington, D.C. 20463

Re: MUR 412 (77); Subpoena to Mr. Garland Shaw,
Regional Manager, Transcon Lines

Dear Mr. Oldaker:

On behalf of Transcon Lines, this letter will please acknowledge our receipt of the above-captioned Subpoena on October 18, 1977, some eleven (11) days after the date of the letter and Subpoena. For your own information, the records and information you desire are not maintained or held by Mr. Shaw as the Regional Manager of Transcon Lines, but we are nevertheless attempting to ascertain the existence of the information that you desire and its availability.

We anticipate that our general office in Los Angeles, California, will have access to the information that you have requested, and we have requested that documentation to be determined. As soon as we have had an opportunity to review the information that we do have we will advise you of its availability, and of our intention with regard to your access to the information.

We trust you will find the foregoing satisfactory, and you should be hearing from us in the near future.

Yours very truly,

James H. Baumgartner, Jr.
James H. Baumgartner, Jr.

JHBjr/jj

81040253237

LEE WAY MOTOR FREIGHT, INC.

P. O. BOX 82488

OKLAHOMA CITY, OKLAHOMA 73108

FEDERAL ELECTION
COMMISSION

'77 OCT 25 AM 10:24

RETURN RECEIPT REQUESTED

Ms. Suzanne Callahan
Federal Election Commission
1325 "K" Street, N.W.
Washington, D. C. 20463

Postage OK
WJQ



CERTIFIED

No 192034

MAIL

LEE WAY MOTOR FREIGHT, INC.

GENERAL OFFICE

3000 WEST RENO

POST OFFICE BOX 62488

OKLAHOMA CITY, OKLAHOMA 73108

October 21, 1977

CERTIFIED MAIL 192034

ACC 1877
RECEIVED
FEDERAL ELECTION
COMMISSION
OCT 26 AM 10:25

192034

Federal Election Commission
1325 K Street N. W.
Washington, D. C. 20463
Attn: Ms Suzanne Callahan

RE: MUR 412 (77)

Dear Ms Callahan:

We submit the following information on our members of Local # 745 DRIVE:

8101051236

810013353240

There were no withdrawals during the period Jan. 1, 1976 to present.

I hereby certify that the above and foregoing list has been compiled from official company records and is true and correct to the best of my knowledge and belief and has been prepared in response to Supoena to produce Books, Records, and other Relevant Documents dated Oct. 7, 1977 signed by Thomas E. Harris, Chairman of the United States of America Federal Election Commission.



Thomas C. Tuck
Payroll Supervisor
Lee Way Motor Freight, Inc.

LARRY C. ROSEBOROUGH
JAMES W. CURLEE

LAW OFFICES
OF
ROSEBOROUGH & CURLEE
ATTORNEYS AND COUNSELORS
1207 MAIN BANK BLDG.
DALLAS, TEXAS 75202
742-6574
14

RECEIVED
FEDERAL ELECTION
COMMISSION

77 OCT 25 AM 9:38

October 18, 1977

Federal Election Commission
1325 K. Street N.W.
Washington, D.C. 20463

103084

Attn: Suzanne Callahan

Re: MUR 412 (77)

Dear Ms. Callahan:

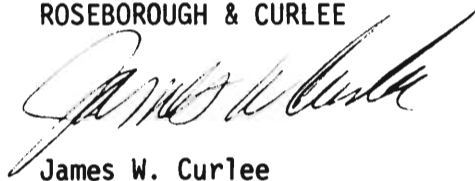
Enclosed you will find a list of all office personnel in connection with the letter of October 11, 1977 and the previous subpoena issued in this matter. If this is not sufficient as to the office personnel, please contact me so that we may discuss same.

This will further confirm our conversation that a list of the stewards will be furnished to you after I have been assured, in writing, that this list of stewards will not be public knowledge or available to anyone except persons working within your agency.

Please feel free to contact me pertaining to this matter as it is the intention of this local union to cooperate with your agency in every manner possible so long as it is not to the detriment of the local union.

Yours very truly,

ROSEBOROUGH & CURLEE



James W. Curlee

JWC:ndp
Enclosure

81040253241

8104025342

LEE WAY MOTOR FREIGHT, INC.
11447 GOODNIGHT LANE
DALLAS, TEXAS 75229

FEDERAL ELECTION
COMMISSION

'77 OCT 21 AM 10:17



Ms. Suzanne Callahan
Federal Election Commission
1325 K Street N.W.
Washington, D. C. 20463

5003

LEE WAY MOTOR FREIGHT, INC.

INTER-OFFICE

FROM Larry J. Kramer STATION Dallas, Texas DATE 10/18/77
TO Richard Champlin STATION General Office-Oklahoma City

Re: Federal Election Commission Subpoena
MUR 412 (77)

703057

RECEIVED
FEDERAL ELECTION
COMMISSION
OCT 21 AM 10:28

The attached subject subpoena is being forwarded to your attention for handling per your request in our conversation this date, Tuesday, October 18, 1977.

As I advised you, Ms. Suzanne Callahan with the Federal Election Commission would appreciate your immediate attention to this matter and requested information in her hand by October 24, 1977.

LJK/j
Attachments 2

cc: Ms. Suzanne Callahan
Federal Election Commission
1325 K Street N.W.
Washington, D. C. 20463

BPS: Ms. Callahan, our legal counselor in Oklahoma City has assured me that expedient handling will be taken in this matter. I appreciate your explanation and consideration in this.

LJK/j

81040253243



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 11, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. James W. Curlee
1207 Main Bank Building
Dallas, Texas 75202

Re: In reply please refer
to MUR 412

Dear Mr. Curlee:

The Commission has received your letter of September 21, 1977, responding to the September 7, 1977, subpoena for records which was sent to your client Charles Rogers, President of Local 745.

Your response states that you will make a list of business agents and office personnel available to us if the Commission furnishes you with a "valid reason" for this request. You also state that, in your estimation, a list of stewards which we have also subpoenaed, has no bearing on this case.

Under 2 U.S.C. §437d(a), the Commission has the power to subpoena all evidence relating to the execution of its duties. The Commission considered the need for the specific information requested here prior to issuing this subpoena.

Section 437d(b) further provides that

"... in the case of refusal to obey a subpoena or order of the Commission issued under subsection (a) of this section, issue an order requiring compliance therewith. Any failure to obey the order of the court may be punished by the court as a contempt thereof."

If within five days of your receipt of this letter, you do not submit the information we are prepared to recommend such enforcement action to the Commission.

Sincerely,

William C. Oldaker
General Counsel



81040253244

81040253245

PS Form 3811, Apr. 1977

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

cc Callahan

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
☐ Show to whom and date delivered.
☒ Show to whom, date, and address of delivery.
☐ RESTRICTED DELIVERY
Show to whom and date delivered.
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Mr. James W. Curlee
1207 Main Bank Building
Dallas, Texas 75202

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
438187

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
Wd Parker

4. DATE OF DELIVERY
10/3/77

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMAN
OCT 14 1977
USPO
INITIALS

☆ GPO : 1977-O-234-537

MUR 412



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 7, 1977

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Mr. Garland Shaw
Regional Manager
Trans Con
P.O. Box 47766
Brook Hollow Station
Dallas, Texas 75247

Re: MUR 412 (77)

Dear Mr. Shaw:

Enclosed is a subpoena to produce records which involve membership of your employees in Local 745 DRIVE.

If you have any questions concerning this subpoena, please direct them to Suzanne Callahan (202/523-4166), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
William C. Oldaker
General Counsel

PS Form 3811, Apr. 1977

1. SENDER: Complete items 1, 2, and 3. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

☐ Show to whom and date delivered.....

☒ Show to whom, date, and address of delivery.....

☐ RESTRICTED DELIVERY

Show to whom and date delivered.....

☐ RESTRICTED DELIVERY

Show to whom, date, and address of delivery. \$.....

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mr. Garland Shaw

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438190	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☒ Authorized agent

Samuel...

4. DATE OF DELIVERY:

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

CLERK'S INITIALS

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

810102533246

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

Subpoena to produce Books, Records, and other Relevant Documents

TO: Mr. Garland Shaw
Regional Manager
Trans Con
P.O. Box 47766
Brook Hollow Station
Dallas, Texas 75247

At the instance of the Federal Election Commission, pursuant to section 437d of Title II of the United States Code, you are hereby subpoenaed to deliver for inspection and copying to authorized representatives of the Federal Election Commission at 1325 K Street, N.W., Washington, D.C. , 20463, within 5 days of your receipt of this subpoena, the following documents with regard to membership of your employees in Teamster Local 745 DRIVE.

(a) A list of the names, addresses, and phone numbers of all individuals who are or were members of Local 745 DRIVE from January 1, 1976, to the present, as well as a list of all members who have withdrawn from DRIVE in the same time period.

(b) Copies of withdrawal forms for DRIVE, including instructions on how to withdraw from DRIVE.

WHEREAS, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., this 7th day of October, 1977.

Thomas E. Harris
Thomas E. Harris
Chairman

ATTEST

Majorie W. Commons
Secretary to the Commission



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 7, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. H. L. Johnson
President
East Texas Motor Freight
P.O. Box 10125
Dallas, Texas 75207

Re: MUR 412 (77)

Dear Mr. Johnson:

Enclosed is a subpoena to produce records which involve membership of your employees in Local 745 DRIVE.

If you have any questions concerning this subpoena, please direct them to Suzanne Callahan (202/523-4166), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
William C. Oldaker
General Counsel

PS Form 3811, Apr. 1977

1. The following service is requested (check one):

☐ Show to whom and date delivered.

☒ Show to whom, date, and address of delivery.

☒ RESTRICTED DELIVERY

Show to whom and date delivered.

☐ RESTRICTED DELIVERY.

Show to whom, date, and address of delivery.

(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:

Mr. H. L. Johnson

3. ARTICLE DESCRIPTION:

REGISTERED NO. CERTIFIED NO. INSURED NO.

438181

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

William C. Oldaker

4. DATE OF DELIVERY: POSTMARK

October 10, 1977

5. ADDRESS (Complete only if registered)

63555

6. UNABLE TO DELIVER (Complete only if registered)

CLERK'S INITIAL

★ 675 : 107 - O-234-357

8 1 0 4 0 2 5 3 2 4 9

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

Subpoena to produce Books, Records, and other Relevant Documents

TO: H. L. Johnson
President
East Texas Motor Freight
P.O. Box 10125
Dallas, Texas 75207

At the instance of the Federal Election Commission, pursuant to section 437d of Title II of the United States Code, you are hereby subpoenaed to deliver for inspection and copying to authorized representatives of the Federal Election Commission at 1325 K Street, N.W., Washington, D.C. , 20463, within 5 days of your receipt of this subpoena, the following documents with regard to membership of your employees in Teamster Local 745 DRIVE.

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(b) Copies of withdrawal forms for DRIVE, including instructions on how to withdraw from DRIVE.

WHEREAS, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., this 7th day of October, 1977.

Thomas E. Harris
Thomas E. Harris
Chairman

ATTEST

Margaret W. Commons
Secretary to the Commission



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 7, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Larry Kramer
Terminal Manager
Lee Way Motor Freight
P.O. Box 59249
Dallas, Texas 75229

Re: MUR 412 (77)

Dear Mr. Kramer:

Enclosed is a subpoena to produce records which involve membership of your employees in Local 745 DRIVE.

If you have any questions concerning this subpoena, please direct them to Suzanne Callahan (202/523-4166), the staff member assigned to this matter.

Sincerely yours,

William C. Oldaker
William C. Oldaker
General Counsel

81010253250

PS Form 3811, Apr. 1977

MUR 412 Callahan

1. SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
☐ Show to whom and date delivered.
☒ Show to whom, date, and address of delivery.
☐ RESTRICTED DELIVERY
Show to whom and date delivered.
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery.
(CONSULT POSTMASTER FOR FEES)

2. ARTICLE ADDRESSED TO:
Mr. Larry Kramer

3. ARTICLE DESCRIPTION:
REGISTERED NO. 938189 CERTIFIED NO. INSURED NO.
(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent
W. C. Oldaker

4. DATE OF DELIVERY
NOV 14 1977
NOV 14 1977
USPO

5. ADDRESS (Complete only if return address is different from sender's address)
NOV 14 1977
NOV 14 1977
USPO

6. UNABLE TO DELIVER BECAUSE:

☆ GPO : 1977-O-234-337

8 1 0 4 0 2 5 3 2 5 1

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

Subpoena to produce Books, Records, and other Relevant Documents

TO: Mr. Larry Kramer
Terminal Manager
Lee Way Motor Freight
P.O. Box 59249
Dallas, Texas 75229

At the instance of the Federal Election Commission, pursuant to section 437d of Title II of the United States Code, you are hereby subpoenaed to deliver for inspection and copying to authorized representatives of the Federal Election Commission at 1325 K Street, N.W., Washington, D.C. , 20463, within 5 days of your receipt of this subpoena, the following documents with regard to membership of your employees in Teamster Local 745 DRIVE.

(a) A list of the names, addresses, and phone numbers of all individuals who are or were members of Local 745 DRIVE from January 1, 1976, to the present, as well as a list of all members who have withdrawn from DRIVE in the same time period.

(b) Copies of withdrawal forms for DRIVE, including instructions on how to withdraw from DRIVE.

WHEREAS, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., this 7th day of October, 1977.

Thomas E. Harris
Thomas E. Harris
Chairman

ATTEST

Margaret W. Emmons
Secretary to the Commission



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 7, 1977

Mr. Archie E. Brown
1439 Whitley Drive
Dallas, Texas 75217

Re: MUR 412 (77)

Dear Mr. Brown:

This letter is to acknowledge receipt of your correspondence of September 13, 1977, submitting material relevant to the Commission's analysis of this matter.

Please feel free to contact us if further information relevant to this matter comes to your attention.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "W. C. Oldaker", is written over the typed name.

William C. Oldaker
General Counsel





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 7, 1977

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS *mwe*

SUBJECT: Authorization to Issue Subpoenas in
Connection with MUR 412 (77)

The Commission has approved issuing subpoenas to the
three companies listed below:

Trans Con
Lee Way Motor Freight
East Texas Motor Freight

The approval of the following Commissioners was
obtained:

Commissioner Harris
Commissioner Aikens
Commissioner Staebler
Commissioner Tiernan



81040253253



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 6, 1977

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 412

Please circulate to the Commission for approval
the attached Request for Authorization of Subpoenas
in MUR 412 (77).

Thank you.



81012251254



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

MEMORANDUM TO: Commissioners
FROM: William Oldaker *W. Oldaker*
SUBJECT: MUR 412(77) SUBPOENAS

On September 7, 1977, the Commission subpoenaed from Respondent Local 745, "(a) A list of the names, addresses and phone numbers of all individuals who are or were members of Local 745 DRIVE from January 1, 1976, to the present, as well as a list of all members who have withdrawn from DRIVE or who have refused to join DRIVE in the same time period."

Respondent Local 745 has indicated that they have no such record because deductions for the DRIVE fund are processed through the companies who employ union members.

We request that the attached subpoena be sent to the following companies:

Trans Con
Lee Way Motor Freight
East Texas Motor Freight

We intend to use the information obtained by subpoena to prepare for depositions of some of the union officials and witnesses.





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

AUTHORIZATION TO ISSUE SUBPOENAS CONCERNING MUR 412(77)

The Commission hereby authorizes subpoenas to be issued to the following individuals to facilitate the investigation of MUR 412(77)

Mr. Larry Kramer, Terminal Manager
Lee Way Motor Freight
P.O. Box 59249
Dallas, Texas 75229

Mr. Garland Shaw, Regional Manager
Trans Con
P.O. Box 47766
Brook Hollow Station
Dallas, Texas 75247

Mr. H. L. Johnson, President
East Texas Motor Freight
P.O. Box 10125
Dallas, Texas 75207

Thomas E. Harris
Thomas E. Harris, Chairman

Vernon W. Thomson, Commissioner

Joan D. Aikens
Joan D. Aikens, Vice Chairman

Neil O. Staebler, Commissioner

William L. Springer, Commissioner

Robert O. Tiernan, Commissioner



NATIONAL LABOR RELATIONS BOARD

REGION 16
ROOM 8A24, FEDERAL OFFICE BUILDING
819 TAYLOR STREET
FORT WORTH, TEXAS 76102

OFFICIAL BUSINESS

POSTAGE AND FEES PAID
NATIONAL LABOR RELATIONS BOARD

3 OCT 1977

Ms. Suzanne Callahan
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463



NATIONAL LABOR RELATIONS BOARD

REGION 16

Room 8A24, Federal Office Building, 819 Taylor Street

Fort Worth, Texas 76102

October 3, 1977

Telephone (817) 334-2591

MUR 412

ACC# 1737
NRN

FEDERAL ELECTION COMMISSION
OCT 5 PM 1:22

Ms. Suzanne Callahan
Federal Election Commission
1325 K Street, N. W.
Washington, D. C. 20463

Re: Request for Information Concerning
Archie E. Brown

Dear Ms. Callahan:

Please find enclosed copies of the exhibits in Case No. 16-CB-1246
which you requested. If you have any other questions please feel
free to contact me.

Sincerely,

Ransom A. Ellis, III

Ransom A. Ellis, III
Field Attorney

Enclosures

81040253258

April 1977

Teamsters, Local 745

By Archie Brown

Again, and again Charles Haddock and Charles Rogers along with others are making monkeys out of you members. Haddock and his group couldn't care less about you. If you members are wondering why most of your grievances are lost, and why so many members are losing their jobs, etc., it's because the two top officers at Local 745 are too busy trying to get better and bigger positions in the International Teamsters. Haddock and Rogers are trying to further themselves at your expense and labor. They don't have time for you at Local 745.

Haddock has not less than five positions in the Teamsters:

- (1) Secretary Treas. Local 745
- (2) Sec., Treas. Teamsters Joint Council 80
- (3) Sec. Treas. Texas Conference of Teamsters
- (4) Policy Comm. Southern Conference Teamsters
- (5) Business Manager Local 745

Charles Rogers holds not less than four positions that I know about.

- (1) President of Local 745
- (2) Business Representative
- (3) Recording Sec. Teamsters Joint Council 80
- (4) Rec. Sec. Texas Conference of Teamsters

This is the 1975 records. I don't have the 76's from the Labor Dept. I think it is time you members sit up and take notice.

Dues were raised to \$17.00 per month. I've got news for you; you will get another \$1.00 raise in October. The reason the dues went up it is in the Union Constitution. Ask for a new 1978 constitution, look under dues. Also ask for the Local 745 by-laws; you will learn a lot. If they refuse you, write me. The local has to give both, Constitution, and By-laws, to you. Soon I will have the Local 745 financial report for the last six years completed and you will be shocked at what you read.

In the last part of 1976 Haddock conned you into voting to put into the by-laws that you had to attend at least 50% of the local meetings in the last 24 months before election before you could be eligible to run for election. It also states if you don't attend you have to notify in writing the reason, and only certain reasons will be accepted. Notice how he is conning you. If you write and tell him you can't attend a meeting, he will have your name and that is what he wants.

It also states that this may not apply until election of officers in 1981. In case you members don't know, Haddock and his gang are up for election next year, 1978, in November. If any of you want to run for office, now is the time to start. If you wonder what the small slips of paper you sign at the hall when you go to the meeting are, that is supposed to be proof you were there. Why doesn't Haddock use a ledger book? I'll tell you why; it's another rip-off. Those small slips of paper can be lost. Keep your own record when you go to a meeting. Ask one of the officers to sign your record. If he won't, ask a brother to. A casual can't run for election; you must have a regular job. Poor casuals don't have a chance. The companies mistreat him, and the union. Everybody seems to dislike a casual. I used to be one, and I know.

Bill Weed, an E.T.M.F. city man is going to run for office next year, and already the local is harrasing him. E.T.M.F. is trying to fire him. Anything to worry Bill is what the local wants—Garland Moore, (business Agent,) especially. Everyone knows Garland Moore. He's the one with the big mouth that tries to scare some of the members. Mr. Moore, you may scare some little old lady or a child, you can't scare a real man. Garland Moore told me on the phone, "If you use my name, make goddamn sure you know what you say is true." Mr. Moore, you have a big mouth, and you attempt to coerce, intimidate members to join D.R.I.V.E. I hope by the time I am through with my investigation on you, you will be in jail where you belong. If anyone feels that Moore pushed you into joining DRIVE, write me or call the local F.B.I. If anyone tries to push you into DRIVE call the F.B.I. The F.B.I. will investigate each complaint.

NATIONAL LABOR RELATIONS BOARD
Docket No. 16-CB-1246 OFFICIAL EXHIBIT NO. DC6
Disposition: Identified ✓
Received ✓
Rejected _____
Is the matter of Brown
Date 8-15-77 Witness _____ Reporter Ritter
No. Pages 1

Archie Brown
Box 17266
Dallas, Texas 75217

Go to the Union Meeting Sunday

DC6

To the members of Local 745

You have wondered about numerous letters correspondence and literature. You have received or read from Archie Brown, but to state the true fact about Mr. Brown, he has never been a true union member or now will he ever be. He has spread his propaganda and letters in hope of sympathy, but Mr. Brown is a member of a Communist organization called PROD. And if some of you drivers wonder why you're ice time won't be paid, it was because Mr. Brown rattled you off and said the highways were passable and you were paid accordingly. Gottleman, take this man as he truly is. Notice his apparel and his dress and the recent Russian or Communist movies which you have seen and compare him with this. This is a thought for all of the members of Local 745 or any other local, which this man might try to become a member of.

READ

REWARD

REWARD

REWARD

REWARD

I, ARCHIE E. BROWN WILL PAY FIVE HUNDRED DOLLARS (\$500.00) TO ANYONE THAT CAN SUPPLY ME THE CORRECT INFORMATION, THAT WILL LEAD TO THE PERSON, OR PERSONS, THAT IS RESPONSIBLE FOR MAKING THE ABOVE FALSE ACQUISITIONS, AND MALICIOUS LIES, ABOUT ME AND PROD.

IT IS UNFOUNDED, AND A CAREFULLY CONCEIVED PLAN TO DISCREDIT ME.

IF YOU HAVE THE TRUE INFORMATION, WRITE TO ME IN YOUR OWN HAND WRITING, WITH YOUR ADDRESS AND PHONE NUMBER TO BOX 17266 DALLAS, TEXAS. 75217

SIGNED
Archie E. Brown
ARCHIE E. BROWN

NOTE.

WHEN THE PERSON, OR PERSONS ARE INDICATED I WILL PAY IN CASH.

NATIONAL LABOR RELATIONS BOARD

Docket No. 1608-1246 OFFICIAL EXHIBIT NO. DC5

Disposition

Identified ✓
Received ✓
Rejected _____

Is the matter of Brown

Date 8-15-77 Witness _____ Reporter Ritter

No. Pages 1

DC5

TO TEAMSTERS EVERYWHERE GIVE A DAMN

You are a Teamster, and of that you can be proud. If you are living in fear of certain elements in your union, then you have lost your pride.

I agree there are Mafia types, under-world people, etc. in our union. They are there because your rank and file have been misled, lied to, and undermined. Most of you are hard working Teamsters, that love America, and there would be no America as we know it, if it wasn't for you. It's disrespectful for you to be frightened of those MAFIA TYPES, FILTH, SCUM, that is what they are, they prey upon your hard earned money. They wallow in their own vomit, too sorry to work for a living honestly.

A lot of you Teamsters fought in wars, Vietnam, Korea, etc. and won. It's time now to fight for your Union back.

I was refused membership in Teamsters Local 745, Dallas, TX, because I would not join D.R.I.V.E. (Democrat Republican Independent Voter Education). I'm a member of Teamster Local 886, Oklahoma City. I will never join D.R.I.V.E. under threat, violence, etc. I don't know if Local 745 has Mafia types or not. I don't think they do. Never-the-less, Local 745 did me an injustice. I need you good Teamsters to help me get my Union card in Local 745. I have as much right as any other 745 member. I work in Dallas for a trucking company and I'm being mistreated by Local 745.

If you rank and file members want to fight to reform your union and get it back, I suggest you join PROD. I'm a member and take it from me, that's the place to start.

PROD is made up of good, honest Teamsters all over America (rank and file), fighting to keep scummy hoodlums out of the Teamsters. We are winning. MAFIA TYPES, and UNDERWORLD figures know it. We are growing in numbers every day, getting stronger - WE FEAR NOTHING, and PROD is here to stay. Everyone may as well get use to the idea.

If you want to join PROD, write today to:

PROD - Box 69, Washington, D.C. 20044

I am responsible for all the writings on this paper. Archie Brown - my problems with D.R.I.V.E. involve me and me alone.

NOTE

To you that would like to withdraw from D.R.I.V.E. write me. I'm having forms printed up Free - no charge - put your name and address on an envelope with a 13 cent stamp. Send to

Archie Brown
Box ~~17203~~ 17266
Dallas, Texas 75217

FCX4

TO TEAMSTERS, LOCAL 745 DALLAS - RANK & FILE

Do not let any officer or officers of Local 745 force you to join D.R.I.V.E. It is illegal for anyone person or persons, or organizations to require you to join or belong to D.R.I.V.E. Stand up for your rights as a man, as Teamsters, demand your constitutional rights. If any officer at Local 745 tells you that you must join D.R.I.V.E. (Democrat Republican Independent Voter Education) that officer is a LIAR - I repeat LIAR. It is against Federal Campaign Laws.

I transferred from Local 745 Dallas, to Local 886 Oklahoma City, Oklahoma. I came back to Dallas and asked Local 745 to re-transfer me back to Local 745. I was refused because I would not join D.R.I.V.E.

I'm a line driver for one of the major trucking companies in Dallas. I'm a proud Teamster and Brother Teamster. I wrote to the U.S. Attorney General's office, Dept. of Justice and Dept. of Labor in Washington D.C.; all Federal agencies. Also to PROD, and I have a lawyer. I say to my Brother Teamsters, it is a disgrace to have to go to all that trouble and expense to get transferred to Local 745. What kind of officers have you elected to run your local union affairs.

I ask you as a Teamster Brother to speak up for me at Local 745. Local 745 belongs to you (Rank and File), not just the officers. It is time to wake up and get your local back before it is too late. Don't be afraid to get up in the hall and speak your mind, you have the right. We as rank and file Teamster Brothers must stick together in order to hold our union together and be a strong, courageous organization. If you keep your local officers in line, make them work for you, (not themselves alone). Your strength will be heard all the way up to the International Teamsters.

Now is the time to start. I have some material about your rights in the Teamsters which a lot of you might not know. If you would like to have it, I'll send it to you free of charge. Send me your name and address with a self addressed envelope with a 13 cent stamp. Write me at

Archie E. Brown
Box 17266
Dallas, Texas 75217

NOTE: To you that have written me about DRIVE, your letters are being photostated and sent to the proper people.

NATIONAL LABOR RELATIONS BOARD
Docket No. 16-CB-1246 OFFICIAL EXHIBIT NO. 2C3
Disposition } Identified ✓
 } Received ✓
 } Rejected _____
Is the matter of Brown
Date 8-15-77 Witness _____ Reporter Ketter
No. Pages 1

2C3

10 Members of Teamsters local 745 Dallas Tx.

I was refused by certain officers of local 745 Teamsters union Dallas Tx. to be transferred from Teamsters local 886 Oklahoma City Ok. on December 30, 1976 aprox. 3:30pm for not agreeing to join DRIVE. George Parda was the Union Officer that said either join DRIVE or or I don't get transferred.

Three other officers were present and they all seemed to agree with Parda. There was a Driver that I know heard them make the Statement. Charles Rogers and two other officers I did not recognize. I ask one of the officers what his name was he said, and I quote, "None of your God Dam Business!"

If Union Members have to be intimidated, or frighten, into something when is suppose to be voluntary, than it becomes Forced.

I just want to make myself clear to the Union Officers in local 745, they don't scare me. If you let Union officers in local 745 get away with thier own rules, the members become the servants, instead of the Officers there to serve the members.

I am a Teamster and a proud Teamster and I get angry when I hear someone put a Teamster down.

I say to you \$16.00 a Month Members of local 745 make your officers get in line and do the job they were elected to do. I stood there today and looked at a bunch of DICTATORS who thought they were.

I'm a line Driver for TransCon in Dallas. A company that gives its employees more than a fair shake. I intend to remain with them and send my Union Dues to Teamsters Local 886 in Oklahoma City.

To George Parda you haven't heard the last of this matter.

Archie E. Brown
Archie E. Brown

Anyone that would care to write me and let me know your views or anything else you might know the illegal acts that the Officers in Teamsters Local 745 are doing, please feel free to do so and don't let them scare you.

Archie E. Brown
Post Office Box 17266
Dallas Texas. 75229

Notice
If you see the Rec. you will see my Dues are paid in full thru., Jan. 1977
Also notice DRIVE says VOLUNTARY CONTRIBUTIONS

NATIONAL LABOR RELATIONS BOARD

Docket No. 16-CB-1246 OFFICIAL EXHIBIT NO. SC2

Disposition Identified ☒
Received ☒
Rejected ☐

Is the matter of Brown
Date 1-5-77 Witness Ritter Reporter Ritter
No. Pages: 1

SC2

NOT NEGOTIABLE
CUSTOMER'S RECEIPT
NEGOTIABLE
214554854
YEAR MONTH DAY
SERIAL NUMBER
UNITED STATES POSTAL SERVICE
U.S. MAIL
FIRST CLASS
POST OFFICE
DOLLARS AND CENTS
AMOUNT OF ORIGINAL MONEY ORDER
Not Negotiable
FOR Union Dues Paid thru Jan 1977
PAID BY
Teamster Union
LOCAL 886
OKLA. CITY, OK.
ARCHIE E. BROWN

This receipt is your guarantee of a 100% refund if your money order is lost or stolen, provided you fill in the Pay To and Purchased By information on the money order in the space provided.
If your money order is lost or stolen, present this receipt and file a claim for a refund at your Post Office. Please allow 60 days before making a claim or inquiry.



I subscribe the sum of \$5.00 each year to DRIVE with the understanding that the voluntary contribution may be used for political purposes in accordance with the constitution and rules of DRIVE.
I further hereby authorize and request my employer to deduct from my earnings the sum of \$5.00 each year during any payroll period so be remitted to my local DRIVE Chapter.
I reserve the right in accordance with the applicable State or Federal laws to revoke this authorization at any time by giving written notice of such revocation to my local DRIVE Chapter in accordance with such laws or otherwise.
A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

SIGNATURE

ADDRESS

STATE

CITY

NAME-PLEASE PRINT

White Copy to Employer • Green Copy to DRIVE Chapter • Blue Copy to National DRIVE

Local No. 745 DRIVE CHECK-OFF AUTHORIZATION FOR DRIVE

Date 10-6-75

I, the undersigned, hereby authorize and direct my Employer to deduct from my earnings the sum of \$ _____ each year, the same to be deducted once each year during the month of _____, with the understanding that said sum so deducted each year by my Employer shall BE PAID TO THE LOCAL 745 DRIVE.

It is understood that this authorization is voluntarily given and the amount indicated above represents my contribution to DRIVE each year to be used for political purposes in accordance with the Constitution and rules of such organization.

I RESERVE THE RIGHT, in accordance with the applicable State, or Federal laws to revoke this check-off authorization at any time by giving written notice of such revocation to my Employer in accordance with such laws or otherwise.

FOR VALUE RECEIVED, I, for myself, for any member of my family, or anyone acting by or through me, my heirs, administrators, executors, and/or assigns, agree to hold, and do so hold my Employer, my Local Union, and DRIVE free and harmless, and do release them from any and all claims, actions, damages, and the like, by reason of such deduction from my earnings by my Employer and the payment of such to LOCAL 745 DRIVE even in the event that this check-off authorization shall be declared to be ineffective or violative of any law.

ARCHIE E. BROWN

PRINT NAME

CASUAL

EMPLOYER

223-44-0162

SOCIAL SECURITY NO.

Archie E. Brown

SIGNATURE

10614 Alcedo DR.

ADDRESS

DALLAS TEXAS 75223

CITY

NATIONAL LABOR RELATIONS BOARD

Docket No. 10-CB-1246

OFFICIAL EXHIBIT NO. R-1

Disposition

Identified ✓

Received ✓

Rejected ✓

Is the matter of Brown

Date 8-15-77

Witness

Reporter Ritter

No. Pages 1

81040253262

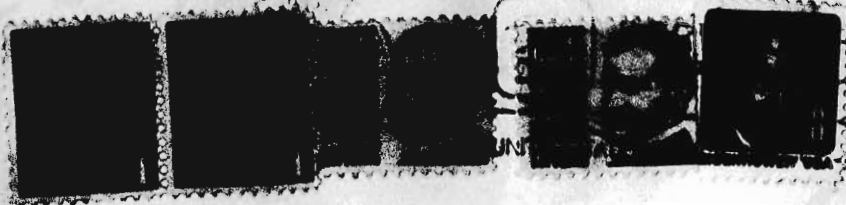
81040253267
Archie E. Brown
1439 Whitley Dr.
Dallas, Texas 75217

RECEIVED
FEDERAL ELECTION
COMMISSION

77 SEP 19 AM 11:18

ATTENTION....SUBANNE CALLAHAN

FEDERAL ELECTION COMMISSION
1325 K. St. N.W.
WASHINGTON, D.C. 20463





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

October 3, 1977

Mr. Thomas Henderson, Chief
Public Integrity Section
U. S. Department of Justice
Washington, D. C. 20530

RE: Teamsters Local 745
Dallas, Texas

Dear Mr. Henderson:

On May 4, 1977 the Federal Election Commission received from your office a complaint filed by Archie E. Brown concerning a possible violation of the Federal Election Campaign Act of 1971, as amended, by the Teamsters Local 745 in Dallas, Texas. The complaint involves a possible violation of Section 441b of Title II of the United States Code. This section prohibits as a condition of membership, labor organizations from requiring contributions to a separate segregated fund, to be utilized for political purposes.

The Commission has found reason to believe that the matters alleged in Mr. Brown's complaint state a violation of Section 441b and is presently conducting an investigation in this matter.

On August 17, 1977 the Commission was informed by Mr. Brown that Special Agent Bill Grimmer of the F.B.I.'s Dallas Office is also involved in an inquiry regarding Teamsters' Local 745.

We would appreciate being advised on a continuous basis of any information the F.B.I. has developed which may have some bearing on the Commission's inquiry into possible violations of 2 U.S.C. Section 441b or other sections of the federal election laws under the Commission's jurisdiction.

If you have any questions, please contact Suzanne Callahan (telephone no. 523-4166), the staff member assigned to this case.

Sincerely,

Lester Scall
Assistant General Counsel



MCC # 1655

LAW OFFICES
OF
ROSEBOROUGH & CURLEE
ATTORNEYS AND COUNSELORS
1207 MAIN BANK BLDG.
DALLAS, TEXAS 75202
742-6574

LARRY C. ROSEBOROUGH
JAMES W. CURLEE

RECEIVED
FEDERAL ELECTION
COMMISSION

'77 SEP 26 PM 1:03

CM-RRR
#453007

September 21, 1977

Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

Re: MUR 412 (77)

Attn: Suzanne Callahan

Dear Ms. Callahan:

This will confirm our conversation of today pertaining to the subpoena previously issued on September 9, 1977 to Mr. Charles Rogers, President, Teamsters Local 745, in which I informed you that I would respond to the above referred to subpoena as quickly as possible. The subpoena will be issued in the following paragraphs which correspond to the paragraphs of the subpoena:

- 81040253267
- A(1) There is not in existence a list of the names, addresses and phone numbers of all individuals who are or were members of Local 745 D.R.I.V.E. from January 1, 1976 to present. For a list of this type to be compiled, it has been indicated to me that the clerical time involved would be between 3 and 4 weeks.
- (2) See the answer to A above.
- (3) No list has ever been kept on people who have refused to join D.R.I.V.E. and for that reason, the request is impossible to comply with.
- B Teamsters Local 745 has not received any written directives from the National Office of the Teamsters between January 1, 1976 and the present and for that reason cannot comply with this paragraph.
- C Teamsters Local 745 has not distributed any material in connection with D.R.I.V.E. since January 1, 1976.
- D Enclosed you will find a copy of the "Check-Off Authorization for DRIVE" which is both the means for joining and withdrawing from D.R.I.V.E.

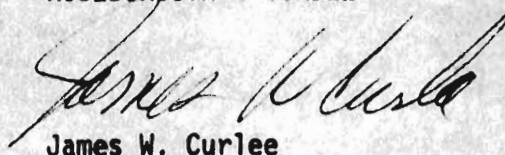
Page 2
Federal Election Commission

- E. Enclosed you will find a copy of the Constitution and By-Laws of D.R.I.V.E. This is the only instrument in existence which could comply with this paragraph.
- F. Enclosed you will find a list of names, addresses and phone numbers of the officers of Local 745 D.R.I.V.E. from January 1, 1976 to present.
- G. The answer to this paragraph is the same as the answer to F above. I indicated to you on the telephone that I would furnish to you a list of the business agents and office personnel if you can give to me a valid reason for said list. I further indicated to you on the telephone that the stewards of Teamsters Local 745 change on a rapid and regular basis and this list would have no bearing on any possible investigation of your agency.

I stand ready to discuss with you at any time any further information which you desire in connection with the above case number.

Yours very truly,

ROSEBOROUGH & CURLEE



James W. Curlee

JWC:ndp
Enclosures

cc: Mr. Charles E. Haddock

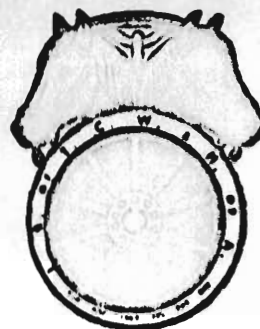
81040253268

LOCAL 745 DRIVE

1007 JONELLE
P. O. BOX 17270

398-0661

DALLAS, TEXAS 75217



OFFICERS OF LOCAL 745 DRIVE

PRESIDENT

Charles E. Rogers
4024 Peachtree Road
Mesquite, Texas 75149 214/286-3006

SECRETARY TREASURER

Charles E. Haddock
Route 2, Box 57 B
Seagoville, Texas 75159 214/287-4248

VICE PRESIDENT

George S. Prda
3012 Scottsbluff
Dallas, Texas 75228 214/279-8862

RECORDING SECRETARY

E. F. Johnson, Jr.
1236 Juanita
Mesquite, Texas 75149 214/285-4863

TRUSTEES

L. Z. McCoy
206 Pecos
Garland, Texas 214/271-6742

R. L. Perkins
1523 Belmont
Mesquite, Texas 214/285-1648

Ples Carter
5015 Waneta
Dallas, Texas 214-357-3253

81010253269

CONSTITUTION AND BY-LAWS
THE LOCAL 745 OF COMMITTEE FOR

Democratic Republican Independent Voter Education

ARTICLE I - NAME

Sec. 1. This organization shall be known as the Local 745 Committee for Democratic Republican Independent Voter Education, and for purposes of brevity, it can be referred to as DRIVE. It shall be a voluntary, unincorporated, non-profit organization, and its principal office shall be located in Dallas, Texas.

ARTICLE II - OBJECTIVES

Sec. 1. The objectives of DRIVE shall be three-fold -- legislative, education, and political, as follows:

(1) Legislatively - to secure the passage of laws favorable to organized labor and the defeat or amendment of laws which are unfavorable to organized labor.

(2) Educationally - to enlighten working people, whether organized or unorganized, and the general public concerning laws enacted or proposed for enactment which are of interest, benefit, or concern to working people, and to disseminate information concerning the qualifications of candidates who present themselves for public office.

(3) Politically - to bring about by lawful means the nomination and election of candidates who will protect and promote the interests and welfare of organized and unorganized workers and the public generally.

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ARTICLE III - MEMBERSHIP

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Sec. 1. Any member of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America may become a member of DRIVE by making a contribution of \$1.00 per year to its general fund. The membership shall be classified into five divisions: (1) Supporting Membership, (2) Teamster Wife Membership, (3) Active Membership, (4) Sponsoring Membership, and (5) Life Membership. A Supporting Member shall be any person making a minimum contribution of \$1.00. A Teamster Wife Member shall be any wife of a Teamster Member making a minimum contribution of \$1.00. An Active Member shall be any person making a minimum contribution of \$3.00. A Sponsoring Member shall be any person making a minimum contribution of \$25.00. A Life Member shall be any Teamster member making a minimum contribution of \$100.00.

Sec. 2. Membership in DRIVE shall be on a voluntary basis. No membership contribution shall be accepted by DRIVE or any representative thereof except under the understanding that such contribution will be used for political purposes, such as the election of candidates favorable to organized labor and making donations to such candidates; and in this connection, any person making a membership contribution shall be given a receipt indicating that the contribution has been given with the understanding that it can be used solely for political purposes.

ARTICLE IV - ADMINISTRATION

Sec. 1. Local 745 DRIVE shall be generally administered by an Administrative Committee of Local 745 DRIVE consisting of the President, the Vice President, Secretary-Treasurer, the

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Recording Secretary and the three Trustees of Local 745 of the International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America. The function of the Administrative Committee shall be to administer and oversee the daily operations of DRIVE. The Administrative Committee may select a staff necessary and sufficient to carry on the work of DRIVE. The compensation of the members of such staff shall be fixed by the Administrative Committee. The Administrative Committee shall formulate the policies of DRIVE and direct its activities; shall establish liaison with other local and regional groups or affiliates of DRIVE; and with National DRIVE in Washington, D. C., and shall take all steps necessary to carry out the objectives of DRIVE.

Sec. 2. The Administrative Committee shall decide when and where its meetings shall be held and under what conditions; shall adopt whatever rules of procedures it deems necessary for the conduct of its business; and shall require the Treasurer to keep a record of all transactions including a record of all contributions made to DRIVE and all expenditures made by DRIVE from its funds, together with adequate reports and records to indicate the purpose or source of expenditures or contributions.

Sec. 3. The Administrative Committee may appoint an Executive Director to be the principal administrative officer of DRIVE. He shall then attend meetings of the Administrative Committee and direct the daily activities and functions of DRIVE, and shall carry on all correspondence of DRIVE and be

the administrator of its business transactions and shall direct its staff. At the will of the Administrative Committee, he, together with the Treasurer may countersign all checks issued by DRIVE.

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Sec. 4. The Treasurer shall receive all contributions to DRIVE and shall deposit same in a bank of sound financial standing in the particular Fund to which the contributions have been allotted, and he shall be responsible for making the proper allotments. He shall sign all official receipts and shall sign all checks issued by DRIVE and have them countersigned by the Executive Director, if one is appointed, or by some other officer. He shall keep a systematic account of all expenditures and disbursements. He shall present all bills to the Administrative Committee for approval and make periodic reports to that Committee concerning the financial status and condition of DRIVE. He and the Executive Director, if one is appointed, or such other officer who countersigns checks, shall be bonded in such amount and with such bonding company as is directed by the Administrative Committee.

ARTICLE V - POWERS

Sec. 1. The Local 745 DRIVE shall operate in conformity with the policies of the National DRIVE, the Joint Council DRIVE and the State DRIVE in which the Local 745 DRIVE is situated.

Sec. 2. The Local 745 DRIVE shall have the responsibility of stimulating, assisting and coordinating campaigns in its area:

- (a) for the qualification to vote of Teamster members and their families and friends.

- 81040253274
- (b) to get out the vote on election day.
 - (c) to educate members, families, and friends on the political issues of the day and encourage study and discussion of such issues and related candidates.

Sec. 3. The Local 745 DRIVE shall have the primary responsibility for the establishment of central card files for Teamster members and their families and for the promotion of ward, precinct and other neighborhood committees, but shall integrate this file with a master index file of Joint Council DRIVE.

Section 4. If there is more than one Congressional district within the area, the Local 745 DRIVE may establish a Congressional district committee in each district for the purpose of coordinating the political education activities therein.

ARTICLE VI - FUNDS

Sec. 1. DRIVE shall be financed and shall conduct its operations from contributions, membership or otherwise, which lawfully may be given and accepted, and it shall under no circumstances accept any contribution in violation of any city, county, state or federal law.

Sec. 2. DRIVE shall maintain its funds in two distinct and separately labeled accounts, one to be known as the "Educational and Legislative Fund" and the other to be known as the "Political Fund." Contributions and payments which

lawfully may be made to and accepted by DRIVE for political purposes shall be placed only in the Political Fund. No contributions or payments shall be accepted by DRIVE for its Political Fund from any labor organization or from any corporation.

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Sec. 3. Funds placed in the Educational and Legislative Fund shall be used only for educational and legislative purposes. No portion of such shall be contributed or expended by DRIVE in furthering, advancing or advocating the nomination or election of any candidate for an elective Federal office, including the offices of President of the United States and Presidential and Vice Presidential electors, or the success of any National political party, nor shall any portion of such funds be contributed or expended in connection with any election at which Presidential and Vice Presidential electors or a Senator or a Representative in, or a Delegate or a Resident Commissioner to Congress are to be voted for, or in connection with any primary election or political convention or caucus held to select candidates for any of the foregoing offices; nor shall any portion of such funds be expended to make any financial contributions to any political party or to any persons running for political office as a part of the campaign expenses of such individual.

Sec. 4. Funds placed in the Political Fund shall be used only for political purposes, including the financing of donations to political candidates. All contributions, donations, expenditures made by DRIVE shall be in conformity

with all city, county, state and federal laws. Operational expenses of DRIVE directly related to political activity shall be paid out of the Political Fund.

ARTICLE VII - COMMITTEES

Sec. 1. The Administrative Committee may appoint any or all of the following committees:

- (a) Membership Committee
- (b) Legislative Committee
- (c) Educational Committee
- (d) Political Committee
- (e) Women's Activities Committee
- (f) Auditing Committee
- (g) Fund-Raising Committee
- (h) Program Committee
- (i) Publicity Committee
- (j) Poll Tax and Get-Out-The-Vote Committee
- (k) Any other necessary standing or temporary Committee.

Sec. 2. The duties of the several committees shall be as directed by the Administrative Committee and shall include the following:

- (a) Membership Committee shall use its best efforts to secure members for DRIVE.
- (b) Legislative Committee shall recommend to the Administrative Committee the using of its best efforts towards securing the passage of laws favorable to

81040253277

organized labor and the defeat or amendment of laws which are unfavorable to organized labor.

(c) Educational Committee shall enlighten the membership of DRIVE, as well as the working people in general, whether organized or unorganized, and the general public concerning laws enacted or proposed for enactment which are of interest, benefit, or concern to working people and to disseminate information concerning the qualifications or candidates who present themselves for public office.

(d) Political Committee shall examine the qualifications of candidates for public office; shall check on voting and other records; shall encourage well-qualified men and women to seek public office; shall screen and interview candidates, shall recommend to the Administrative Committee ways and means of bringing about by lawful means the nomination and election of candidates who will protect and promote the interests and welfare of organized and unorganized workers and the public generally.

(e) Women's Activities Committee shall engage in such effort in which only women or women's groups are politically active, and shall recruit other women's organizations to assist DRIVE in carrying out its program.

(f) Auditing Committee shall from time to time audit the books maintained by DRIVE.

8 4 2 5 3 2 7 8
(g) Fund-Raising Committee shall suggest ways and means of supplementing the funds of DRIVE and shall seek contributions from persons interested in the program of DRIVE.

(h) Program Committee shall arrange suitable programs for general and special meetings which shall be of interest to the membership and in accordance with the aims of DRIVE.

(i) Publicity Committee shall publicize the aims, efforts, work, and recommendations of DRIVE.

(j) Poll Tax and Get-Out-The-Vote Committee shall use its best efforts to assist Teamster members and other eligible citizens to qualify and to vote in all elections.

(k) Any other Committee shall have those duties granted it by the Administrative Committee.

ARTICLE VIII - ENDORSEMENTS

Section 1. DRIVE is committed to the support of honest, sincere, qualified, progressive candidates for public office, who by their record have demonstrated their support of laws favorable to organized labor. In the making of endorsements, the capability, intelligence, unqualified integrity and the past record of the individual shall be employed as criteria for endorsement.

Sec. 2. Any member of any Local or Joint Council of the International Brotherhood of Teamsters has the same right as any other American citizen to run for public office.

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However, any Teamster member running for public office who desires DRIVE endorsement, shall, before filing his nomination, meet with the Administrative Committee, and discuss the advisability of his running and any other matters connected with his campaign. Failure to follow this procedure will preclude an endorsement to such Teamster member.

Sec. 3. Recommendations and endorsements shall be made exclusively by this Local 745 DRIVE as provided in the rules set forth below:

Sec. 4. Endorsements, if any, must be made pursuant to the following rules:

(a) The Local 745 DRIVE shall follow the endorsement of the National DRIVE of candidates for President and Vice President of the United States.

(b) Candidates for Congress shall be endorsed by the Joint Council DRIVE after consideration of the recommendation of the Local 745 DRIVE within the respective Congressional district, and also to pertinent information and voting records received from the National DRIVE.

(c) Candidates for Governor and other statewide offices shall be endorsed by the State DRIVE as provided in the State DRIVE By-Laws, after consideration of the recommendations of the Local 745 DRIVE within the state.

(d) Candidates for State offices shall be endorsed by the State DRIVE as provided in the State DRIVE By-Laws after consideration of the recommendations of the Local 745 DRIVE

concerned with the respective State Legislative districts.

(e) Candidates for municipal and county offices shall be endorsed by the Local 745 DRIVE by a two-thirds majority vote of the membership of the Local 745 DRIVE present at a special meeting called for that purpose.

(f) If there are two or more local DRIVE organizations in one area, their individual political Committees shall work jointly in screening and recommending for endorsement candidates for municipal and county offices.

(g) If there is no Joint Council DRIVE or State DRIVE in the state where the Local 745 DRIVE is located, then the Local 745 DRIVE shall also endorse candidates for state offices as well as candidates for Congress.

(h) If there are two or more local DRIVE organizations in one area, and there is no Joint Council DRIVE or State DRIVE in the state where the local DRIVE organizations are located, then the individual Political Committees of all the local DRIVE organizations in that area shall work jointly in also screening and recommending for endorsement candidates for state offices as well as candidates for Congress.

ARTICLE IX - DISSOLUTION

DRIVE shall have the power to dissolve itself at any time it is so determined by the Administrative Committee. In the event of dissolution, all funds remaining after payment of all obligations shall be used for such trade union educational purposes as shall be determined by the Administrative Committee.

Local No. 745 DRIVE CHECK-OFF AUTHORIZATION FOR DRIVE Date _____

I, the undersigned, hereby authorize and direct my Employer to deduct from my earnings the sum of \$ _____ each year, the same to be deducted once each year during the month of _____, with the understanding that said sum so deducted each year by my Employer shall BE PAID TO THE LOCAL 745 DRIVE.

It is understood that this authorization is voluntarily given and the amount indicated above represents my contribution to DRIVE each year to be used for political purposes in accordance with the Constitution and rules of such organization.

I RESERVE THE RIGHT, in accordance with the applicable State, or Federal laws to revoke this check-off authorization at any time by giving written notice of such revocation to my Employer in accordance with such laws or otherwise.

FOR VALUE RECEIVED, I, for myself, for any member of my family, or anyone acting by or through me, my heirs, administrators, executors, and/or assigns, agree to hold, and do so hold my Employer, my Local Union, and DRIVE free and harmless, and do release them from any and all claims, actions, damages, and the like, by reason of such deduction from my earnings by my Employer and the payment of such to LOCAL 745 DRIVE even in the event that this check-off authorization shall be declared to be ineffective or violative of any law.

PRINT NAME

SIGNATURE

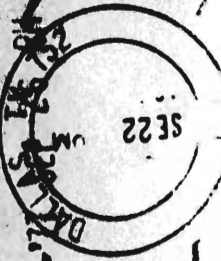
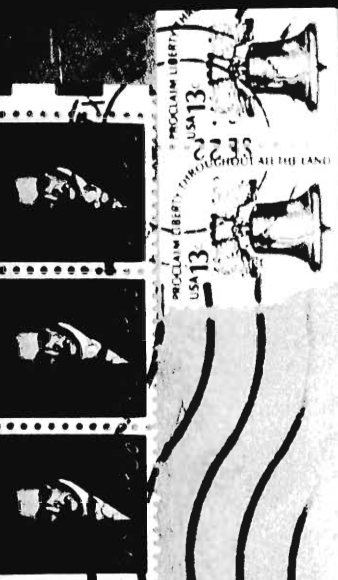
EMPLOYER

ADDRESS

SOCIAL SECURITY NO.

CITY





ROSEBOROUGH & CURLEE
ATTORNEYS AT LAW
1207 MAIN BANK BUILDING
DALLAS TEXAS 75202

Federal Election Commission
1325 K. Street N.W.
Washington, DC 20463



Sec# 1627
NWJ:na

September 13, 1977

GRIEVANCE

77 SEP 19 PM 12:39
ELECTED
COMMISSION

Local Union #745

Attn: Mr. T. G. Stone, Business Agent

777770

Accept this letter as my official protest of my discharge from Transcon Lines. The letter of discharge was dated Sept. 10, 1977. I am protesting this discharge under Article 45, Section 1, of the Southern Conference Area Over the Road Motor Freight Supplemental Agreement. This contract runs from April 1, 1976, to March 31, 1979.

The letter I received, dated Sept. 10, 1977, was signed by Mr. Don Grant, Superintendent of Transportation. This letter was hand delivered to me on Sept. 11, 1977, at approximately 9 PM. I emphatically deny the statement made in this letter, and I quote, "On September 8, 1977, near Springfield, Missouri, while you were operating Unit No. 630585 assigned to you, the engine was over-run, over-reved, and failed. The results of your willful damage and destruction."

I was not discharged for the reasons quoted in the letter above, and I charge Transcon Lines with deliberately attempting to frame me for my other activities in trying to change the contract and insisting that the Union properly represent me and the other members at Transcon Lines, and that the company abide by all federal, state, and city laws dealing with safety and the personal protection of all the employees working at Transcon Lines. My claim is for reinstatement, with full seniority and full pay, for all time lost due to this illegal and unlawful action on the part of Transcon Lines.

I intend for this to be a lengthy grievance so I can cover the true reasons for my mistaken and illegal discharge.

The facts are as follows:

My trouble started with the company at the same time that my trouble commenced with Local 745, which was on December 30, 1976. I had been working in Oklahoma City for this same company and had accumulated enough seniority by September of 1976 to bid in on a regular job on the extra board at the Dallas terminal. I commenced running out of Dallas some time in September. I then joined the Union hall like a good member should, to make arrangements for my transfer out of Local 866 in Oklahoma City, to Local Union 745 in Dallas, Texas. I was informed by some of the office help that they would mail to me the necessary papers and forms for me to sign, to effectuate my transfer. The young lady in the office was as good as her word, and I received in the mail all of the forms necessary to get my transfer worked out. Along with these forms, they had also mailed me a check-off authorization for my union dues, which I signed along with the other forms, and I returned them to the local Union office. Included in the mail I received from the Local Union 745 was a check-off authorization form for the organization called DRIVE, which is strictly a voluntary organization. Since it was voluntary, I felt that I was not obligated to sign this card or to contribute to this cause. I waited approximately 2-1/2 months and I had received no notice of my transfer, nor was I advised as to what I had to do to complete this transfer. I then went to the Union hall and a terrible disturbance erupted over my refusal to join DRIVE. The very next week I commenced having trouble with the company, so I felt that these incidents were related.



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

September 9, 1977

James W. Curlee, Esq.
Roseborough & Curlee
1027 Main Bank Bldg.
Dallas, Texas 75202

Re: MUR 412 (77)

Dear Mr. Curlee:

Enclosed is a copy of a subpoena dated September 7, 1977 which the Commission has just sent to your client, Charles Rogers, President of Local 745.

The subpoenaed materials should be sent to the Office of General Counsel, Federal Election Commission, 1325 K Street N.W., Washington, D.C. 20463. If you have any questions, please direct them to Suzanne Callahan (telephone no. 523-4166), the staff member assigned to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "William C. Oldaker".

William C. Oldaker
General Counsel

81010051286

UNITED STATES OF AMERICA
FEDERAL ELECTION COMMISSION

Subpoena to produce Books, Records, and other Relevant Documents.

TO: Mr. Charles Rogers, President
Local 745 of the International Brotherhood of Teamsters,
Chauffeurs, Warehousemen and Helpers of America
P.O. Box 17270
Dallas, Texas 75217

At the instance of the Federal Election Commission, pursuant to section 437d of Title II of the United States Code, you are hereby subpoenaed to deliver for inspection and copying to authorized representatives of the Federal Election Commission at 1325 K Street N.W., Washington, D.C., 20463, within 10 days of your receipt of this subpoena, the following documents with regard to membership in Local 745 D.R.I.V.E.:

(a) A list of the names, addresses, and phone numbers of all individuals who are or were members of Local 745 D.R.I.V.E. from January 1, 1976, to the present, as well as a list of all members who have withdrawn from D.R.I.V.E. or who have refused to join D.R.I.V.E. in the same time period.

(b) All written directives received by Local 745 from the National Office of D.R.I.V.E. and from the National Office of the Teamsters, between January 1, 1976, and the present, concerning D.R.I.V.E. and membership in D.R.I.V.E.

(c) Copies of all materials distributed to Local 745 members or posted in union areas, between January 1, 1976 and the present, concerning D.R.I.V.E. and membership in D.R.I.V.E.

(d) Copies of membership and withdrawal forms for D.R.I.V.E., including instructions on how to join or withdraw from D.R.I.V.E.

(e) Copies of the statement of purpose, charter, goals and or other similar guidelines of Local 745 D.R.I.V.E.

(f) A list of the names, addresses and phone numbers of the officers of Local 745 D.R.I.V.E. from January 1, 1976 to the present.

(g) A list of the names, addresses, and phone numbers of the officers of Local 745 including but not limited to business agents, stewards, and all office personnel.

81010253287

WHEREAS, the Chairman of the Federal Election Commission
has hereunto set his hand at Washington, D.C., this 7th
day of September, 1977.

Thomas E. Harris
Thomas E. Harris
Chairman

ATTEST

Marjorie W. Emmons
Secretary to the Commission

MUR 412 Callahan

PS FORM 3811, NOV. 1976

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).

☐ Show to whom and date delivered25¢

☒ Show to whom, date, & address of delivery45¢

☐ RESTRICTED DELIVERY.
Show to whom and date delivered85¢

☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery ..\$1.05
(Fees shown are in addition to postage charges and other fees).

2. ARTICLE ADDRESSED TO:
Mr Charles Rogers, Pres
Local 745 - Teamsters
Dallas, TX

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	438006	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE ☐ Addressee ☐ Authorized agent

[Signature]

4. DATE OF DELIVERY
XLS

5. ADDRESS (Complete only if registered or insured)

P.O. Box 17270
DALLAS, TX. 75271

6. UNABLE TO DELIVER BECAUSE:

SEP 12 1977
DALLAS, TEXAS
U.S. MAIL

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

U.S. POST OFFICE



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

September 7, 1977

MEMORANDUM TO: CHARLES STEELE

FROM: MARJORIE W. EMMONS *MWE*

SUBJECT: Issuance of Subpoena - MUR 412 (77) -
to Mr. Charles Rogers

The Commission has approved issuing a subpoena to
Mr. Charles Rogers in relation to MUR 412 (77).

The Commissioners voting for approval of the attached
subpoenas were:

Commissioner Harris
Commissioner Aikens
Commissioner Springer
Commissioner Tiernan
Commissioner Staebler



81040253289



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

September 1, 1977

MEMORANDUM

TO: COMMISSIONERS

FROM: WILLIAM OLDAKER *WLO*

SUBJECT: MUR 412

On July 28, 1977, the Commission authorized the issuance of subpoenas to officials of Respondent Local 745, some witnesses, and for production of union and D.R.I.V.E. records when our investigation of this matter reached the stage where such would be appropriate.

Based on information we have obtained from some cooperative witnesses, we now recommend that the attached subpoena to produce records be sent to Charles Rogers, President of Local 745, to facilitate our investigation in this matter.

We intend to use the information obtained by subpoena to prepare for depositions of some of the union officials and other witnesses.





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

AUTHORIZATION TO ISSUE A SUBPOENA TO FACILITATE THE INVESTIGATION
OF MUR 412

The Commission hereby authorizes a subpoena to be issued to
Charles Rogers, President of Local 745 of the International Brother-
hood of Teamsters, Chauffeurs, Warehousemen, and Helpers of America.

Thomas E. Harris

Thomas E. Harris, Chairman

Vernon W. Thomson, Commissioner

Joan D. Aikens

Joan D. Aikens, Vice Chairman

Neil O. Staebler

Neil O. Staebler, Commissioner

William L. Springer

William L. Springer, Commissioner

Robert O. Tiernan

Robert O. Tiernan, Commissioner





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

2 September 1977

MEMORANDUM TO: MARJORIE EMMONS

FROM: CHARLES STEELE *CS*

SUBJECT: MUR 412

Please remove from the agenda for September 8, 1977, the memorandum and subpoena concerning MUR 412. This was inadvertently submitted for the agenda.

81040253292



September 1, 1977

MEMORANDUM TO: Marge Hanson
FROM: Eileen T. Carr
SUBJECT: MUR 412 (77)

Please have the attached Memorandum on MUR 412 distributed to the Commission and placed on the Compliance Agenda for the Commission meeting of September 8, 1977.

Thank you.

81040253293

UNITED STATES OF AMERICA

FEDERAL ELECTION COMMISSION

Subpoena to produce Books, Records, and other Relevant Documents.

TO: Mr. Charles Rogers, President
Local 745 of the International Brotherhood of Teamsters,
Chauffeurs, Warehousemen and Helpers of America
P.O. Box 17270
Dallas, Texas 75217

At the instance of the Federal Election Commission, pursuant to section 437d of Title II of the United States Code, you are hereby subpoenaed to deliver for inspection and copying to authorized representatives of the Federal Election Commission at 1325 K Street N.W., Washington, D.C., 20463, within 10 days of your receipt of this subpoena, the following documents with regard to membership in Local 745 D.R.I.V.E.:

(a) A list of the names, addresses, and phone numbers of all individuals who are or were members of Local 745 D.R.I.V.E. from January 1, 1976, to the present, as well as a list of all members who have withdrawn from D.R.I.V.E. or who have refused to join D.R.I.V.E. in the same time period.

(b) All written directives received by Local 745 from the National Office of D.R.I.V.E. and from the National Office of the Teamsters, between January 1, 1976, and the present, concerning D.R.I.V.E. and membership in D.R.I.V.E.

(c) Copies of all materials distributed to Local 745 members or posted in union areas, between January 1, 1976 and the present, concerning D.R.I.V.E. and membership in D.R.I.V.E.

(d) Copies of membership and withdrawal forms for D.R.I.V.E., including instructions on how to join or withdraw from D.R.I.V.E.

(e) Copies of the statement of purpose, charter, goals and or other similar guidelines of Local 745 D.R.I.V.E.

(f) A list of the names, addresses and phone numbers of the officers of Local 745 D.R.I.V.E. from January 1, 1976 to the present.

(g) A list of the names, addresses, and phone numbers of the officers of Local 745 including but not limited to business agents, stewards, and all office personnel.

81040253294

WHEREAS, the Chairman of the Federal Election Commission
has hereunto set his hand at Washington, D.C., this _____
day of _____, 1977.

Thomas E. Harris
Chairman

ATTEST

Secretary to the Commission

81010253295

THE UNIVERSITY OF CHICAGO

THE DIVISION OF THE PHYSICAL SCIENCES

THE DIVISION OF THE BIOLOGICAL SCIENCES

THE DIVISION OF THE SOCIAL SCIENCES

THE DIVISION OF THE HUMANITIES

THE DIVISION OF THE PHYSICAL SCIENCES

THE DIVISION OF THE BIOLOGICAL SCIENCES

THE DIVISION OF THE SOCIAL SCIENCES

THE DIVISION OF THE HUMANITIES

THE DIVISION OF THE PHYSICAL SCIENCES

THE DIVISION OF THE BIOLOGICAL SCIENCES

THE DIVISION OF THE SOCIAL SCIENCES

THE DIVISION OF THE HUMANITIES

W. H. E. Brown

81004025329

Angela E. Brown
1734 Waller Drive
Dallas, Texas 75217



UNITED STATES

Federal Election Commission
1325 K Street N.W.
Washington D. C. 20463

77 AUG 21 PM 2:00

FEDERAL ELECTION
COMMISSION

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

Local 745 of the International Brotherhood
of Teamsters, Chauffeurs, Warehouseman,
and Helpers of America

MUR 412 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on July 28, 1977, the Commission determined by a vote of 6-0 to issue subpoenas to the below-named individuals if future contact with Local 745 in the above-captioned case warrants such action:

1. Receptionist - name not available at this date
2. Charles Rogers - President of Local 745
3. George Prda - Vice President of Local 745
4. Mr. Finney - witness
5. Garland Moore - business agent for Local 745.

Marjorie W. Emmons

Marjorie W. Emmons
Secretary to the Commission

81040253298



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

Dear Mr. _____:

The Federal Election Commission has received information from Archie E. Brown, an over the road driver from Dallas, Texas, which gives us reason to believe a violation of the Federal Election Campaign Act of 1971, as amended, may have been committed. We are writing to you because Mr. Brown has indicated that you may have information that could assist us.

Under this law (Title two, section 441b of the United States Code), labor organizations are prohibited from requiring their members, as a condition of membership, to contribute to a separate segregated fund to be utilized for political purposes. This section of the law also requires that a union which does solicit contributions, when such contributions are not a condition of membership, must inform union members that they have the right to refuse to contribute without reprisal.

Mr. Brown has indicated to us that your rights may have been violated in this respect and that you would be willing to provide us with specific information.

We intend to be in contact with you in the near future, however, we realize your occupational responsibilities may require you to be unavailable a considerable amount of the time. For your convenience, you may dial our toll free number (800-424-9530) at no charge to you between 9:00 am and 5:00 pm Monday through Friday. The staff member who will be handling this matter is Suzanne Callahan; please feel free to direct your response or questions to her attention.

Please note that Title two, section 437g(a)(3) of the United States Code prohibits any person from making public the fact of "any notification or investigation" by the Commission until the person or group complained against agrees in writing to make public the investigation.

Sincerely,

William C. Oldaker
General Counsel



81040253299



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

UNITED STATES OF AMERICA

FEDERAL ELECTION COMMISSION

Subpoena to Appear for Deposition Upon Oral Examination and
to Produce Books, Records and other Relevant Documents

TO:

At the instance of the Federal Election Commission
pursuant to section 437d of Title 2 of the United States Code,
you are hereby subpoenaed to appear for deposition with regard
to membership of Archie Brown in Local 745 of the International
Brotherhood of Teamsters, Chauffeurs, Warehouseman, and Helpers
of America. Notice is hereby given that the deposition is
to be taken at the offices of _____
on _____ and at any and all adjournments
thereof.

Pursuant to section 437d of Title 2, United States Code,
you are hereby subpoenaed to produce at the time of the deposition:

(a) All correspondence, memoranda, or other relevant
documents from or to you under your control which are either
to or from any person associated with Mr. Brown's denial of
membership in Local 745, or to the possible denial of member-



ship of any other applicant in Local 745, or which pertain to the voluntary contribution fund of D.R.I.V.E.

(b) Contemporaneous memoranda, including telephone logs, and any other records under your control regarding phone calls or other oral communication with persons associated with the membership of Archie Brown, or others, in connection with the voluntary contribution fund of D.R.I.V.E.

WHEREAS, the Chairman of the Federal Election Commission has hereunto set his hand at Washington, D.C., this _____ day of _____, 1977.

Thomas E. Harris
Chairman

ATTEST

Secretary to the Commission

81004025301

July 19, 1977

MEMORANDUM TO: Marjorie Hanson
FROM: Elissa T. Carr
SUBJECT: MUR 412 (77)

Please have the attached Latent Investigatory Report
on MUR 412 (77) distributed to the Commission and placed on the
agenda for the Commission meeting of July 28, 1977.

Thank you.

81040253302

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

)
) MUR 412 (77)
)

Local 745 of the
International Brotherhood of Teamsters,
Chauffeurs, Warehouseman, and Helpers of America

INTERIM INVESTIGATORY REPORT

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This matter involves a complaint submitted by Archie E. Brown who alleges that a violation of 2 U.S.C. section 441b has been committed by Local 745 of the International Brotherhood of Teamsters. Mr. Brown states that when he wanted to transfer his union membership from Teamsters Local 886 in Oklahoma to Local 745 in Texas, he was required to sign a "voluntary" contribution card to join D.R.I.V.E. He declined to contribute and was denied membership in the local.

On June 24, 1977 the 48 hour General Counsel's report recommending reason to believe a violation of section 441b had occurred, was circulated on a 24 hour no objection basis. No objections were submitted. The letters were sent on July 6, 1977.

The respondent's attorney, Mr. James Curlee, contacted us July 14th. Although his client, Mr. Rogers, President of Local 745, is on vacation until July 27th, Attorney Curlee will send us a statement immediately. Attorney Curlee denied that the local forces their members to join D.R.I.V.E. citing the fact that only 1/3 of their members belong to D.R.I.V.E. Since Mr. Rogers is not available at this time, it is not

clear if Attorney Curlee's statement will be the local's final response.

Mr. Brown, the complainant, has given us a list of individuals who were also allegedly forced or pressured to join D.R.I.V.E. He indicated these individuals would be willing to discuss this matter via phone if they had prior notification that we would be in touch with them. Since there are at least 15 of these individuals, we would like to proceed with this investigation without delay. We propose to send the attached letter to these potential witnesses to introduce ourselves.

In addition to these witnesses, there are other potential witnesses whom Mr. Brown mentions as being present when he was denied membership in the local. It is not clear how receptive to our contacts these witnesses would be and for this reason we request the authorization of the attached subpoena to be issued to the below mentioned individuals if future contact with the local warrants this action. The names and positions of these witnesses are:

1. Receptionist - name not available
2. Charles Rogers - President of Local 745
3. George Prda - Vice President of Local 745
4. Mr. Finney - witness
5. Garland Moore - business agent for Local 745

7/18/77

William J. Lee

8109005304

LARRY C. ROSEBOROUGH
JAMES W. CURLEE
CHUCK MILLER

LAW OFFICES
OF
ROSEBOROUGH & CURLEE
ATTORNEYS AND COUNSELORS
1207 MAIN BANK BLDG.
DALLAS, TEXAS 75202
742-6574

14

RECEIVED
FEDERAL ELECTION
COMMISSION

77 JUL 18 PM

July 14, 1977

4:04

Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463

772153

Attn: Suzanne Callahan

Re: MUR-412-Alleged violation of
2 U.S.C. 441b

Dear Ms. Callahan:

This will confirm our conversation of today pertaining to the above referenced.

As you will recall, I am the attorney for Dallas General Drivers, Warehousemen & Helpers, Local 745 located in Dallas, Texas. I have been so retained by this local union since November 1971. Since the time of my first association with this local, it has been my understanding that since the inception of DRIVE, the membership in DRIVE has been on a purely voluntary basis. You should be advised that less than one-third of the 12,000 to 14,000 members of this local union are currently members of DRIVE. To the best of my knowledge, membership in DRIVE has never been a prerequisite or a condition of membership in this local union.

If you have any further questions concerning this matter, please contact the undersigned directly.

Yours very truly,

ROSEBOROUGH & CURLEE

James W. Curlee

JWC:ndp

cc: Mr. Charles Rogers
Local 745

61010253302

ROSEBOROUGH & CURLEE
ATTORNEYS AND COUNSELORS
1207 MAIN BANK BUILDING
DALLAS, TEXAS 75202



CERTIFIED

No.453034

MAILED

FEDERAL ELECTION
COMMISSION

17 JUL 18 PM 4:03

United States 13c

United States 13c

Federal Election Commission
1325 K Street N.W.
Washington, D.C. 20463



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20461

15 July 1977

MEMORANDUM TO: BILL OLDAKER
FROM: SUZANNE CALLAHAN *mc*
THROUGH: LESTER SCAL
SUBJECT: MUR 412 (Teamsters Local 745)

Attached for your approval is the letter we would like to use as a preliminary contact to the individuals the complainant alleges were also forced or pressured to join D.R.I.V.E.

Mr. Brown, the complainant, indicated they would be willing to discuss this matter via phone if they had prior notification that we would be in touch with them.

The respondent's attorney contacted us July 14 and said to the best of his knowledge, the local did not force members to join D.R.I.V.E. His client, Mr. Rogers, president of Local 745 is on vacation until July 27. We would like to proceed with this investigation even though Mr. Rogers is not available at this time.



81001005307



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20563

Dear Mr. _____:

The Federal Election Commission has received information from Archie E. Brown, an over the road driver from Dallas, Texas, which gives us reason to believe a violation of the Federal Election Campaign Act of 1971, as amended, may have been committed. We are writing to you because Mr. Brown has indicated that you may have information that could assist us.

Under this law (Title ^{II}~~two~~, section 441b of the United States Code), labor organizations are prohibited from requiring their members, as a condition of membership, to contribute to a separate segregated fund to be utilized for political purposes. This section of the law also requires that a union which does solicit contributions, when such contributions are not a condition of membership, must inform union members that they have the right to refuse to contribute without reprisal.

Mr. Brown has indicated to us that your rights may have been violated in this respect and that you would be willing to provide us with specific information.

We intend to be in contact with you in the near future, however, we realize your occupational responsibilities may require you to be unavailable a considerable amount of the time. For your convenience, you may dial our toll free number (800-424-3530) at no charge to you between 9:00 am and 5:00 pm Monday through Friday. The staff member who will be handling this matter is Suzanne Callahan; please feel free to direct your response or questions to her attention.

Please note that Title ^{II}~~two~~, section 437g(a)(3) of the United States Code prohibits any person from making public the fact of "any notification or investigation" by the Commission until the person or group complained against agrees in writing to make public the investigation.

Sincerely,

William C. Oldaker
General Counsel



3104005308



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

July 6, 1977

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Charles Rogers, President
International Brotherhood of Teamsters,
Chauffeurs, Warehousemen, and Helpers of America
Local 745
P.O. Box 17270
Dallas, Texas 75217

Dear Mr. Rogers:

This letter is to notify you that the Federal Election Commission has received a complaint against you which alleges certain violations of the Federal Election Campaign Act of 1971, as amended. We have numbered this matter MUR 412. A summary of the complaint is enclosed. The Commission has reason to believe that the matters alleged therein state a violation of 2 U.S.C. §441b.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten days after receipt of this notification. You will be sent copies or summaries of all correspondence received by the Commission from the complainant concerning this matter. If you have any questions, please contact Suzanne Callahan, (telephone no. 523-4166), the staff member assigned to this case.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely Yours,

William C. Oldaker
General Counsel



Enclosures

81010253309

PS Form 3811, Mar. 1976

RETURN RECEIPT, REGISTERED, INSURED AND CERTIFIED MAIL

MUR 412 Callahan

● SENDER: Complete items 1, 2, and 3.
Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one).
☐ Show to whom and date delivered.....: 15¢
☒ Show to whom, date, & address of delivery.. 35¢
☐ RESTRICTED DELIVERY.
Show to whom and date delivered.....: 35¢
☐ RESTRICTED DELIVERY.
Show to whom, date, and address of delivery 85¢

2. ARTICLE ADDRESSED TO:
Mr. Charles Rogers, P.O. Box 1745
Local 1745
P.O. Box 17270
Dallas, TX

3. ARTICLE DESCRIPTION:
REGISTERED NO. CERTIFIED NO. INSURED NO.
9035 33

(Always obtain signature of addressee or agent)

I have received the article described above.
SIGNATURE ☐ Addressee ☐ Authorized agent

4. DATE OF DELIVERY JUL 8 1977

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE: CLERK'S INITIALS



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

July 6, 1977

Mr. Archie E. Brown
1439 Whitley Dr.
Dallas, Texas 75217

Dear Mr. Brown:

We have completed a preliminary review of your complaint and have numbered it as MUR 412. Please refer to this number in any further correspondence.

A summary of your complaint has been forwarded to Mr. Rogers, Local 745. If you have any further evidence you wish to make available to us, please submit it within five days of your receipt of this letter.

Please note that 2 U.S.C. §437g(a)(3) enjoins any person from making public the fact of "any notification or investigation" by the Commission until the respondent agrees in writing to make public the investigation. The staff member assigned to this matter is Suzanne Callahan (telephone no. 523-4166). Please do not hesitate to write or call if you have any further questions.

Sincerely Yours,

William C. Oldaker

7-1 (Rev. 11-1-76) MAIL ROOM, 1325 K STREET, N.W., WASHINGTON, D.C. 20463

MUR 412 Callahan

1. The following recipient is requested (check one):
☒ Show to whom and date delivered..... 15y
☐ Show to whom, day, a address of delivery..... 35y
☐ RESTRICTED DELIVERY
Show to whom and date delivered..... 65y
☐ RESTRICTED DELIVERY
Show to whom, day, and address of delivery 85y

2. ARTICLE ASSIGNED TO:
Archie Brown
1439 Whitley Dr.
Dallas, Texas 75217

3. ARTICLE ENCLOSURE:
REGISTERED NO. 191357221 INSURED NO.

4. I have received the article described above.
SIGNATURE ☒ Addressee ☐ Authorized agent
DATE OF DELIVERY 7-8-77

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

RECEIVED JUL 18 1977
MAIL ROOM
INITIALS

★ 607: 135-O-200-028





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

July 6, 1977

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *MWE*
SUBJECT: Letters Regarding MUR 412 (77) and MUR 370 (76)

The above-mentioned letters were transmitted to the Commissioners on July 1, 1977 at 12:30 p.m.

There are no objections to the letters but Commissioner Aikens has submitted a comment regarding the address on the letter to Mr. Rogers. A copy of her comments is attached.





FEDERAL ELECTION COMMISSION

1125 A STREET, N.W.
WASHINGTON, D.C. 20463

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Charles Rogers, President
Local 745
P.O. Box 17270
Dallas, Texas 75217

*Int. Brotherhood of
Teamsters, Chauffeurs,
Warehousemen & Helpers of
America*

Dear Mr. Rogers:

This letter is to notify you that the Federal Election Commission has received a complaint against you which alleges certain violations of the Federal Election Campaign Act of 1971, as amended. We have numbered this matter NUP 412. A summary of the complaint is enclosed. The Commission has reason to believe that the matters alleged therein state a violation of 2 U.S.C. §441b.

Under the Act, you have an opportunity to demonstrate that no action should be taken against you. Please submit any factual or legal materials which you believe are relevant to the Commission's analysis of this matter. Where appropriate, statements should be submitted under oath.

The Commission is under a duty to investigate this matter expeditiously; therefore, your response should be submitted within ten days after receipt of this notification. You will be sent copies or summaries of all correspondence received by the Commission from the complainant concerning this matter. If you have any questions, please contact Suzanne Callahan, (telephone no. 523-4166), the staff member assigned to this case.

This matter will remain confidential in accordance with 2 U.S.C. §437g(a)(3) unless you notify the Commission in writing that you wish the investigation to be made public.

If you intend to be represented by counsel in this matter, please have such counsel so notify us in writing.

Sincerely Yours,

William C. Blaker
General Counsel

81040253313



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

July 1, 1977

MEMORANDUM TO: Marge Emmons
FROM: Elissa T. Garr
SUBJECT: MUR 412 and MUR 370

The attached letters should be circulated on a
24 hour no-objection basis. Thank you.





FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

JUNE 27, 1977

MEMORANDUM TO: CHARLES STEELE
FROM: MARJORIE W. EMMONS *mwe*
RE: MUR 412 (77)

The General Counsel's 48-hour report on MUR 412 (77) was circulated to the Commissioners at 12:30 p.m. on Friday, June 24, 1977.

No objections have been received to the report and the recommendations contained therein as of 12:30 on Monday, June 27, 1977.

I have, therefore, attached hereto the certification for the proposed action.

Attachment:
Certification - RTB




BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
Local 745 (Dallas, Texas))

MUR 412 (77)

CERTIFICATION

I, Marjorie W. Emmons, Secretary to the Federal Election Commission, do hereby certify that on June 27, 1977, the Commission adopted the General Counsel's recommendation to find reason to believe that a violation of 2 U.S.C. Section 441b has been committed by Local 745 of the International Brotherhood of Teamsters in the above-captioned matter.


Marjorie W. Emmons
Marjorie W. Emmons
Secretary to the Commission

81040253316



FEDERAL ELECTION COMMISSION

1325 K STREET N.W.
WASHINGTON, D.C. 20463

June 24, 1977

MEMORANDUM TO: Marge Emmons

FROM: William *W. J.* ~~Oldaker~~

SUBJECT: MUR 412 (77)

Please have the attached 48-hour General Counsel Report on MUR 412 (77) distributed to the Commission on a 24-hour no objection basis.

Thank you.



8104025317

FEDERAL ELECTION COMMISSION
Washington, D. C.

48 HOUR GENERAL COUNSEL REPORT

MUR NO. 412

DATE AND TIME OF TRANSMITTAL
BY OGC TO THE COMMISSION _____

DATE COMPLAINT RECEIVED
BY OGC June 7, 1977

ATTORNEY Callahan

Complainant's Name: Mr. Archie E. Brown

Respondent's Name: Local 745 (Dallas, Texas)

Relevant Statute: 2 U.S.C. §441b

Internal Reports Checked: Local 745 Federal Agencies Checked N/A

SUMMARY OF ALLEGATION

See Attached Sheet

PRELIMINARY LEGAL ANALYSIS

RECOMMENDATION

Date of Next Commission Review:

81040253318

SUMMARY OF ALLEGATION

Mr. Archie E. Brown alleges that a violation of 2 U.S.C. §441b has been committed by Local 745, of the International Brotherhood of the Teamsters. Mr. Brown states that in order for him to transfer his union membership from the Teamsters Local 886 in Oklahoma to Local 745 in Texas, he is required to sign a "voluntary" contribution card to join D.R.I.V.E. (Democratic Republican Independent Voter Education).

(Mr. Brown originally filed his complaint with the Department of Justice January 4, 1977. The Justice Department referred his complaint to the Commission May 4, 1977 at which time Mr. Brown was notified that he could refile his complaint with the Commission if he wished; Mr. Brown did so on May 30, 1977.)

PRELIMINARY LEGAL ANALYSIS

2 U.S.C. §441b precludes labor organizations from requiring members to contribute to a separate segregated fund, to be utilized for political purposes, as a condition of membership in a labor union.

Mr. Brown enclosed a photocopy of the D.R.I.V.E. contribution card with his complaint (photocopy attached). The card reads in part, "I subscribe the sum of \$5.00 each year to D.R.I.V.E. with the understanding that this voluntary contribution may be used for political purposes in accordance with the constitution and rules of D.R.I.V.E."

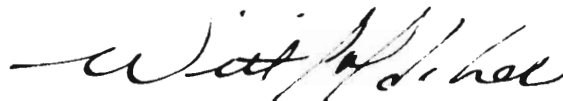
2 U.S.C. §441b also requires that an individual who solicits contributions from employees must inform the employee that he has the right to refuse to contribute without reprisal.

According to Mr. Brown's statement, the president and vice president of Local 745, Mr. Charles Rogers and Mr. George Prda respectively, refused union membership to Mr. Brown on the basis of his refusal to contribute \$5.00 to D.R.I.V.E.

RECOMMENDATION

It is recommended that the Commission find reason to believe a violation of 2 U.S.C. §441b has been committed by Local 745 of the International Brotherhood of Teamsters.

6/23/77
Date


General Counsel

AFTER 8 DAYS RETURN TO
ARCHIE E. BROWN

1439 WHITLEY DRIVE
DALLAS, TEXAS 75217

ZIP CODE

FEDERAL ELECTION COMMISSION
JUN 23 AM 10:13

##CASE NO. EM- 010

FEDERAL ELECTION COMMISSION
1325 K. Street N.W.
WASHINGTON D. C. 20463



Archie E. Brown
1439 Whitley Dr.
Dallas, Texas 75217

Case No. EM- 010

Federal Election Commission
Washington D. C. 20463

771899

JUN 21 1977 10:44

Dear Sir

Rec. letter dated June 17, 1977, from your Department in regards to my complaint.

First let me thank you for taking the time to answer one citizen's problem involving the election laws of our great Country.

If you will check the donations that D.R.I.V.E has made in Texas, you will find that they did make one to a congres man Mattox, as well as others. I know it is only certain voliatins that you look into. I also will state again, and again that Teamsters Local 745 are still using pressure to make members join D.R.I.V.E.

I just got a call this morning of one of the members that had a run in at the Union Hall for the same reason I gave you. He would not give his name because of the problems that it will create for him.

One other thing that I never told you about in the last letter. If you need futher proof on my case I can furnish you with a recording, tape that will prove to you be on a show of a doubt that I was denied transfer into Local 745 because I would not give to D.R.I.V.E.

I also know that this information will get bact to local 745 that I have a taped message on one of their Officers making the statement to me. The reason I know is that there are leaks in various Goverment Office's in our Goverment. I can prove that too. So let us assume your Dept. has the same problem.

If you would like to send an investigator to my home, with the proper identy I will go to my safe deposit box and furinsh you with a copy of my taped message.

Yours truly
Archie E. Brown
Archie E. Brown

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL

81040253321

Archie E. Brown
1439 Whitley Drive
Dallas, Texas 75217



77 JUN 7 AM 10:19
CASE NO- EM-010-

Attention Ms. Callahan

FEDERAL ELECTION COMMISSION
1325 K. Street N. W.
Washington D. C. 20463

771736

Federal Election Commission
1325 K. N. W.
Washington D.C.
Case Number Em- 010

May 30, 1977
Archie E. Brown
1439 Whitley Dr.
Dallas, Texas 75217

Dear Ms. Callahan

Phone no. 214-391-4797

Reference is made to the letter addressed to me, by Mr. William C. Oldaker, General Council regarding difficulties in transferring from Teamsters Local 886 of the International Brotherhood of the Teamsters, to Local 745 of the International Brotherhood of the Teamsters, and the political arm of this organization, going under the name of D.R.I.V.E.

It is my contention the employees, agents, and representatives of the Teamster Union number 745, are in violation of the Federal Election Campaign Act of 1971, and in violation of 2- U.S.C. 441b of the act, that portion which deals with solicitation, of members contributions, as a condition of membership in a labor organization.

Please accept this statement as official charges under the above named section of the act.

On or about the first day of October 1976, I requested a Transfer to be mailed to my home from local 745 Teamsters. I was, and still am a member of Local 886 in Oklahoma City, Okla. Please note that I was laid off from my job at Trans/Con lines in Oklahoma City, and Asked to bump or go to Dallas to work for the same company. Trans/Con did honor my request, and as the International Teamsters constitution reads, I am suppose to belong to Dallas Local 745 in order to work in this area. As I stated, local 745 did mail me a transfer to my home already typed out, along with a check off for my union dues to be taken out of my pay at Trans/Con. I signed both the transfer and the check off, and mailed back to local 745 in a self addressed envelope.

I then assumed as the normal procedure is that my dues would be taken out. I waited from October to December 1976, and my dues were not taken out of my check like the other employees at Trans/Con.

I went down to the union hall on Dec. 30, 1976 and asked the girl at the dues window why they were not taken my union dues out. She informed me that I had failed to sign the DRIVE check off, that was inclosed with my Transfer. I told her I did not care to join DRIVE at this time. She said, "but you gotta" I said, "I don't gotta do nothing." She then called the President of the local over, A Mr. Charles Rogers. He asked, whats the trouble. The girl said that I was refusing to sign for DRIVE. Mr. Rogers said, "if you want to belong to this GOD-DAM local you will." I still refused, he got my file which was on the girls desk, and told her to call Oklahoma City. I had my money out to pay my union dues and the girl was about to take it, after she got off the phone, and I said, it made him mad, didn't it. Mr. Rogers over heard me, and said, you GOD-Dam right, and you want get into this local either. He then said, "come on lets go see Prda." (George Prda is the Vice President of this local and also a business agent.)

We went to Prda's Office and he asked what the trouble was. I told him I did not want to join DRIVE this time. Mr. Prda said, pounding his fists on the side of the desk, "you will sign this DRIVE card, or keep your ass in local 886. I noticed another employee of Lee Way Motor Freight, who I knew, sitting in a chair, a Mr. Finey. He over heard the conversation. Since then I have not been able to locate him. After some more harrassment and abuse by others in Mr. Prda's office, I finally said what you all are doing is illegal. I asked another man who was sitting there what his name was, he said, none of your GOD- DAM business. I found out later his name was Garland Moore. I then left the union hall. This is what happen.

If you will check with the F.B.I. Agent Bill Grimmer in Dallas, you will find other things that has happen to me in the last few months. Also ask any member in this area of the Teamsters that don't have a official connection with the local, and you will find others have went through the same thing.

Sworn before me on the 3rd day of June, 1977 in Nolan County.

Archie E. Brown

Archie E. Brown

Kay Kropp, Notary
Kay Kropp, Notary Public

FEDERAL ELECTION COMMISSION
OFFICIAL FILE COPY
OFFICE OF GENERAL COUNSEL



DRIVE

Democrat Republican Independent Voter Education

Chapter _____ DRIVE

I authorize the sum of \$5.00 each year to DRIVE with the understanding that this voluntary contribution may be used for political purposes in accordance with the constitution and rules of DRIVE.

I further hereby authorize and request my employer to deduct from my earnings the sum of \$5.00 each year during my payroll period to be credited to my local DRIVE Chapter.

I reserve the right in accordance with the applicable State or Federal laws to revoke this authorization at any time by giving written notice of such revocation to my local DRIVE Chapter in accordance with such laws or otherwise.

A copy of our report filed with the appropriate supervisory officer is (or will be) available for purchase from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. 20402.

NAME OF COMPANY—PLEASE PRINT

SIGNATURE

ADDRESS

NAME—PLEASE PRINT

CITY

STATE

When Copy to Employer

• Cross Copy to DRIVE Chapter

• Fine Copy to National DRIVE

May 23
Mailed

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Archie L. Brown
Box 17266
Dallas, Texas 75229

GE02383 Re: In response please
refer to EM 010

Dear Mr. Brown:

The Federal Election Commission has received from the Justice Department a copy of your complaint against the Teamsters Local 745 in which you allege that in order for you to belong to the Local you must sign a voluntary contribution card authorizing \$5.00 per year to be given to D. R. I. V. E.

In the event you wish to refile your complaint with us please note that the Federal Election Campaign Act as amended, requires that all complaints be signed, sworn, and notarized by the persons making the complaint. (See 2 U.S.C. §437g(a)(2)). Under §111.2 of the Commission's regulations it is also required that a complaint contain: (1) the full name, address and telephone number of the complainant; (2) a clear and concise statement of the acts which are alleged to constitute a violation of the Federal Election Campaign Act of 1971; (3) copies of any evidence available to the complainant which sustain the allegations of the complaint.

In the interest of complying with the above procedures, I think it would be helpful for you to consult 2 U.S.C. §441 b, of the Act, portions of which deal with solicitation of employee's contributions, "As a condition of membership in a labor organization." (A copy of the Federal Election Campaign Act of 1971, as amended is enclosed with this letter). I hope that an examination of these materials will enable you to be specific in any assertions or allegations you might

- 2 -

make in the event you wish to file a complaint with the Commission. Please feel free to contact me if you have any further questions. The staff member assigned to this case is Suzanne Callahan (telephone no. 202/523-4160).

Sincerely yours,

William C. Oldaker
General Counsel

Enclosures

410.C-#-3813

EM#010

UNITED STATES DEPARTMENT OF JUSTICE

WASHINGTON, D.C. 20530

4 MAY 1977

Address Reply to the
Division Indicated
and Refer to Initial and Number

ERC:THH:CCD:ph
156-73-0

Mr. William Oldaker
General Counsel
Federal Election Commission
1325 K Street, N.W.
Washington, D. C. 20463

Re: Teamster Local 475, Dallas, Texas

Dear Mr. Oldaker:

Attached hereto for whatever attention the Commission feels is appropriate pursuant to 2 U.S.C. 437g, is a copy of correspondence which we have received from Mr. Archie E. Brown of Dallas, Texas, concerning what he feels may have been a violation of 2 U.S.C. 441b in connection with the solicitation of contributions to DRIVE Fund of the referenced labor union local.

After preliminary review, we have determined that it is not likely that this matter involves a violation of 2 U.S.C. 441b of the magnitude necessary to warrant prosecution under 2 U.S.C. 441j. However, should any investigation which you may conduct reveal information indicating that this local knowingly and wilfully forced members to contribute to its segregated political fund in amounts exceeding the jurisdictional requirements of 2 U.S.C. 441j, we would appreciate being advised so that we may take appropriate prosecutive action.

Sincerely,

BENJAMIN R. CIVILETTI
Assistant Attorney General
Criminal Division

By: *Thomas H. Henderson, Jr.*
THOMAS H. HENDERSON, JR.
Chief, Public Integrity Section

Attachment

81040253327

Office of Dept Of Justice.

To; Dept. Of Labor

Copies are being sent to all Dept.
mention on letter.

January 4, 1977

To: United States Attorney General
Washington D. C.

From: Archie E. Brown
Box 17266
Dallas Texas. 75229

Dear Sir:

I need someone to help me, you may not be the Agency, Im to
contact, nevertheless you are the only ones I know.

My rights have been violated by the Teamster Union, Local
745 Dallas Texas.

I will try to explain in my own simple words, with a type
writer that I have'nt used in years.

On Dec. 30 1976 I went to Teamsters Local 745 and asked them why
they were not taking my Union dues out of my check each Month like
the other employees at the Company where I work. The office girl
at the Union local told me I had to sign a authorization to belong
to a Fund, or let them take out of my pay \$5.00 per year to be
used for, D.R.i.V.E. Democrat Republican Independent Voter Education.
I refused. The Girl called a man over to talk to me, I was told he
was Charles Rogers President of local 745, I refused again. I was
told to go see a George Parda which is the Vice President, anabusiness
agent for local 745. I ~~wasn't~~ was harassed swore at almost
to the point that I felt threaten by George Parda and other officers
that were standing around me. I refused again. George Parda told me
I could not belong to Teamster local 745 unless I did sign.

Inclosed is a photo Copy of DRIVE which states VOLUNTARY CONTRIBUTION
I am not the only one that is being forced by the Teamsters DRIVE.
A lot of members would like to withdraw, all you have to do is ask
them, but they are afraid they will loose thier job or are frighten
in other ways. This happens in other Teamster locals also.

I hope you have the authority to investigate. I hope I get a reply
of some kind from your office.

Archie E. Brown

Archie E. Brown

I don't know if hoga will come to me or not
I do know I have to be careful.

81010053328



FEDERAL ELECTION COMMISSION

1125 K STREET N.W.
WASHINGTON, D.C. 20463

THIS IS THE BEGINNING OF MUR # 412

Date Filmed JUNE 8, 1981 Camera No. --- 2

Cameraman GR

81040054329