

To: Local 107 IBT Trustee Frank Gillen
From: Members of the Independent Review Board
Re: Proposed Charges Concerning Local 107 Member
William F. Anderson, Jr.
Date: May 27, 1999

I. RECOMMENDATION

The Independent Review Board ("IRB") refer the below report to the Local 107 Trustee for the purpose of initiating charges against William F. Anderson, Jr. ("Anderson"), a member of Local 107, for assaulting former Local 107 Trustee Gerald P. McNamara ("McNamara"), a fellow IBT member, at the conclusion of a March 21, 1999 general membership meeting. At the conclusion of the March 21, 1999 Local 107 membership meeting, Anderson calculatedly jumped onto the stage in front of the members attending the meeting where he assaulted McNamara. This assault, which was captured on videotape, was not incidental contact generated in the heat of controversy. By his conduct, it appears that Anderson violated Article II, Section 2(a) and Article XIX, Section 7(b)(1), (2) and (6) of the IBT Constitution.¹

¹ Article XIX, Section 7(b) of the IBT Constitution states in pertinent part:

(b) The basis for charges against members,...for which he or it shall stand trial shall consist of,...

(1) Violation of any specific provision of the Constitution,...

(2) Violation of oath of office or the oath of loyalty to the Local Union and the International Union.

* * *

II. INVESTIGATIVE FINDINGS

Anderson is a member of Local 107 located in Philadelphia, Pennsylvania. (Ex. 1; Ex. 2 at 4-5) The Local has approximately 2,700 members. (Ex. 3) Based upon an IRB recommendation, on August 12, 1996 the IBT placed Local 107 in trusteeship and appointed McNamara, a member of IBT Local 115, as Trustee. (Ex. 4) On March 26, 1999, Local 500 President Frank Gillen replaced McNamara as Trustee. (Ex. 6)

According to Local 107 records, Anderson, who had been a member of IBT Local 115, became a member of Local 107 in February 1997. (Ex. 2 at 5-6) Anderson testified that he worked as a casual on movies, at Philadelphia theaters and at the Philadelphia convention center. (Ex. 2 at 13-14)

On March 21, 1999 then Local 107 Trustee McNamara held a general membership meeting. The Local videotaped this meeting held in an auditorium with an elevated stage at the front of the room. McNamara conducted the meeting from a podium on the stage. (Ex. 5) Anderson acknowledged he attended this meeting with his father, also a Local 107 member, and another Local 107 member, John Colone ("Colone"). (Ex. 2 at 16-17)

Shortly before McNamara ended the meeting, McNamara and Anderson's father exchanged remarks. (Ex's. 5 & 7) The videotape

(6) Disruption of Union meetings, or assaulting or provoking assault on fellow members or officers, or failure to follow the rules of order or rulings of the presiding officer at meetings of the Local Union, or any similar conduct in, or about union premises or places used to conduct union business.

showed that McNamara made the following statements:

Your son's working, ask your son. How long has he been in 107? Since you've got a big mouth, tell that young fellow and everybody else in here. Heh, Heh, Heh. Talk about your son. Talk about your son. Talk about your son. Yeah, he works and then he don't show up and then these other guys who could have worked for a day lose a day's work.

(Ex's. 5 & 7)

At this point in the videotape the camera panned the audience and showed a man with gray hair wearing a black jacket gesturing and apparently saying something to McNamara. During his sworn examination, Anderson was shown the videotape of the conclusion of the meeting and he identified his father as that man. (Ex. 2 at 21-22)²

McNamara continued speaking and stated, "So you're blowing smoke up people's asses." (Ex's. 5 & 7) There was then an outburst from the audience and McNamara rapped on the podium and called for order. (Ex's. 5 & 7) McNamara then told the audience that the Local would provide two buses at no cost to the members for anyone who wanted to go to Washington, D. C. for the inauguration of IBT General President James Hoffa. (Ex's. 5 & 7) There was another loud outburst from the audience and McNamara stated, "You're out of order, sit down. That's it, meeting adjourned." (Ex's. 5 & 7)

At this point, the camera pulled back and showed both the stage and part of the audience. (Ex's. 5 & 7) The camera showed

² Anderson's father's comments were not audible on the videotape. (Ex's. 5 & 7)

Anderson's father in the front of the auditorium at the foot of the stage pointing and apparently yelling at McNamara. (Ex's. 5 & 7)³ Shortly thereafter, a man wearing a Teamster jacket ran to the front of the auditorium and jumped onto the stage. After viewing the videotape, Anderson acknowledged that he was the individual who jumped onto the stage. (Ex. 2 at 21) While on the stage, Anderson yelled at McNamara stating, "What did you say to my fuckin' father?" (Ex's. 5 & 7) Anderson then ran up to McNamara and shoved him with both hands. (Ex's. 5 & 7) McNamara stumbled back after Anderson assaulted him. At this point, two men grabbed Anderson and pulled him away from McNamara. (Ex's. 5 & 7) Anderson struggled with the two men and continued to yell at McNamara. Anderson tried to get back to McNamara. It eventually took four men to hold Anderson back from going after McNamara. (Ex's. 5 & 7) Eventually order was restored and the members were told to go home. (Ex's. 5 & 7)

After viewing the videotape during his sworn examination, Anderson testified that the videotape depicted "exactly what happened." (Ex. 2 at 20-22) When asked to explain his actions, Anderson testified that at one point in the meeting he left the meeting room to go to the men's room. According to Anderson, while outside the meeting room, Local 107 member Colone told him that McNamara was screaming at his father and stating, "Shut up, sit down, and another thing, your kid don't show up for work and people

³ The comments of Anderson's father were not audible on the videotape. (Ex's. 5 & 7)

lose days because your kid don't show up." (Ex. 2 at 17) Anderson testified that Colone told him that his father was holding his chest which upset Anderson because his father had had a heart attack two years ago. (Ex. 2 at 16-17)

According to Anderson, when he returned to the meeting room his father and McNamara were arguing. (Ex. 2 at 17) He stated that McNamara was cursing his father and that his father was pale. Anderson acknowledged that he jumped up on the stage and began yelling at McNamara telling him "That's my father." Anderson stated that when he got near McNamara, McNamara put his hands up. The videotape showed that McNamara put his hands up in a defensive gesture. (Ex.'s 5 & 7) Anderson acknowledged that he then pushed McNamara. (Ex. 2 at 17-18) Anderson testified that some people grabbed him and got him away from McNamara.⁴ (Ex. 2 at 18-19)

III. PROPOSED CHARGES

Based upon the foregoing, it is recommended that William F. Anderson, Jr. be charged as follows:

On March 21, 1999, you brought reproach upon the IBT by assaulting a fellow member of the IBT at the conclusion of a Local 107 membership meeting in violation of Article II, Section 2 (a) and Article XIX, Sections 7(b)(1), (2) and (6) of the IBT Constitution, to wit:

⁴ Anderson testified that in 1988 he was arrested for a fight in a bar with someone whom he stated pulled a knife on him. Anderson testified that he was convicted of a felony for assault and sentenced to eight to sixteen months in jail. (Ex. 2 at 8-9)

Anderson also stated that he was arrested twice for violating a restraining order. (Ex. 2 at 9-10)

On March 21, 1999, at the conclusion of a Local 107 membership meeting you jumped onto the stage and assaulted Local 107 Trustee McNamara, a fellow Teamster member.

EXHIBITS TO THE REPORT CONCERNING WILLIAM F. ANDERSON, JR.

- Ex. 1 Dues Record of William F. Anderson, Jr.
- Ex. 2 Sworn Testimony of William F. Anderson, Jr. dated April 6, 1999
- Ex. 3 Form LM-2 of Local 107 for 1997
- Ex. 4 Trusteeship Notice for Local 107
- Ex. 5 Copy of Videotape of Conclusion of Membership Meeting of Local 107 dated March 21, 1999
- Ex. 6 Memorandum from Patrick J. Szymanski, Esq., dated March 30, 1999, appointing Frank Gillen Trustee of Local 107
- Ex. 7 Copy of Videotape of Entire Membership Meeting of Local 107 dated March 21, 1999

INTERNATIONAL
BROTHERHOOD OF TEAMSTERS
AFL-CIO



OFFICE OF
JAMES P. HOFFA
GENERAL PRESIDENT

March 3, 2000

Mr. William F. Anderson, Jr.
2431 E. Ann Street
Philadelphia, Pennsylvania 19136

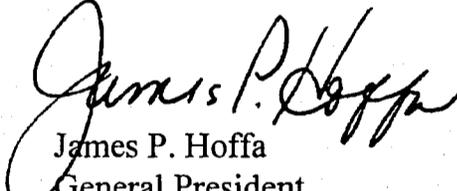
Re: IRB Charges Against William F. Anderson, Jr.

Dear Sirs and Brothers:

You will find attached the report and recommendations of the Panel which conducted the hearings on the charges filed against William F. Anderson, Jr., I have had the opportunity to review the Panel's findings and conclusions and hereby adopt them as my own.

The Panel's recommendation is reissued as the decision of the General President. The charged party is advised of his right to appeal from this decision, pursuant to Article XIX, Section 11(a) of the International Constitution.

Fraternally yours,


James P. Hoffa
General President

JPH/ndk
Enclosure

BEFORE A HEARING PANEL
APPOINTED BY THE INTERNATIONAL UNION

FRANK GILLEN,
Charging Member

v.

WILLIAM F. ANDERSON, JR.,
Charged Member

I. Introduction

This matter arises from the May 27, 1999 charges referred by the Independent Review Board ("IRB") to the Trustee of Local 107, IBT (Local 107), Frank Gillen ("Trustee Gillen" or the "charging party"), pursuant to Article XIX of the IBT Constitution, against Local 107 member William F. Anderson, Jr.

The IRB charges which were referred to Trustee Gillen allege that Brother Anderson violated Article II, Section 2(a) and Article XIX, Section 7(b)(1), (2) and (6) of the IBT Constitution by assaulting former Local 107 Trustee Gerald T. McNamara, a fellow IBT member, at the conclusion of a March 21, 1999 general membership meeting.

The hearing in this matter was held on December 1, 1999 in Philadelphia, Pennsylvania before an Article XIX Hearing Panel appointed by the IBT General President. The Hearing Panel consisted of Daniel J. Kane, Jr., Thomas B. Griffith, and Paul R. Houck. Having reviewed and considered all of the evidence submitted by the parties, the Panel finds that the charging party has sustained its burden of establishing by a preponderance of reliable evidence as required by Article XIX, Section 1(e) of the IBT Constitution, that William F. Anderson, Jr. did bring reproach upon the IBT by rushing the stage and assaulting Brother McNamara at the March 21, 1999 General Membership Meeting.

apparently required four men to hold Anderson back from going after McNamara.

During his sworn examination before the IRB, Anderson viewed the videotape and testified that it depicted "exactly what happened." Anderson explained that while he was outside the meeting room for a brief period, another Local 107 member, Johnny Colone, informed him that McNamara was screaming at Anderson's father and that Anderson Sr. was holding his chest. Anderson, Jr. testified that he was upset upon learning this because his father had previously suffered a heart attack. Anderson testified to the IRB that when he returned to the meeting room, he could see McNamara cursing his father and his father was pale. Anderson admits that he then jumped on the stage, yelled at McNamara, and then pushed McNamara.

IV. Hearing Panel Findings

At the hearing of December 1, 1999, Brother Anderson provided the Panel with a detailed description of his recollection of the events of March 21, 1999. His testimony did not differ in any material respect from the findings contained in the Independent Review Board's charges. Most significantly, Brother Anderson conceded that he ran across the auditorium, jumped up on the stage and assaulted Brother McNamara. In this regard, he testified as follows:

So I came running in - - I knew my dad just had a heart attack the year before and I just came run - - I didn't even think, I just came running in and Gerry is screaming at my father. I didn't even hear what was said. I seen my dad, he was pale white.

I jumped up on the stage and I said, what's the matter with you, that's my f'ing father and he put his hand - - I came up to yell in his face, because, you know, and then he put his hands up and I pushed his hands away from me. He puts his hands up and I push his hands away from me, and that was it. Then somebody grabbed me. But I was screaming at him, I wanted to let him know, that's my dad, you know, he just had a heart attack and he's sitting there, belittling him - - Johnny Colone's said, he's screaming at your father, belittling him.

And that was all that happened. And when I pushed him, I pushed - - he put his hands up, like that (indicating) and I thought he was going to push me, so I pushed his hands away, not his body, and then he went back like than, and somebody grabbed me.

Panel Hearing Transcript at pp. 17-18.

In light of the foregoing, the Panel finds that Anderson jumped onto the stage and assaulted former Local 107 Trustee McNamara at the conclusion of a Local 107 membership meeting on March 21, 1999. The Panel finds that in so doing, Brother Anderson brought reproach upon Local 107 and the IBT in violation of Article II, Section 2(a) and Article XIX, Section 7(b)(6) of the IBT Constitution. Although the Panel does not believe that Article XIX is the appropriate forum for dealing with minor physical confrontations between members, this incident is remarkable for its occurrence at a general membership meeting attended by the local leaders and membership. Article XIX, Section 7(1), (b)(2) and (6) provides that disciplinary charges are properly based on:

Disruption of union meetings, or assaulting or provoking assault on fellow members or officers, or failure to follow the rules of order or rulings of the presiding officer at meetings of the Local Union, or any similar conduct in or about union premises or places used to conduct union business.

The conduct which forms the basis of the charges in the instant matter falls squarely within this definition. The charged party's perception that McNamara was abusive to his father notwithstanding, there is no justification for his assault of a union official at a general membership meeting.

V. Recommended Penalty

The Panel concludes that the charging party has established by preponderance of reliable evidence that William F. Anderson, Jr., brought reproach upon the IBT and upon Local 107 by jumping onto the stage at the March 21, 1999 Local 107 general membership meeting and assaulting former Local 107 Trustee McNamara. The Panel recommends that Brother Anderson be suspended from membership in the IBT and any affiliated

Local Union for a period of two (2) years from the date of this decision. During this period of suspension, Brother Anderson shall be prohibited from participating in all union functions, including meetings of the membership of Local 107 or any IBT affiliate or entity. The Panel further finds that William Anderson Jr. shall be fined in an amount equal to four (4) years dues. In addition, at any time during this period of suspension that Brother Anderson performs work subject to a collective bargaining agreement to which an IBT affiliate is party, he shall be required to pay a service fee, in an amount equal to full union dues, to the IBT affiliate as per the Union Security provision of the collective bargaining agreement.

Date

Daniel J. Kane, Jr., Panel Chairman

Date

Thomas B. Griffith, Chairman

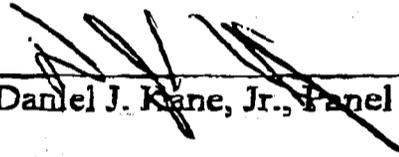
Date

Paul R. Houck, Chairman

Local Union for a period of two (2) years from the date of this decision. During this period of suspension, Brother Anderson shall be prohibited from participating in all union functions, including meetings of the membership of Local 107 or any IBT affiliate or entity. The Panel further finds that William Anderson Jr. shall be fined in an amount equal to four (4) years dues. In addition, at any time during this period of suspension that Brother Anderson performs work subject to a collective bargaining agreement to which an IBT affiliate is party, he shall be required to pay a service fee, in an amount equal to full union dues, to the IBT affiliate as per the Union Security provision of the collective bargaining agreement.

2/25/2000

Date


 Daniel J. Kane, Jr., Panel Chairman

Date

Thomas B. Griffith, Chairman

Date

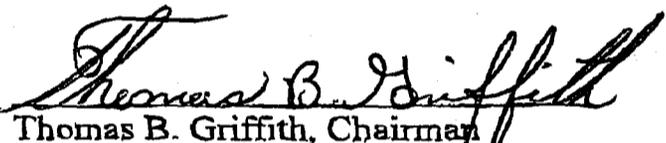
Paul R. Houck, Chairman

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2/22/2000
Date

Daniel J. Kane, Jr., Panel Chairman

2/22/2000
Date



Thomas B. Griffith, Chairman

Date

Paul R. Houck, Chairman

Local Union for a period of two (2) years from the date of this decision. During this period of suspension, Brother Anderson shall be prohibited from participating in all union functions, including meetings of the membership of Local 107 or any IBT affiliate or entity. The Panel further finds that William Anderson Jr. shall be fined in an amount equal to four (4) years dues. In addition, at any time during this period of suspension that Brother Anderson performs work subject to a collective bargaining agreement to which an IBT affiliate is party, he shall be required to pay a service fee, in an amount equal to full union dues, to the IBT affiliate as per the Union Security provision of the collective bargaining agreement.

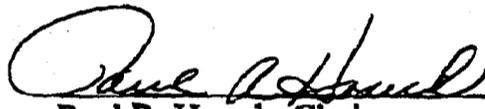
Date

Daniel J. Kane, Jr., Panel Chairman

Date

Thomas B. Griffith, Chairman

2-23-00
Date



Paul R. Houck, Chairman

INTERNATIONAL
BROTHERHOOD OF TEAMSTERS
AFL-CIO



LEGAL DEPARTMENT

OFFICE: (202) 624-6945
FAX: (202) 624-6884

March 17, 2000

Mr. Daniel J. Kane, Jr., Assistant Trustee
Teamsters Local Union 918
2137-2147 Utica Avenue
Brooklyn, New York 11234

Mr. Thomas B. Griffith, President
Teamsters Local Union 776
2552 Jefferson Street
Harrisburg, Pennsylvania 17110

Mr. Paul R. Houck, President
Teamsters Local Union 326
451 E. New Churchmans Road
New Castle, Delaware 19720

Mr. William F. Anderson, Jr.
2431 E. Ann Street
Philadelphia, Pennsylvania 19136

Re: IRB Charges Against William F. Anderson, Jr.

Dear Sirs and Brothers:

By letter dated March 3, 2000, you were informed of the General President's decision in the above-referenced matter. That letter inadvertently stated that the "charged party is advised of his right to appeal from this decision, pursuant to Article XIX, Section 11(a) of the International Constitution." Please note that the IBT does not retain further jurisdiction, appellate or otherwise, over this matter. Accordingly, all future questions or concerns in connection with the charges and findings must be directed to the Independent Review Board.

Fraternally yours,

A handwritten signature in black ink, appearing to read "Neil Ditchek".

Neil Ditchek
Staff Attorney

PH/ndk
Enclosure

INDEPENDENT REVIEW BOARD
444 North Capitol Street, NW, Suite 528
Washington, DC 20001
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Facsimile (202) 434-8084
Corruption Hotline (800) CALL IRB

F

Chief Investigator:
Charles M. Carberry, Esq.
17 Battery Place, Suite 331
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Administrator:
John J. Cronin, Jr.

Board Members:
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Washington, DC 20006

March 23, 2000

James P. Hoffa, President
International Brotherhood of Teamsters
25 Louisiana Avenue, N.W.
Washington, D.C. 20001-2198

Re: Decision on Charges Against Local 107
Member William F. Anderson, Jr.

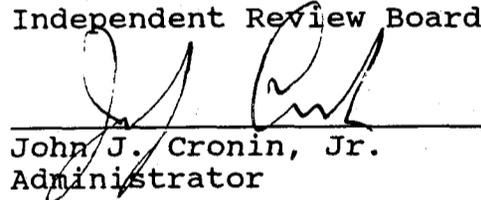
Dear Mr. Hoffa:

The Independent Review Board has reviewed your decision of March 3, 2000, in the above-captioned matter, and finds the decision to be not inadequate.

Very truly yours,

Members of the
Independent Review Board

By:


John J. Cronin, Jr.
Administrator

cc: ✓ Patrick J. Szymanski, Esq.
Frank Gillen, Trustee, IBT Local 107
William F. Anderson, Jr.