

Lawrence Toledo #37910

June 1, 2015

Mark Williams, Secretary/Treasurer  
ILWU Local 13  
630 S. Centre Street  
San Pedro, CA 90731

**Re: Charge against Brother Eric Aldalpe (Conduct unbecoming of a union member and offense detrimental to the ILWU, Local 13, and unionism in general)**

Under Article XIII of the ILWU Local 13's Constitution and By-Law, I hereby file charges against Brother Eric Aldalpe for conduct unbecoming of a union member and offense detrimental to the ILWU and unionism in general.

Ever since the beginning of society, individuals have organized into associations of one kind or another for mutual protection and benefit. In forming these associations, certain rules were formulated, whereby each individual agreed that he would not perform any act which would prove detrimental to the others, in order that the collective welfare of all might be maintained and protected.

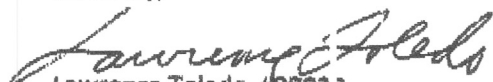
During the month of February Eric Aldalpe circulated a flyer that the employer; PMA, used against the ILWU negotiating committee in which the information in the flyer had cost every longshoreman in the entire west coast 50 cents each; x's an average of 2,000 hours per year per longshoreman, x's 5 years, x's 20,000 West Coast members, which is equivalent to 100 million dollars for the life of the contract. Eric Aldalpe is held to a higher standard since he is an officer of this great organization. He had the trust of all the members. With willful intent he went against the members, did not protect the collective welfare of all, he took advantage of his leadership position, broke ranks, and broke an oath that we all take when we become union members. In his flyer *"With The All In We Can Win!"* like many of his flyers; caused discourse, discouragement, division, uncertainty of unionism in general among the members, and most importantly took the leverage away from the negotiating committee while they bargained for a contract with the employer. Amendment I of the US constitution, "freedom of speech, or of the press" only applies protection from the US government's powers against the people. LMRDA Title I section 101 (a)(1) and (2) provides limited protection of a union members expression of their views, *subject to reasonable rules and regulations in such organization's constitution and bylaws*. Eric Aldalpe along with an outside person have created an anti-union website that lambasts ILWU, more specifically Local 13. Back in the end of 2012 Eric Aldalpe secretly confided to me of a website he and a friend were creating. At the time the magnet business card he had given me was lost and I never paid it no mind until after later on hearing other union members talk about that site. The same style and language that Eric had been distributing in his flyers was also the same style and language that were in articles on that website. Eric has testified in court proceedings (NLRB Case No. 21-CA-39434 and NLRB Case No. 21-CB-14966) that his flyers are based off of rumors and vindictiveness. His flyers have been proven in court to not be factual. Yet these flyers he produces is read by union members who have entrusted Eric to be truthful, which he is not. One flyer was used against him in a 13.2 violation. As an elected union official his actions and flyers display a great lack of integrity and judgment, lack of leadership traits, and a bad example for the younger generation of the ILWU to follow.

A lot of what was in the news and newspapers was the same information that repeated itself or information that we as union members received in emails, bulletins, and texts blasts. But what was put in the flyer, *"With The All In We Can Win!"* written by Eric Aldalpe was personally used successfully by Jim McKenna against the ILWU at the negotiating table.

Along with this complaint I have submitted evidence and I am requesting that George Lujan and Bobby Elliot be cited to give recollection of their interactions and observations of Eric Aldalpe's conduct and behavior.

As such, I hereby submit this charge to the Office of the Secretary Treasurer and request a reading of this charge at the next Membership Meeting resulting in election of a Trial Committee to hear this charge.

Sincerely,

A handwritten signature in cursive script that reads "Lawrence Toledo".

Lawrence Toledo #97923

A Crane Board Dayside

## CAUCUS MARCH 30, 2015 SAN FRANCISCO

ILWU International President Bob McEllrath

"...god damn good negotiating committee, I asked them to be quiet and they kept quiet. They only gave out what they had to give out. So where else do you get this shit? Must be getting it from the employer then. No the employer aint that dumb. So he aint gonna get it from the employer. So I tell you where he gave it. The employer called some asshole up in the Puget Sound, Tessy something, Tessler or something like that. And I would say that maybe you're getting it from him Eric. And then you're writing this shit. Naw I'm Not! You can write anything you want, if you get up to the mike and call me anything you want, let's stick to what we got here, let's stick to our con, contract. Let's stick to what we did. I get it, I get it. Then it goes on to say; 'Take the all in offer, take it.' Take the all in offer Bob what the fuck you doing sittin up there, if you don't take the all in offer. Then it goes on and says, 'All In I'm not a poker player but I understand the game and I know what all in means.' Do you really fucken know what "All In" means? Let's see, a world series of poker. I don't play poker, I bargain for a contract. You know what 'All In' means? It means you push your chips in your All In. You may lose or you may win big. But you know when that was written? It was written two or three days before we got it, our contract. Because when he pushed it across the table, and apparently he got pretty good sources, cause he says, "Here it is, I'm all in." And the negotiating committee will ask him, "Well what did you do Bob?" I looked him square in the fucken eye and I said, "Is that your last best and final?" and he says, "No". And I said, "Well then shove it up your ass." Right? And guess what? At that time we had \$5.50 with his all in offer. We had 7 bucks on the table. 7 bucks. Was that fucken close to getten 7 bucks. You know what he said to me? "Bob read this, they're ready to buy it, five dollars and fifty cents, take it." I told McKenna in the back room, "You can kiss my ass cause I aint taken it now, I wouldn't take it now if you shoved it down my throat." But that's how bargaining gets changed. You get shit like this out to your membership and then people start saying, "Dude grab it, grab it." You don't think these employers don't hear that shit? Hay I tell you something, it's a lion of a bitch to sit there for 10 months and not get something. And we got a damn good package and we'll talk about that all week. Then the last thing he says, "Members, everybody get on the phone and call Big Bob at the International and tell him to take the deal." You have got to be shitten me. The negotiating committee decides to take it to the caucus, we bring it here. That's the rules. And we decided to take it to the caucus and bring it to you. If you don't like it then I guess you can send this back. But for christ's sakes don't put a flyer out tell 11,000 men to call, and women to call Big Bob at the International and take the deal. That's fucken hard enough tryen to bargain a deal with these bastards, and you guys know who I'm talking about, let alone haven people call me at the International and everybody saying, "Take the deal, take the deal, take the deal." Absolutely ridiculous. And once again I don't mean any res, disrespect to Local 13 or anybody in Southern Cal., But Eric; I'm telling you right now I am pissed off. I was so god damn mad when I read that, and you know what we got? We didn't get the five-fifty, we got the six-fifty. This close to getten the other 50 cents. Couldn't get it. So I guess, you can make five-fifty more on this contract and the rest of us are gonna make six-fifty. AND! (Audience clapping), and the Pensioners are sittin back there, they didn't have, we

didn't have it on the table yet, 65, 70, and 75% disability. But we got it. Took us another couple days but we got it (Inaudible) (Audience clapping). So I don't know, at the end of the week we'll vote up or vote down this contract. I hope it gets voted up cause I'm backing it. But, five years from now when we go back in and we bargain again, and it will be a whole new set of players, I won't be here somebody else will be here, I hope between now and 5 years from now we can educate the rank and file, educate ourselves. Officers, you guys are the highest governing body, and you are an officer of this organization, that we will hold ourselves to a little bit higher level and try to maintain that because those employers don't have any integrity. And like I told McKenna, "Your integrity is about as long as a dollar bill, then it drops right off. That's as far as your fucken integrity goes. It stops." We got more than that, with the rank and file we got ourselves. So please, please let's teach each other how we can conduct fucken business and don't do this shit again, thank you." (Audience clapping, upset hecklers in the audience heard)

ILWU Local 13 member and Caucus Delegate Eric Aldalpe #37519

"Aldalpe local 13, I was getting my information from the negotiating crew, ask George. He called me every night. He called me and told me" (Inaudible) (Hostile audience in background).

ILWU Local 13 President Bobby Olvera jr.

"Olvera 13. (Hostile audience) (Gavel pounds twice) I have a lot to say, uh, you guys know we came here with a motion from our ah membership on some M&R issues. I'm hot. I have a lot of members, I have 1300 mechanics that are hot. But we fight, we scratch, we battle, we debate inside these doors. Amongst ourselves. I'll stick up for every delegate in Local 13 cause they're my team. But we don't throw people under the fucken bus. This caucus doesn't want to say nothen to the brother. I'll tell you right now. Shame on you. Throw people under the bus. Explain your actions. My actions. I was called to the car a few times. I had Bob and Leal come down, tell me when I was a vice president, pull me into a corner booth at a restaurant, "Don't you ever do that again." Doesn't matter what I did. I learned my lesson. Took my lumps like a man, like a longshoreman. You wanna play little piddly games, point fingers, run your mouth down in Los Angeles, create division amongst us, from the furthest northern local, all the way to San Diego, a disservice to us all, shame, disrespectful to the Pensioners, the widowers. Those that came before us, they didn't do that. Yea there was no social media no face book, and no internet, that's not the way my dad raised me. I saw them fight. Throw chairs over. They always come out the united front. It was always about what we wanted as a division, what we wanted as a group. It's not just Eric. There's others amongst us. I'll call it for what it is. They're Rats. They don't care about solidarity. To them it's a word. For most of us in here, people we grown up with, they're our families. Put our kids through school. Made it so we can be who we are today. The ambassadors of the middle class, where other unions fall, fall by the wayside, and enter into concessionary bargaining, we stood tall. We're gonna have healthy debate here this week. Sometimes I may get a clap, sometimes I may get a boo, that's alright. That's what debate and democracy is about. We can't be on the same page; we align ourselves with the employers, the employer's stooges. We align ourselves with division, tearing ourselves apart. We might as well call it a day right now. Go home to your Local ports. Get what you can get for yourselves and basically piss on everybody else. But I don't think that's what 99.9% of us

believe in. I think we believe in each other. Sometimes we always don't get what we want. And it's tough to social media, everybody wants to know now. Use to take a day and a half to figure out who got traded from the Lakers to the to, the Nuggets. Now, shit, 30 seconds goes ESPN right on, your pad. I get it. For the older generation it's hard to understand social media and everyone wants to know now, now, now. That's when we show who we are (inaudible) the brothers and sisters and we bow to the demands of the membership that is so engulfed in the social media or we stick by the rules that made us successful for what nearly a century, what are we gonna do? And I hope we leave it at that and get back to the business of this contract, debate the good and the bad in its entirety. But it's shameful. We have rules; we have a way of conducting business. Myself personally, if I ever violate that, somebody kick me in the ass and send me home. I'll go back and shovel coal at the coke dock. That goes for everybody else too. If you can't conduct yourself in a way that can contribute to this union, the brothers and sisters that come before us, for the thousands of members that got 20 plus years left in this industry, sad day. So, the person to shame that a brother would throw another brother under the bus, but I don't want to get into this debate and I know George wants to get up and speak. But what's done is done. Call a rat a rat. Well let's get on with the business of this body. Start diving into this MOU. Let's get it done." (Audience applause)

ILWU Local 13 George Lujan

"Lujan Local 13, yea let's call a rat a rat, I get it. I spoke to Eric every evening just about, and I'll tell you what, Bob I really appreciate you bringing this up. I want you to listen to what I have to say. I don't want you to respond to what I have to say, because most of it Eric damn well knew everything before I said yay or nay, because I couldn't confirm or or deny anything. When I spoke to Eric, and all the brothers on the safety committee knew I spoke to Eric, and everybody here knew I spoke to Eric, I SPEAK to Eric and I will continue to speak to Eric because I, I felt that the brother was gonna jump off a bridge. That's why. When he called me, he just got off maybe close to damn near two years off. And I don't like what happened to Eric from Local 13. I don't like it. I don't like the fact that we can't take somebody outside and just kick the fuck out of them and then just walk away, I don't like that. I don't like the fact that you take somebody and you want to ruin their family, you want to take their Christmas, everything else. But I'm gonna get back to the contract. Now the look on the contract, Eric called me. Eric knew more about the contract than I did. And I use to answer him by saying, "How the fuck did you know that, where you getting your information?" There was one point on the contract, Bob this is where I point to you, there was a leak. And it was coming out from that somewhere, and I told, we narrowed it down. And I told Bob, hay look I almost got this I almost know where it's coming from. And I'm not gonna throw anybody else under the bus but I was that close to finding out where the leak came from. And you know who did that tracing for me? Eric. Cause Eric's good at social networking and he's good at going to people and finding out where things came from, from our Local. I called him up and I said, "hay who is this leak coming from?" and he came that close to getting it for me, and I went to Danny Miranda, and I told him, "Hay look", and I kept Frank involved as well, and I told em, "Hay look, this is what's happening" and they went to Bob and we were that close to finding out the leak. As far as my contact with Eric, I wasn't feeding information, he had more information than most of our caucus delegates did, prior to, there's proof of that in that letter. And when I spoke to him, I nor con, confirmed nor denied anything. What I

did was kind of answered his questions with question's. Simple as that. Anybody wants to call me a rat please have the decency to do it to my face. That's all I ask. Anybody want's to call me a rat do it to my face. And if you think I'm the bitch that says anything, it's right here. Everybody understand that, it's right here. I stand on my own. Enough of this bullshit that I was feeding anybody, enough of this bullshit that I'm out there printing fucking letters or whatever the hell else. But I'll tell you what, when someone asks me a question, if I know the answer, I'm gonna give them that answer. But if I know I'm not supposed to say anything, I won't say a fucken thing to anybody. That's as simple as that."

ILWU Local 23 Conrad Spell

"Conrad Spell, 23. This is disturbing. The information that's come to us by our International President here a half an hour ago. I'm not one that looks onto social media on a daily basis or weekly or even a monthly basis or listen to the brothers that go on there, so I'm not familiar with a lot of letters or things like that for the last 60 days. I want to come to this caucus and debate the issues, and, and, and move the union forward the way that this union was designed to move forward. When the International President stood up here a half hour ago upset about someone perceived to be talking outside of our walls, its disturbing to me and I'm sure its disturbing to everyone in this room. And so before we get through this issue, I have some more questions. And I don't really don't want to ask the questions. But I need this information. First of all, this, this communication? What was this? Was this a letter? How did this come into the hands of the union? I guess I'm asking Bob, since he brought this. I want to know, I, you know Bobby and Frank have been complaining about me, 'All In Offer', what is all this shit? Where does this come, I mean how did this come to your desk? OK with a flyer. With a flyer. And it was put out by Eric Aldalpe? Is that what I'm hearing?"

April 21, 2015 24 HOUR STOP WORK MEETING  
AS RECOUNTED BY BOBBY ELLIOT

ILWU Local 13 Caucus Delegate Eric Aldalpe #37519

"Yea I did it! What the fuck are you going to do about it!"