

BEFORE THE
ILWU LOCAL 13 TRIAL COMMITTEE
STEVE LEWIS, CHAIRMAN

COPY

In the Matter of the Trial)
Committee Hearing)
(re: Lawrence Toledo complaint)
against Eric Aldape))
_____)

TRANSCRIPT OF PROCEEDINGS

San Pedro, California

Tuesday, January 19, 2016

Reported by:

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CSR No. 10420

Job No.:
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3 STEVE LEWIS, CHAIRMAN
4
5

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7 Committee Hearing)
8)
9 (re: Lawrence Toledo complaint)
10 against Eric Aldape))
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15 TRANSCRIPT OF PROCEEDINGS, taken at
16 630 South Centre Street, San Pedro,
17 California, commencing at 1:35 p.m.
18 on Tuesday, January 19, 2016, heard before
19 the ILWU Local 13 Trial Committee,
20 STEVE LEWIS, Chairman, reported by
21 MARCENA M. MUNGUIA, CSR No. 10420,
22 a Certified Shorthand Reporter in and for
23 the State of California.
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APPEARANCES:

CHAIRMAN:	Steve Lewis
ATTORNEY-OF-FACTS:	John Seixas
SECRETARY:	John Marquez
TRIAL COMMITTEE:	James Black Ernie Duarte Anthony Guglielmo Chuck Johnson Arthur Lowe Jason Molina Robert Trimmer Valerie Zaks
For the COMPLAINANT:	Lawrence David Toledo
For the DEFENDANT:	Eric Aldape
Also present:	Bobby Olvera, Jr. JoJo Cortez Bobby Elliot George Lujan

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I N D E X

WITNESSES:	EXAMINATION	FURTHER EXAMINATION
GEORGE LUJAN		
By Mr. Seixas	24	
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A T T A C H M E N T S

- 1 - 12/1/15 letter from Lewis to Aldape
- 2 - 12/29/15 letter from Aldape to Lewis
- 3 - 1/14/16 letter from Aldape to Lewis
- 4 - 1/13/16 letter from Lewis to Aldape
- 5 - Excerpt from Constitution, Section 10,
Grievance Committee, Subsection b, page 12
- 6 - One-page document requesting documents and
clarifications

1 San Pedro, California, Tuesday, January 19, 2016

2 1:35 p.m.

3
4
5 MR. LEWIS: We're going to call the pretrial hearing
6 to order.

7 MR. SEIXAS: What you want to do is you want to read
8 his --

9 MR. LEWIS: For those of us that don't know about the
10 letter --

11 MR. SEIXAS: I'm sorry. We can't get the letter for
12 the pretrial.

13 MR. LEWIS: So I'm going to have to read the e-mail
14 that was sent to me from Mr. Aldape, dated January 19th,
15 2016.

16 "I am in receipt of your letter dated
17 December 1st, 2015 and I have a few
18 questions and a couple of demands.

19 "Why did you choose to write, 'Pursuant
20 to your nonattendance' instead of 'Pursuant
21 to your request to reschedule due to your
22 attending your brother's chemotherapy?'

23 "Why did you choose to try and make it
24 look like I did not show for the hearing
25 with no explanation? Is it because you are

1 biased?

2 "Why did you allow Larry to submit half
3 of the record of what happened at the caucus
4 related to my letter, which is the basis for
5 Larry's" change or "charge against me?"
6 Sorry. "Is it because you are biased?"

7 "Why did the president fail to follow
8 the rules that you provided and select the
9 Trial Committee at the Union meeting where
10 it was filed? Is it because you are biased?"

11 "On November 3rd, 2015, the Grievance
12 Committee was scheduled to hear the same
13 complaint Larry filed against me as a Union
14 grievance, until Bobby told him he needed to
15 drop it because the Constitution says it is
16 not" -- it is -- "it is no double jeopardy.

17 "Bobby knows what happened at the
18 caucus related to my letter. Bobby knows
19 that Big Bob took the microphone and told
20 the caucus how he used my letter" -- or "how
21 he used my letter. He told us how he threw
22 the letter down on the table after PMA
23 pushed it across and told them there was no
24 way he was going to accept \$5.50, and then
25 he walked out and refused to meet for two

1 days.

2 "Big Bob told the caucus that he used
3 my letter to get the PMA to give us another
4 \$1 an hour, which is how we got \$6.50.

5 "Bob knows that I accepted censure, as
6 recommended by the Chair, JoJo" -- or "as
7 recommended by the Chair, JoJo Cortez, and
8 the fact that he took the microphone right
9 after lunch and told the caucus Local 13 had
10 censured me and the matter was done.

11 "Larry's acquisition that my letter" --
12 "accusation that my letter cost the Union
13 \$0.50 per hour because he did not know" --
14 "he did not get the \$7 that was originally
15 demanded. Is it as stupid as" -- "is he as
16 stupid as he is, and is contradicted by the
17 caucus records?

18 "If you really intend to go forward
19 with this ridiculous claim, then I have a
20 couple demands. I demand a copy of the
21 transcripts for the afternoon session of the
22 caucus where my letter was discussed and my
23 censure was made part of the record.

24 "I demand the list of the members who
25 signed up for the Trial Committee at the

1 first Union meeting where it was read. At
2 the second Union meeting where no one signed
3 up because Bobby called no quorum, but that
4 did not stop him from proceeding to
5 bad-mouth me to those present, knowing that
6 I was not there to defend myself. Is it
7 because he is biased?

8 "I demand the list of the members who
9 signed up for the Trial Committee at the
10 third Union meeting where it was read.

11 "I demand that the caucus chair, JoJo
12 Cortez, be cited to appear at the hearing.

13 "I demand that a court reporter be
14 hired to transcribe the hearing, at my
15 expense.

16 "Your immediate attention to this
17 matter is appreciated.

18 "Sincerely, Eric Aldape, 37519."

19 That's what this pretrial hearing is about.

20 Okay. Attorney-of-facts?

21 MR. SEIXAS: What I'm going to do is -- like I said,
22 we're in pretrial.

23 So, Eric, there's some of the things that you
24 requested we're able to do. Some of them we're not. One of
25 the things I wanted to focus in on for you was you

1 brought up double jeopardy and I wanted to ask you if
2 there was anything you had to add to this at this point
3 before I read out of Robert's Rules of Order for you.

4 Was there anything, Eric? Are you going to
5 answer?

6 MR. LEWIS: Mr. Aldape, have you got something to
7 say?

8 MR. ALDAPE: It's your guys' show, bro. I'm just
9 here.

10 MR. LEWIS: Well, you requested that JoJo be here
11 to -- I guess to bolster your claim that you were already
12 censured, so you were already disciplined. Is that what
13 you're getting at?

14 MR. SEIXAS: Okay. Eric, if you have nothing to add
15 at this point, I'm going to ask that we go into Executive
16 Session and discuss your request and we'll give you an
17 answer in a few minutes.

18 So I'm going to make that motion. Anybody want
19 to second it?

20 MR. DUARTE: Second.

21 MR. BLACK: Second.

22 MR. LEWIS: All in favor?

23 (The motion was passed)

24 (Executive Session)

25 MR. LEWIS: All right. The Chair calls this Trial

1 Committee back into session.

2 Eric, just out of pure politeness, you know,
3 we're all sitting here. Can you be punctual, please,
4 please?

5 MR. ALDAPE: I was in here on time.

6 MR. LEWIS: We had to go chase you down. I mean, we
7 asked everybody to stand by. I'm just asking, please.

8 MR. ALDAPE: I'll check in with the -- you got a
9 sergeant-at-arms on the committee? All right, brother.
10 I'll check in with you next time I walk out.

11 MR. LEWIS: Thank you, sir.

12 Attorney-of-facts?

13 MR. SEIXAS: Eric, I'm going to give you a reading,
14 what's our conclusion as to your pretrial motion, and
15 there's a couple of things.

16 On the Trial Committee guidelines, we adopted
17 the guidelines to be used only as a guideline. It's not
18 hard-and-fast rule, but what we did adopt is the trial
19 procedure from 1965. So that's the procedure we'll be
20 using. So there's your answer on that.

21 The double jeopardy question -- and I'm going to
22 read to you real quickly from Robert's Rules of Order.
23 It says:

24 "Punishments that a society can impose
25 generally fall under the headings of

1 censure, fine, if authorized in the bylaws,
2 suspension, or expulsion. The extreme
3 penalty that an organization or society can
4 impose on a member is expulsion."

5 If you drop down, there's a footnote and it
6 says, "It is also possible to adopt a motion of censure
7 without formal disciplinary procedures."

8 And that's what the Trial Committee has ruled,
9 is that we find that it was not disciplinary, that it
10 does not conclude in double jeopardy, and the reason
11 being is it was a parliamentary procedure and a motion
12 made on the floor to show displeasure at the time with
13 your actions, and it was made by JoJo and we find that it
14 was not disciplinary. And since there was no evidence
15 offered by yourself when you were given a chance, we
16 consider the case or that matter formally closed.

17 So at this point right now, what I'm going to do
18 is we're going to move the trial along and I'm going to
19 read the charge. And the charge is regarding against
20 brother Eric Aldape, conduct unbecoming of a union
21 member, an offense detrimental to the ILWU, Local 13, and
22 unionism in general. And it says:

23 "Under Article XIII of the ILWU 13's
24 Constitution and Bylaw, I hereby file
25 charges against Brother Eric Aldape for

1 conduct unbecoming of a union member and
2 offense detrimental to the ILWU and unionism
3 in general.

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

13 "During the month of February, Eric
14 Aldape circulated a flier that the employer,
15 PMA, used against the ILWU Negotiating Team
16 in which the information in the flier had
17 cost every longshoreman in the West Coast
18 \$0.50, times an average of 2,000 hours per
19 year per longshoreman, times five years,
20 times 20,000 West Coast members, which is
21 equivalent to a hundred million dollars for
22 the life of the Contract.

23 "Eric Aldape is held to a higher
24 standard since he is an officer of this
25 great organization. He had the trust of all

1 the members. With willful intent he went
2 against the members, did not protect the
3 collective welfare of all. He took
4 advantage of the leadership position, broke
5 ranks, and broke the oath that we all take
6 when we become Union members. In his flier,
7 'With the all in we can win' like many of
8 his fliers, caused discourse,
9 discouragement, division, uncertainty of
10 unionism in general amongst the members, and
11 most importantly took the leverage away from
12 the negotiating committee while they
13 bargained for a contract with the employer.
14 Amendment 1 of the U.S. Constitution
15 'freedom of speech, or of the press' only
16 applies to protection from the U.S.
17 government's powers against the people.
18 LMRDA Title 1 Section 101 (a), Subsection 1
19 and 2, provides limited protection of a
20 Union member's expression of their views,
21 subject to reasonable rules and regulations
22 in such organization's constitution and
23 bylaws.

24 "Eric Aldape, along with an outside
25 person, have created an antiunion website

1 that lambasts ILWU, more specifically
2 Local 13.

3 "Back in the end of 2012, Eric Aldape
4 secretly confided to me of a website he and
5 a friend were creating. At the time, the
6 magnet business card that he had given me
7 was lost and I never paid it no mind until
8 after" -- until after -- excuse me -- "until
9 after later on hearing other Union members
10 talk about the site.

11 "The same style and language that Eric
12 had been distributing in his fliers was also
13 the same style and language that were in the
14 articles on the website. Eric has testified
15 in court proceedings, NLRB Case Number
16 21-California-39434 and NLRB Case Number
17 21-CB-14966, that his fliers are based off
18 of rumors and vindictiveness. His fliers
19 have been proven in court to not
20 be factual."

21 MR. OLVERA: Excuse me. Point of order.

22 MR. SEIXAS: Yeah?

23 MR. OLVERA: The brother's making phone calls while
24 we're on the record with a court reporter. I'd like his
25 phone either removed or placed on the table so that the

1 body can see who he's calling and allowing to listen to
2 the ongoing proceedings.

3 MR. LEWIS: Mr. Aldape, can you set it down in front
4 of you?

5 MR. ALDAPE: Nope. Not going to happen, bro.

6 MR. LEWIS: Can you at least promise us that you
7 won't make any phone calls while we're -- I mean, we're
8 not making any either.

9 MR. ALDAPE: Yeah.

10 MR. LEWIS: Thank you.

11 MS. ZAKS: You're also not supposed to be recording
12 anything either. It says it in the rules.

13 MR. LEWIS: We've got your court reporter. I don't
14 know -- she's getting down everything you need. I don't
15 know why you need to record it.

16 MS. ZAKS: There's no extra recording in here, it
17 says, besides her.

18 MR. DUARTE: Is he recording?

19 MR. LEWIS: You asked for this.

20 MR. ALDAPE: No. You guys brought me here.

21 MR. LEWIS: Go on, Mr. Seixas.

22 MR. SEIXAS: All right.

23 "Yet these fliers he produces is read
24 by Union members who have entrusted Eric to
25 be truthful, which he is not. One flier was

1 used against him in a 13.2 violation.

2 "As an elected official, his actions
3 and fliers display a great lack of integrity
4 and judgment, lack of leadership traits, and
5 a bad example for the younger generation of
6 the ILWU to follow.

7 "A lot of what was in the news and
8 newspaper was the same information that
9 repeated itself or information that we as
10 Union members received in e-mails,
11 bulletins, and text blasts. But what was
12 put in the flier, 'With the all in we can
13 win' written by Eric Aldape, was personally
14 used successfully by Jim McKenna against the
15 ILWU at the negotiating table.

16 "Along with this complaint, I have
17 submitted evidence and I am requesting that
18 George Lujan and Bobby Elliott," who both
19 are present, "be cited to give recollection
20 of their interactions and observations of
21 Eric Aldape's conduct and behavior.

22 "As such, I hereby submit this charge
23 to the office of the secretary-treasurer and
24 request a reading of this charge at the next
25 membership meeting resulting in election of

1 a Trial Committee to hear this charge.

2 "Sincerely, Lawrence Toledo, 37920, A
3 crane board dayside."

4 Okay. At this point, what I'm going to do -- at
5 this point, what I'm going to do is -- and it's a lot
6 shorter. I'm going to go ahead and read my
7 attorney-of-facts report and then I'll ask -- Eric, I'll
8 ask you how do you plead to the charge, and this will
9 only take a quick minute.

10 This is dated 10/6/15.

11 "To: Trial committee from John Seixas,
12 133130, attorney-of-facts, regarding Trial
13 Committee recommendation concerning David
14 Toledo versus Eric Aldape.

15 "After many hours of thoughtful
16 investigation and retrospection, I recommend
17 that the Trial Committee concerning David
18 Toledo versus Eric Aldape concerning
19 behavior detrimental to Local 13, the ILWU,
20 and trade Unionism be allowed to go forward.

21 "Eric was nominated to the position of
22 caucus delegate for the explicit purpose of
23 guaranteeing a good Contract. While he was
24 serving as a caucus delegate, he took it
25 upon himself to provide information to his

1 partner, Jim Tessier, nonILWU/ex-PMA
2 employee, about our Contract dealings and
3 also to write a flier about PMA's offer.
4 While according to interview with George
5 Lujan, he was in the moment with Eric
6 because Eric had decided to draw him into
7 his web, he was not able to recall if the
8 flier had done any damage to negotiations.

9 "When I contacted Victor Hudak about
10 the damage that the flier had cost us,
11 Victor and several other caucus delegates
12 were able to assure me that not only did
13 Eric damage us at the bargaining table, even
14 International President Bob McEllrath was
15 upset with Eric's behavior. This not only
16 demonstrates Eric's willingness to violate
17 his oath of office, but it was done while
18 Eric had taken a fiduciary responsibility to
19 represent the membership, exchanging money
20 for services to the ILWU.

21 "Eric confessed at the San Francisco
22 caucus that it was him that had done the
23 flier and leaks to nonILWU Americans. He
24 later reconfirmed that he was the one who
25 violated his oath by admitting at the

1 Contract rally held at Home Depot Center,
2 'Yeah, I did it. What the fuck you gonna do
3 about it?' as witnessed by David Toledo and
4 Bobby Elliot.

5 "Julie Brady and Sam Moega, caucus
6 delegates, along with Bobby Olvera, Jr.,
7 were able to recall that the caucus
8 delegates were reminded at San Francisco
9 meeting that they were to keep confidential
10 all information concerning Contract. The
11 reminders were given in writing, in written
12 instructions via handouts to caucus
13 delegates. See Coast by-laws handout and
14 Caucus Rules handout. Members of Local 13
15 were also asked to keep things private via
16 informational handout and verbal information
17 at local stop work meetings. See attached
18 bulletin."

19 I have the -- both those and two -- about two or
20 three more sentences to go, folks, and I'll be done with
21 all the readings. It says --

22 (Interruption in the proceedings)

23 MR. LEWIS: Hold on. Hold on. Thank you.

24 MR. SEIXAS: Yeah. Please put your phones on
25 vibrate.

1 Okay. And this is the Coast Longshore Division
2 bylaws which everybody received, all caucus delegates.

3 It says:

4 "All Negotiating Committee documents
5 are for the use of the members of the
6 Committee only and shall not be distributed
7 or made available to anyone except upon
8 approval of the Negotiating Committee."

9 That was Rule Number 4.

10 And then Rule Number 6:

11 "Press releases shall be issued only by
12 joint agreement between the Union and the
13 PMA, except that the Union Committee
14 reserves the right to inform the membership
15 on the progress of negotiations through the
16 dispatcher and letters to the locals."

17 And I'm going to read longshore caucus rules and
18 Rule Number 16:

19 "All publicity shall be released solely
20 through the Titled Officers. The Titled
21 Officers, when occasion demands, shall
22 consult with the delegates from any local or
23 locals interested in or affected by the
24 release of such publicity."

25 And to read further into the record, I have

1 International Longshore and Warehouse Union bulletin,
2 Bulletin Number 29-14. On the back is a nice big picture
3 of:

4 "Facebook gives the Employer the upper
5 hand. Protect yourself and your job.
6 Discuss Union business at the Hall, not
7 online. Remember, the Employer, the
8 government, and the media will use your
9 words against individual members and your
10 Union. Let's protect ourselves and each
11 other by discussing Union business at the
12 Dispatch Hall and at meetings and keep
13 job-related photos, videos, and posts off
14 line. An injury to one is an injury to all.
15 Fraternally, Bobby Olvera, Junior,
16 President; Mondo Porras, Vice President;
17 Mark Williams, Secretary-Treasurer."

18 I am done at this point reading everything.
19 Thank you for being patient with me. That was a lot to
20 read through.

21 Eric --

22 MR. ALDAPE: Can we take a caucus?

23 MR. SEIXAS: H'm?

24 MR. ALDAPE: Caucus.

25 MR. SEIXAS: Excuse me?

1 MR. ALDAPE: I'm going to take a caucus.

2 MR. SEIXAS: You need a -- excuse me. I just -- I'm
3 going to ask you --

4 MR. ALDAPE: I'm going to take a caucus. I heard all
5 your charges. I heard everything you read. I can take a
6 caucus. I can't take a caucus?

7 MR. SEIXAS: You can wait until you've -- Eric, you
8 can wait until the chairman dismisses you if you need.
9 You don't just get up and walk out.

10 MR. LEWIS: I'm chained to the chair just like you.
11 Please sit down.

12 MR. ALDAPE: I'll sit down. Brother Chair, can I get
13 a caucus?

14 MR. LEWIS: How long would you need, sir?

15 MR. ALDAPE: I don't know. 10, 15?

16 MR. LEWIS: 10, 15? Also, Mr. JoJo Cortez has a
17 doctor's appointment. I would like to excuse us for --
18 Joe, a half hour? We adjourn for Mr. Aldape's caucus.
19 We'll come back at 2:45.

20 (Recess from 2:08 p.m. to 2:43 p.m.)

21 MR. LEWIS: Can we call the Trial Committee back to
22 order?

23 Mr. Seixas, you have the floor.

24 MR. SEIXAS: Okay. At this point, we're kind of
25 going to go right back to where we were and I'm going

1 to --

2 MR. LEWIS: Let me hold up. I've got one request.
3 I'm going to do it. Can everyone just throw their phones
4 right in the middle?

5 MR. SEIXAS: Well, if it rings, I want to be able to
6 silence it. It's within reach. It's going to be the one
7 that rings.

8 MR. LEWIS: Go ahead.

9 MR. SEIXAS: So anyways, following trial procedure
10 guidelines, I'm going to ask Brother Aldape, how do you
11 plead to the charges?

12 MR. LEWIS: Eric, can you please answer?

13 MR. ALDAPE: It's your show, bro. Keep on going.

14 MR. LEWIS: Guilty? Not guilty? What?

15 MR. SEIXAS: Okay, Eric. You have decided not to
16 enter a plea, I'm going to assume? And no response.
17 Okay.

18 So anyways, I'm going to ask the witnesses some
19 questions that were present. I am going to go ahead and
20 start with Brother Lujan.

21
22 GEORGE LUJAN,
23 called as a Witness, was examined and testified as
24 follows:
25

EXAMINATION

BY MR. SEIXAS:

Q And Brother Lujan, just a couple of quick questions, as you were a caucus delegate; is that correct?

A Yes.

Q Brother Lujan --

A Which caucus?

Q The -- at the -- up in San Francisco.

A I've been to many. Which one?

Q For Contract.

MS. ZAKS: Which year?

BY MR. SEIXAS:

Q In 2015 when we were going through Contract.

A Yes.

Q Sorry, Brother Lujan. At this point I'm just going to walk over and show you a couple of examples of the handouts. Do these (indicating), either of these, look familiar to you?

A No.

Q This was the longshore caucus rules. Do you remember seeing those as a handout that was part of your information packet?

A To be honest with you, brother, I don't remember. To be honest with you, John, I don't remember

1 this. We get a packet. I don't know.

2 MS. ZAKS: The court reporter needs to hear you guys.

3 MR. LEWIS: Yeah.

4 THE WITNESS: Why don't we move the witness chair up
5 there then?

6 MR. SEIXAS: We can do that.

7 THE WITNESS: I want your chair.

8 MR. SEIXAS: I want to stretch. Take my chair,
9 George, seriously. I'm not joking around.

10 MR. LEWIS: We've got spares.

11 THE WITNESS: I honestly don't remember.

12 BY MR. SEIXAS:

13 Q You remember getting a packet, but you don't
14 remember those papers?

15 A We get a paper and to be honest with you, the
16 division and caucus rules, I've been getting those
17 probably since -- well, since I've been going, so I kind
18 of stopped reading.

19 Q But you are familiar with the rules that are
20 circled in there that were read earlier?

21 A Somewhat.

22 Q Okay.

23 A I mean, this is the type of stuff that's real
24 generic at every caucus.

25 Q Yes.

1 A You just kind of -- it's a thing that you get in
2 the back and you just kind of scan it and it's not --

3 Q Okay.

4 A No one ever violates the rules, so you kind of
5 don't look at them --

6 Q No one --

7 A -- to be quite honest.

8 Q Okay. All right. And that was -- that was it.
9 I just wanted to get your recollection of it. I'm going
10 to make it real easy. So that's it.

11 A All right.

12 MR. DUARTE: Can we ask him questions?

13 MR. LEWIS: Are we allowed to ask?

14 MR. SEIXAS: Yeah, if you guys want. But what I was
15 going to do was ask all witnesses first and then see if
16 you guys want to ask any of the -- so that way we can --

17 THE WITNESS: I'd rather you question me now if you
18 don't mind.

19 MR. LEWIS: Wouldn't it be kind of just better to go
20 right down the row?

21 MR. SEIXAS: We can do that.

22 MR. LEWIS: All right. The Chair recognizes Brother
23 Ernie.

24 MR. DUARTE: I understand you said it was kind of --
25 if it was there, it's kind of like in the back, but is it

1 common procedure always at a caucus that you know you
2 should never speak about what is being spoken, especially
3 at a time that's so critical and about putting stuff out?
4 Are you guys told that over there at the caucus, just to
5 keep everything there in-house?

6 THE WITNESS: No.

7 MR. DUARTE: No? Okay.

8 THE WITNESS: No. What -- if you -- if you've been
9 around as long as I have, I've seen guys from
10 San Francisco, I've seen guys from other ports that make
11 this look tame, literally.

12 MR. LEWIS: In what way?

13 THE WITNESS: Information getting out. I mean -- I
14 mean, there's been times where we go into Executive
15 Session just like we do, you know, in E-Board here,
16 but -- I'm very uncomfortable with the court reporter.
17 I'm going to say no.

18 MR. DUARTE: Okay.

19 MR. LEWIS: I've got a question. Is it just -- isn't
20 it a general rule that whatever's said here stays here?

21 THE WITNESS: You're asking me --

22 MR. LEWIS: Yeah.

23 THE WITNESS: -- for George Lujan? You're asking me.

24 MR. LEWIS: With all your -- you've got more
25 experience with this stuff than I have, yeah.

1 THE WITNESS: If you're asking for me --

2 MR. LEWIS: Yeah.

3 THE WITNESS: For me, yeah. I can only speak for
4 myself.

5 MR. LEWIS: But you're probably an average officer;
6 right?

7 THE WITNESS: No, apparently not. I'm sitting here.
8 I mean, no. I can only speak for myself. You know, I
9 mean --

10 MR. LEWIS: Okay.

11 THE WITNESS: You can only speak for yourself.

12 MR. LEWIS: Yeah.

13 THE WITNESS: And John can only speak for himself and
14 John, Ernie himself.

15 MR. LEWIS: Go ahead, James.

16 MR. BLACK: So was it verbally spoken not to even
17 discuss any of these procedures or any information of
18 what anybody said it officially, that it shouldn't be
19 brought out or brought out to the public or anything of
20 such?

21 THE WITNESS: You'd have to refer to the -- I'm not
22 trying to avoid your question because I can't honestly
23 give you an answer.

24 MR. BLACK: Okay.

25 THE WITNESS: You'd have to refer to the minutes of

1 the meeting. That would be your best source. There's
2 minutes of the whole caucus from beginning to end; and if
3 there was something said, unless it was said off the
4 record -- and even off the record, you're allowed to get
5 to it. That would -- I don't want to tell you yes, no,
6 because I really honestly --

7 MR. BLACK: I understand. I understand.

8 THE WITNESS: I've been to so many, I mean,
9 sometimes -- how can I put it? Those of you that have
10 been on the Executive Board for many years or trial
11 committees, whatever, after a while you start, "Was that
12 2000? Was that 1996?" You know, that's literally --
13 that's how many I've been to.

14 MR. BLACK: So it's just a lot of information.

15 THE WITNESS: These rules that John referred to, I've
16 gotten them time and time again as part of a packet when
17 you show up. I've probably looked at them, John, maybe
18 out of boredom in my room maybe once.

19 MR. LEWIS: Okay.

20 MR. LOWE: Arthur Lowe. Excuse me. You had said
21 earlier about the same thing happens at other locals up
22 the Coast and it makes this look tame. Have you known
23 anything to happen like this before at this level, just a
24 yes or no?

25 THE WITNESS: I don't know.

1 MR. LOWE: No? Yes?

2 THE WITNESS: I don't know, bro. I don't know.

3 MR. LOWE: You don't know? Okay, thank you.

4 MR. LEWIS: All right, Brother George. Take your
5 seat.

6 MR. SEIXAS: Hold on one second. Does either the
7 witness or the defendant have any questions?

8 MR. LEWIS: Oh, Brother Eric, have you got any
9 questions for George? No?

10 THE WITNESS: I can go?

11 MR. BLACK: What about Toledo?

12 MR. LEWIS: Oh, Dave, sorry. I'm new, guys. Sorry.
13 Dave, have you got any questions?

14 MR. LOWE: No.

15 MS. ZAKS: I have a question. So you're saying in
16 these caucus meetings, because you guys have so much time
17 and you've been there so many times that it's just -- you
18 guys are so relaxed and it's not taken as seriously?

19 THE WITNESS: No, that's not what I'm saying at all.

20 MS. ZAKS: Oh, okay.

21 THE WITNESS: No. No. Not at all, no.

22 MS. ZAKS: Thank you.

23 THE WITNESS: Not even, no.

24 MR. BLACK: Thank you, Brother Lujan.

25 THE WITNESS: Thank you, guys. Can I leave? I need

1 to be somewhere.

2 MR. SEIXAS: He has a meeting he has to be to, so
3 he's leaving.

4 MR. LEWIS: Brother George -- the Chair recognizes
5 that Brother George has got to take off somewhere else,
6 so we're going to dismiss him for the rest of the
7 proceeding.

8 THE WITNESS: Is that okay?

9 MR. SEIXAS: You're out of here, bro.

10 MR. LEWIS: Next?

11 MR. SEIXAS: I'd like to call up Bobby Olvera.

12

13 BOBBY OLVERA, JR.,

14 called as a Witness, was examined and testified as
15 follows:

16

17 EXAMINATION

18 BY MR. SEIXAS:

19 Q Do you recognize either of those from the
20 handouts?

21 A Yes.

22 Q Okay. So the handouts are recognized. And what
23 is your feeling on the confidentiality that those
24 handouts are -- how do I phrase it?

25 MR. TRIMMER: Common knowledge?

1 BY MR. SEIXAS:

2 Q What is your feeling of the common knowledge of
3 the confidentiality?

4 A Well, I think, first of all, you have got to put
5 it in the context of individuals that have -- like George
6 said, if you've been on the E-Board or caucus or any body
7 for a period of time, there's some rules, although they
8 may be written, that you just know. All right?

9 You know that when you come to E-Board, speaking
10 out of turn is a violation of the rules. But for new
11 members, it's good that they read them so they're up on
12 them.

13 Some members like JoJo who's been on caucus for
14 not years but decades, he could probably recite these
15 rules verbatim, by heart.

16 Other members that have never been on caucus
17 before, it's told to them both in the Local caucus
18 meetings amongst ourselves and as the caucus as a whole
19 that it's important for them to read through the packets,
20 not only for our rules of decorum and caucus rules, but
21 also within the packet is contained like your medical if
22 you get hurt or if you're sick while you're in
23 San Francisco, where to go to, what doctors will see you.

24 So it's important that newer caucus delegates
25 read through everything that's presented to them because

1 just like anything else in this world, ignorance of the
2 law is no excuse.

3 MR. LEWIS: Any other questions?

4

5 EXAMINATION

6 BY MR. LEWIS:

7 Q I've got one. I mean, it's -- judging by
8 George's testimony and yours, it just seems like if
9 you've been on two or three caucuses that it's just not
10 taken that seriously anymore.

11 A I don't think it's not taken seriously. I would
12 put it more towards individuals that are aware of the
13 rules probably take it a little less seriously, not the
14 rules, but having to go through and read them because
15 they've read it so many times over and over again.

16 For new individuals, especially during a
17 Contract year on a Contract caucus, I do recall -- I
18 don't know if it was on the first day of the caucus, but
19 during the caucus there was mention made about the rules
20 that are contained within -- within this (indicating).

21 There was discussion about the rules the second
22 time we came around for caucus, based on the issues that
23 had happened with Eric.

24 So I would -- I would refrain from
25 characterizing as people take their obligations -- or