

BROTHERHOOD OF MAINTENANCE OF WAY EMPLOYEES DIVISION  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS



November 9, 2021

BMWED

President Freddie Simpson President

41475 Gardenbrook Rd.

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President Simpson:

This letter responds to your outlandish and blatantly false propaganda sent to the BMWED Membership and posted by your appointees throughout social media, including BMWED'S Facebook page, on November 5, 2021. Your letter and post will be Exhibit A of your bad faith and breach of the settlement you admit and concede we made before a Federal Judge. It also proves you have been far removed from the membership for too long, eliminating your ability to understand their real concerns.

It is difficult to think that anyone in their right mind would try to justify a wholesale restructuring of the Union now, just few months from the Quadrennial Convention, or at any time, by claiming a need to align our Union structure with regard to the railroads' latest gimmick of implementing precision scheduling railroading. PSR has nothing to do with our Union's ability to represent our members. Invoking PSR as an excuse leaves us wondering whether you are acting as an agent for the railroads rather than the membership. While the railroads merge, decrease competition, become politically powerful, and better able to fight good agreements that our members depend on, your only answer is to align the federations to look precisely like the railroads. This will take more representation away from our members and consolidate authority to a single General Chairperson and National Division Officers. More power at the top and fewer boots on the ground. Your latest excuse for dismantling the Union's system federations and divisions is more evidence of your disconnect with our membership and the bad faith you and your cronies have displayed throughout this entire mess.

You pretend your actions are member-driven, but the opposite is so obviously true that your deceit stands as exposed as a king with no clothes. You unilaterally tried to force consolidations when nobody was asking for it. You pretend that you now care about the membership's opinion regarding your restructuring plan, but you conveniently forget that forced mergers were rejected by the membership voting body at least six times, and you told everyone that you do not want to debate the issue at the upcoming 2022 Quadrennial Convention. Also, you now act like you want our members to vote on your folly when it was the twelve undersigned chairpeople who secured that right.

Do you think our members forgot that you unilaterally set convention dates this fall, just a few months before the Quadrennial Convention, where matters as important as the structure of the Union and its future have always been debated and decided upon following open democratic debate? When asked to explain your rush to revamp the Union's representative structure and not present it to the delegates at the upcoming Quadrennial Convention, you brazenly stated that you do not trust democracy and do not trust the members even to know what is in their and the Union's best interest, and that only you know what is needed and must be done. Your explanation is an insult to the membership and the Union.

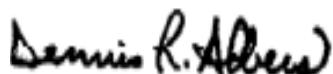
Our members have witnessed your desperate flailing's since the summer and will understand that your November 5<sup>th</sup> letter is just a further effort by you and your cronies to forcibly pursue your agenda at the expense of the Union and the membership. What makes this effort so galling, however, is that you are now reneging on a settlement agreement that you yourself entered into before a federal court judge and which your lawyer read into the court record. However, for the sake of clarity for the members, we feel compelled to set the record straight:

1. We settled our federal court lawsuit stopping your forced mergers and unilateral conventions by securing a vote for all the BMWED members concerning your restructuring folly. The settlement agreement is binding, and it is enforceable. You cannot unilaterally walk away from that agreement, and you cannot just revert to your original folly. You have to honor your word and honor the settlement agreement.
2. Your effort to implement your restructuring scheme has already cost our Union tens of thousands of dollars, and if it goes through, it will cost our Union millions of dollars to reorganize and have the necessary conventions to mimic the railroads that you now claim as your excuse to dismantle the Union's representative structure. The discussions between the lawyers regarding the specific language for inclusion in the formal settlement agreement and consent order of the settlement broke down for three reasons, and they are all because of your and your cronies' bad faith. First, they broke down because you do not want the members to make an informed vote regarding the consequences of their vote. Second, you and Jed Dodd have falsely stated that the new, Simpson/Dodd federations and divisions would be single employer entities when they are not. Most of the Simpson/Dodd entities would represent members working on two or more railroads, just the way the current system federations and division do. The only one that would not, is the Simpson/Dodd Amtrak entity. You and your cronies agreed that the Amtrak entity would exclusively represent BMWED members working for Amtrak, but you have insisted on including a freight railroad, Conrail, within that Amtrak entity. Your and Dodd's actions reflect both hypocrisy and because you are not willing to explain the resulting structure of the Simpson/Dodd entity if it is approved in a vote, it also reveals your contempt for the membership and your bad faith. Third, you and your cronies insist on "activating" dozens of staff members and other members not just to educate and advocate for the Simpson/Dodd scheme, but also to engage in illegal electioneering. You and your cronies have gone as far as to promise individuals that they will be elected chairmen of the Simpson/Dodd entities if they support the establishment of those entities; and you and your cronies insist on spending Union assets to support those electioneering efforts under the guise of education and advocacy. These actions that you and your cronies are insisting upon are illegal and constitute breaches of fiduciary duty on account of the misuse of Union funds.

Rather than stick to the terms that we agreed on in the settlement regarding education and advocacy, you chose instead to blow up the settlement agreement. That is unacceptable and your conduct reeks of bad faith.

3. The twelve undersigned chairpeople did not renege on the settlement. In fact, we insisted that members be informed about the effect of their votes on their ballots which you rejected. You and your cronies are the ones who have reneged on the settlement.
4. Your admission that you will proceed without regard to the court settlement demonstrates your bad faith and contempt even for an agreement made in federal court.

The members are fed up with your political games and those of your cronies. They want good contracts, and they do not want contract negotiations with the carriers to play second fiddle to your and your cronies' political games. You seek so desperately to restructure the Union for you and your cronies personal gain that you and they would renege on a federal court settlement while postponing national bargaining and pushing it out to next year. Your actions are totally unacceptable. You have left us with no choice but to enforce our settlement agreement and to ask the judge to impose whatever sanctions against you and your cronies that he feels are just. Our membership deserves so much better than you and your ilk.



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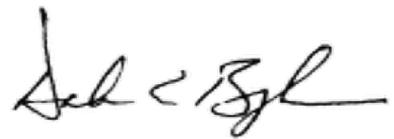
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