

A less perfect union

At a time when organized labor is slipping, SEIU's national leaders are wasting their resources trying to discredit Sal Rosselli

By J.B. Powell

> jesse@sfbg.com

By nearly every measure, the Service Employees International Union has become a juggernaut. As the rest of organized labor has seen its share of the American workforce continue to dwindle, SEIU has brought in some 800,000 new dues-paying members in recent years. With the Democratic Party taking over Congress in 2006, the 1.9 million-member organization, rich with campaign funds, wields enormous political clout, and it will only become more formidable if Hillary Clinton or Barack Obama wins the White House in November.

But all is not well inside the labor giant. Andy Stern, the union's president, has pushed hard for merging and consolidating local chapters into larger operations — and many SEIU members, especially here on the West Coast, say that's turning the union into a top-down autocracy in which Stern loyalists wield undue influence and meddling officials from Washington, DC squelch dissent.

And now, the *Guardian* has learned, Stern operatives are using their money and organizing clout in a hard-hitting campaign — not to force an employer to the table or to toss out an anti-union politician, but to discredit another labor leader.

The campaign is part of a bruising power struggle between Stern and dissident local leader Sal Rosselli, who runs the Oakland-based SEIU affiliate United Health Care Workers West. In the past few months, union insiders say, SEIU officials, including a senior assistant to Stern, set up what one leader called a "skunk team" to undermine Rosselli's efforts at winning key union delegate elections. At one point, the team — which involved a political consulting firm linked to big downtown businesses — discussed an opposition research file compiled on Rosselli by a health-care giant his union was fighting

And leading up to the delegate elections last month, SEIU staffers worked to promote Stern-supporting candidates, possibly in violation of union rules, while actively discouraging other union employees from campaigning. That's led to a formal complaint alleging improper involvement by Stern's staff in a local union election.

EMERGING TENSIONS

In 2005, Thomas Dewar went to work as a press secretary at Local 790, formerly SEIU's biggest San Francisco outlet, which represented approximately 30,000 workers, most of them public employees. Local 790 was among the most politically progressive union shops in the country, supporting left-leaning candidates for office and progressive causes like public power. In early 2007, Andy Stern initiated a merger of 790 with nine other regional locals. The move was part of a larger consolidation in the state that saw the number of California union affiliates reduced by nearly half.

The new Northern California superlocal was dubbed 1021, as in "10 to one." Local 1021 has continued 790's liberal activism. But right after the merger was finalized, Dewar and other sources told the *Guardian*, the atmosphere around the union changed for the worse.



Sal Rosselli
Photo by Charles Russo

"A lot of members had anxiety," Dewar recounted. Most troubling, he said, was the insertion of Stern appointees into leadership positions, including current president Damita Davis-Howard. "Members were upset. They saw co-workers whom they had elected unilaterally removed by a guy in DC and replaced by his handpicked appointments."

Ed Kinchley, a Local 1021 member who was appointed by Stern to the local's executive board after the consolidation, shared Dewar's memory of the tensions. "You had 10 different locals with 10 different ways of doing things. It's difficult to merge all of that. A lot of people who had been elected to leadership positions were removed."

Dewar told us he struggled to adjust to his new working environment. But after his initial misgivings, he said he devoted himself to backing Stern's vision for the combined local: "We were told over and over that change is hard. So I decided to give it an honest shot." Dewar said he worked to get good press for 1021 and to build Davis-Howard's profile.

But early this year, tensions between Rosselli and Stern flared — and according to Dewar, top staffers at 1021 began to focus more and more of their attention on the feud.

"They were freaking out about Sal," he said.

Enraged at what he considered International meddling in the affairs of his Oakland-based local, United Healthcare Workers West, Rosselli resigned from SEIU's executive committee in early February. He also began championing a "Platform for Change" to be voted on at the upcoming SEIU convention in June. Among other things, the Rosselli-backed slate of reforms would give local union outlets more say in proposed mergers and collective bargaining agreements. The platform, if approved, would also scrap the current delegate system for electing International officials and replace it with a one-member, one-vote structure.

According to Dewar's account and to evidence obtained by the *Guardian*, top SEIU officials have been working overtime to counter Rosselli — even pushing the boundaries of the union's own rules and colluding with political consultants who have often opposed organized labor.

'THE ANTI-CHRIST'

In early March, Dewar said that in early March, Josie Mooney, a former Local 790 president who is now a top assistant to Stern, approached him about joining what she characterized as a "skunk team that Andy and I are putting together." Dewar recalls Mooney telling him that the purpose of the team was to counter Rosselli's increasing popularity with the rank and file, and to sink Rosselli's platform for the convention.

Dewar told us that Mooney asked him to join the skunk team during a brunch meeting at the Fog City Diner in early March. An e-mail exchange he shared with us shows that he and Mooney discussed having brunch at the diner on March 1.

Mooney did not return numerous calls for comment and, through an SEIU spokesperson, she declined to speak for this article. But Dewar told us Mooney promised him at the brunch that his assistance in her efforts would win him positive attention from Stern. The team, she reportedly told him, was directly authorized by Stern and "that resources would not be a problem."

Dewar said he vacillated about joining the team, torn about aiding what he considered to be an internal union smear squad. "In 1021, we're conditioned to think that Sal Rosselli is the anti-Christ," Dewar told us. "But even still, he was still a part of the same union." A March 4 e-mail from Mooney's SEIU e-mail account to Dewar shows her urging Dewar to make up his mind: "You have to give me your commitment. I am (as we speak) selling you at the highest levels. Don't blow that :)."

Dewar eventually agreed to join Mooney, Tom DeBruin — an elected vice president of SEIU International — and someone Dewar said Mooney referred to as the team's "silent partner" for a dinner meeting.

E-mails from Mooney and other attendees show that the meeting took place March 10 at Oliveto Restaurant in Oakland.

Mooney's "silent partner" turned out to be Mark Mosher, of the enormously successful San Francisco consulting firm, Barnes, Mosher, Whitehurst, Lauter, and Partners (BMWL). John Whitehurst, another of the firm's partners, also attended the dinner.

BMWL has worked for the SEIU since 2001. But its client roster also included Sutter Health and the Committee on

Jobs. Both organizations have less-than-stellar reputations among organized labor. Nurses at 10 Bay Area Sutter hospitals recently walked off the job for a 10-day strike. The Committee on Jobs is one of the largest lobbying organizations for downtown San Francisco business interests and has fought against numerous union causes. Mosher told the *Guardian* by phone that, as of November of last year, the Committee is no longer a BMW client.

THE ROSSELLI FILE

Dewar claims Sal Rosselli was the central topic of conversation at the dinner. At one point, he says, the participants discussed an "oppo research" file on Rosselli compiled by Sutter Health. The hospital giant has clashed repeatedly with Rosselli and apparently had sought to dig up dirt on him.

Whitehurst worked for Sutter in the 1990s. His efforts for the hospital chain during a ballot campaign in 1997 earned him a place on the California Labor Federation's "do not patronize" list.

Mosher confirmed by phone that Rosselli's file at Sutter did in fact come up at Oliveto that evening. But he said Dewar "baited" him and Whitehurst into discussing it. Furthermore, he said, Whitehurst reported that Rosselli's file was "clean."

In fact, a March 12, 2008 e-mail from Dewar to Mosher suggests that the team focus on Rosselli's "hypocrisy" and states, "Have we approached anyone at Sutter re: dirt on Sal? Have we been able to peek into their oppo file?"

Later that day Mosher replied, "John Whitehurst read Sutter's whole oppo file on Sal in 1997." In a follow-up message, Mosher writes that the file "really supports the idea that he's not motivated by money."

DeBruin did not return calls for comment. Kami Lloyd, communications coordinator for Sutter, disputed whether the oppo file even existed: "To my knowledge," she told us, "no such file exists at Sutter Health."

Reached for comment, Rosselli reacted angrily to news of the alleged "skunk team" and the fact that a research file on him, compiled by a corporation perceived to be anti-union, was being discussed among SEIU officials. "It's shocking. It's treasonous. For Andy Stern to be using our members' dues money to finance [a smear] campaign against his own members in United Healthcare Workers, it's fundamentally anti-union."

Mosher defended his firm's involvement with SEIU. He told us that he and Whitehurst were "not brought on board to do negative things against Sal Rosselli." Instead, he said their mission has been to help tout the union's accomplishments as it prepares to hold its convention from June 1-4 in Puerto Rico.

SEIU spokesman Andy McDonald echoed Mosher's description of the firm's duties. Both Mosher and McDonald brought up the fact that Whitehurst has also worked for Rosselli's UHW union.

UHW's Paul Kumar confirmed that Whitehurst is currently "on our payroll" to assist in a dispute against Sutter Health — the very company Whitehurst worked for in the 1990s and the same source that provided him with access to Rosselli's research file. "These guys [BMW] claim they are trying to reinvent themselves," Kumar said. "But to be on our payroll and to engage directly in executing a dirty tricks program ... is about the most blatant violation of professional ethics I can imagine."

Whitehurst did not return calls for comment.

Dewar claimed he urged Mooney and the other attendees of the March 10 dinner to consider "appropriating" Rosselli's democratic reforms. "The members would all wildly support it. And that way, if the International co-opted Rosselli's ideas, then [the internal conflict] really would be about this clash of personalities, Rosselli versus Stern, instead of ideas." According to Dewar, Mosher and Whitehurst were receptive to the proposal to co-opt Rosselli's initiatives, but that "Josie nixed it."

When we asked Mosher if he remembered this exchange from the meeting, he said his memory was "hazy" and that "a lot was being discussed that night."

Although Dewar was, by his own account, an active participant in the skunk team, he says he started to have second thoughts. The dinner at Oliveto, Dewar said, and the discussion of Sutter's file on Rosselli, "made me want to take a shower ... the cynicism I was exposed to was toxic."

One week later, he sent Mooney an e-mail informing her that, "Today's my last day at SEIU ... the circular firing squads that are now forming in the local and in SEIU nationally have left me jaded, stressed out, and depressed."

SEIU's McDonald denied that the skunk team exists, or ever existed. He added that "the meeting [at Oliveto] was about talking about how [Mosher] could help SEIU communicate our message ... within the context of the misinformation campaign being spread by Sal Rosselli and UHW's leaders."

OUTSIDE INFLUENCE

The rancor between Rosselli and Stern has reached a boiling point in recent weeks. In compiling this story, we had to wade through reams of documents and endure long expatiations from officials and press flaks about the sins of the other side. Both factions have constructed slick, professional-looking Web sites to question the probity of their rivals, and both have coined kitschy names for their respective policy initiatives. The SEIU has countered Rosselli's "Platform for Change" with what union leaders call a "Justice for All" platform.

But the internecine struggle may have driven Josie Mooney and other high-level SEIU staffers to do much more than vent about Rosselli or seek dirt on him from political consultants. E-mails obtained by the *Guardian* suggest that she and other SEIU officials worked to influence an important local delegate election last month — possibly in violation of union rules — and, some union members now allege, in violation of federal law.

Delegates selected in the election will attend the union's international convention in June and will decide between the Rosselli's "Change" and Stern's "Justice" platforms. The outcome of that vote, and others like it, will shape the mammoth labor organization's future for years to come. And the e-mails appear to show a concerted effort by Mooney and Stern loyalists to ensure that Rosselli's dissidents don't stack the convention and push through their set of reforms.

Referring to themselves in the e-mails as the "Salsa Team," SEIU staffers discussed strategy and coordinated campaign activity for the delegate election with high-ranking union officials like Mooney and Damita Davis-Howard, the president of Local 1021, the e-mails show. In a formal complaint, some members charge that these activities violated Local 1021's Election Rules and Procedures — specifically Rule 18, which states that "while in the performance of their duties, union staff shall remain uninvolved and neutral in relation to candidate endorsements and all election activities."

While Rule 18 does not specifically spell out when union staff can advocate for candidates, other than proscribing such activities "while in performance of their duties," the e-mails in our possession are date- and time-stamped, and at least one was sent during normal business hours. Furthermore, the *Guardian* has obtained an internal memo from Local 1021 official (and apparent Salsa Team member) Patti Tamura in which she warned union staffers that the phrase "'performance of their duties' goes beyond [Monday through Friday] and 9-5p."

One Local 1021 official who asked not to be identified told us that Tamura's memo appeared to be a clear message that staff should stay completely out of the election. "They made it perfectly clear to the lower staff that your employment doesn't stop [after hours]; you're still staff. That means you don't get involved. But now it turns out they themselves were doing it. That's a double standard ... it's certainly not right."

The messages between Salsa Team members show them actively working to recruit potential delegates sympathetic to Stern's platform and to aid Davis-Howard in her bid to represent the union at the June convention. One missive, dated Feb. 18, which appears to come from the personal e-mail account of Local 1021 employee Jano Oscherwitz and was sent to what appear to be the personal accounts of Tamura and Mooney, requests that a "message for Damita" be drafted.

A forwarded e-mail from that same day, from Oscherwitz to what appear to be personal e-mail accounts for Tamura, fellow 1021 staffer Gilda Valdez, and "Damita" includes a "Draft Message" with bulleted talking points, apparently for Davis-Howard to use as she "Collect[s] Signatures on Commitment Cards."

"Commitment cards" refers to pledges from union members to support certain delegates.

The e-mails go beyond merely aiding Davis-Howard and other Stern-backed candidates. They also include detailed strategy for opposing Rosselli and countering his message. A March 5 Salsa Team message includes an attached document with several talking points critical of the dissident leader. In the body of the e-mail, SEIU staffer Gilda Valdez advises Davis-Howard, Mooney, 1021 Chief of Staff Marion Steeg, and others to "Memorize the points in talking to folks." Valdez goes on to say in the e-mail that she "will be calling ... about your assignments."

Reached for comment, Davis-Howard confirmed that the AOL e-mail account listed as "Damita" was hers. But she claimed no knowledge of the Salsa Team or the messages sent to her. "If you're saying those e-mails went to my

home computer, who knows if I ever even got them?"

Davis-Howard bristled at the suggestion that the Salsa Team's activities violated union rules. "Are you trying to tell me that I can never campaign? Does it [Rule 18] say that I have to be neutral and uninvolved 24 hours a day?"

Calls to Mooney, Oscherwitz, Valdez, and Tamura were not returned. Through an SEIU spokesman, Mooney declined to comment.

A BAD AFTERTASTE

On April 4, three days after the *Guardian* first reported on the Salsa Team e-mails on our Web site, Sanchez and several other 1021 officials filed a formal complaint with the union's election committee. In the complaint, they accuse Davis-Howard and the other team members of violating Rules 10 and 18 of the union's election codes. Rule 10 forbids "the use of union and employer funds ... to support any candidate."

Local 1021 executive board member and Stern appointee Ed Kinchley authored part of the complaint. According to the text, which was obtained by the *Guardian*, Kinchley wrote, "While telling other staff that they may be fired for any intervention in this election, Ms. Davis-Howard and the others involved secretly did exactly what they told other staff they were forbidden from doing."

The complaint was signed by 16 Local 1021 officials, including numerous members of the local's executive board. It called on the election committee to remove Davis-Howard "from the elected Delegate list" and to bar Salsa Team members from attending the convention in June.

The issue also has landed in federal court, where UHW was expected to file against Stern and other SEIU officials, alleging interference in delegate elections.

More cynical sources both inside and outside SEIU told us they believe the Rosselli-Stern feud boils down to one thing: power — either holding onto or expanding it. But labor scholar and former Local 790 member Paul Johnston had a more nuanced perspective.

Johnston, who taught at Yale and, until recently, worked for the Monterey Bay Labor Council, told us he admired both leaders and the work each has done on behalf of the larger union. Calling the current strife "a huge can of worms," he added, "These are questions of principle and there are good ideas on both sides."

Stern's push to increase the union's bargaining and political clout through more consolidation, Johnston went on, "has some very positive aspects to it.... In the old days, many of these kind of mergers were done for purely political power. The mergers being conducted today [at Stern's direction] are primarily strategic, though. But there are some power issues that inevitably arise." On the other hand, he said, Rosselli's UHW, "is a dynamic organizing union that has [its] own issues."

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