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September 14, 2016

Rich Trumka, President
AFL-CIO
815 16th Street, NW – 8th Floor
Washington, DC 20006

Re: Dakota Access Pipeline

Dear President Trumka:

I write to you today in order to communicate directly and also share with the rest of the unions in the AFL-CIO facts about the Dakota Access Pipeline project that prior to last week's unprecedented actions by the Executive Branch had been employing more than 4,500 union AFL-CIO member skilled craft professionals across four states. This is the largest pipeline project in the country, and it began construction in March 2016.

Due to organized protests and misinformation campaigns by environmental extremists, the Standing Rock Sioux tribe, professional agitators, and now the vocal support and encouragement from the Amalgamated Transit Union (ATU) the National Nurses United (NNU), the Communications Workers of America (CWA) and the American Postal Workers Union (APWU) these same AFL-CIO members are having their lives placed on hold, their employment prospects upended and have been subjected to intimidation, vandalism, confrontation, and violence both on their job sites and in the surrounding community.

It has become troubling and unsettling that the voices of our members who are working on the Dakota Access Pipeline have not been heard in the national media, and it's for a good reason. Our members have told us that they are afraid to speak, afraid they will be attacked, and afraid of protestors who are storming onto active construction sites who will either injure them or be injured themselves by heavy equipment that is in use. Take, for example, the personal account of one of our members roughly a week ago:

"I'm on the environmental crew. The foreman came to us and told us to pack it up because the protestors are coming towards us. We passed through 4 cattle gates, then we saw a large group of people on the top of the hill....they started to walk towards us. We put the cars in reverse and started to go back to towards the cattle gates. They were gaining on us

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when we got to the first cattle gate. By the time we got through the first gate, they were about 50 yards away from us. We were scared that they were going to do something to us if they would catch up to us. Then we saw them get into vehicles and started coming towards even faster.....We were rushing to get through the cattle gates...Do you how hard it was to open a cattle guard gate when you are afraid and scared for your life? You don't know what their intentions was. I can't work in this environment. Where is our protection from them? It's hard to work in a safe place if I'm watching my back from protestors and don't know what they are going to do."

AFL-CIO members have been evacuated from job sites and have been scared to even show their faces in the surrounding communities for fear of harassment or worse. They do not fear the residents of the community who welcome them and the economic opportunities afforded by this project but by outsiders who have descended on the area with their own agenda. Our unions have long supported the practice of peaceful civil disobedience, but that is NOT what our members are facing in North Dakota and those unions and their leadership that decided to publicly weigh in should have had the decency to check with the Building Trades or any of its affiliated AFL-CIO unions before once again jumping into a manufactured debate at the 11th hour that they had little or no business in engaging. We in the Building Trades respect the AFL-CIO and the history of the institution but it seems we have to collectively decide whether or not we choose to advance and protect the health, safety and economic well-being of AFL-CIO union members or not.

I would also add for the benefit of the Presidents copied on this communication who are concerned, the members who have been attacked, harassed, property and equipment vandalized, that they are recovering and wondering aloud if the roles had been reversed and union members or leaders had engaged in these unacceptable practices what kind of jail cell they would be occupying at the moment, not to mention public scorn. History has not been particularly kind to labor activism and we are foolish to ignore it and condone dangerous behavior for short term political gain.

For years during Executive Council meetings, we have heard the ideas, non sequiturs and dubious pronouncements regarding the future of the labor movement and how to make it stronger by these union 'leaders' and even their predecessors. We may or may not agree on their theories about the 21st century labor movement and their grandstanding for outside guests and reporters at Executive Council meetings while not demonstrating any measurable success of their own in growing their ranks or 'building a movement' but, to make matters worse, we have, prior to this latest unfortunate episode, had to address these unions and others joining celebrities, these same environmental extremists and interests outside of the AFL-CIO publicly opposing another critical energy infrastructure project that would have employed thousands of union members under construction of the Keystone XL pipeline.

Now, rather unfortunately but I suppose not surprisingly, it seems the same outdated, lowest common denominator group of so called labor organizations has once again seen fit to demean and call for the termination of thousands of union construction jobs in the Heartland. I fear that this has once again hastened a very real split within the labor movement at a time that, should their ceaseless rhetoric be taken seriously, even they suggest we can least afford it.

They have now leaped to join the fray at the insistence of environmental extremists and interests outside of the AFL-CIO but I openly wonder to what end? Is it to stand at rallies wearing "NO DAPL" t-shirts that were manufactured in Nicaragua? Is it to tirelessly and blindly support "renewable energy" providers who avoid at all costs basic labor law and high road employment practices? Is it to blindly support a politician or politicians who claim to be leaders of a mass movement but in the end are still politicians with personal motivations that may or may not align with dues paying AFL-CIO union members? Shall we in the Building Trades seek to involve ourselves in their matters moving forward? Where does this end? Should we now support a President, regardless of party affiliation, overriding a Federal Judge that he or she appointed based on dubious claims because Hollywood celebrities and violent activists demanded so? We shouldn't then complain if in the future the roles may be reversed on a policy matter or the rule of law that has been upended by the Executive Branch affecting more than just Building Trades unions or a matter of basic labor law affecting the entirety of the AFL-CIO. I'm not sure which of these startling precedents is worse but these organizations and their leadership have amazingly and rather impressively aligned themselves with both at the expense of AFL-CIO members.

Furthermore, I find the misinformation and inaccuracies that they and others have used to justify their opposition to this project to be nothing short of astounding if not wholly ignorant. But, again, even more astounding is the fact that they never took the time to contact me or any other Building Trades President to express their concerns. For had they done so, we would have been more than happy to have supplied everyone with all the facts related to this project. There clearly is no 'labor family' consideration for nearly 40% of the dues paying members of the AFL-CIO and that is a sad reality that we are having to adjust to but will no doubt work diligently and strategically to thrive in despite the misguided actions and arrogance of a few.

First and foremost, the Dakota Access Pipeline was rerouted to avoid culturally sensitive areas 140 times alone in North Dakota. The pipeline is also being built on an existing right of way around Lake Oahe (the already constructed Northern Border Gas Pipeline) which was done specifically since the land was previously disturbed when the Northern Border Gas pipeline was built without objection from Native Tribes. Secondly, this is not the first

pipeline to cross the Missouri river. In fact, 8 other pipelines have already been built and are already in service under the same body of water.

Equally important is the fact that the Building Trades are sensitive to the long and tragic history of mistreatment of Native American communities in the United States. The reality is that in North Dakota alone, many tribes are both financially invested in oil pipelines and/or receive royalty checks from oil well-drilling development. It is neither unusual nor extraordinary for a pipeline to be close to tribal lands in North Dakota. As an example, other tribes like the MHA Nation reached voluntary agreements with the same pipeline owner as Dakota Access for pipeline easements on their Ft. Berthold Reservation. The MHA Nation noted in a 2014 press release that they had collected more than \$185 million in oil related revenues and planned to use the money for improving infrastructure on their reservation.

The AFL-CIO's own "Death on the Job" report indicates that North Dakota non-union workers had the 2nd highest worker death rate in the country in 2016. Perhaps because of their weakened positions or non-existence in the state, they wouldn't recognize a union jobsite if they saw it, or stormed it. The fact is that we are growing in spite of the misguided leadership of some organizations that have now temporarily aided those who would like to eradicate union workers from the landscape entirely.

If, as some of these leaders claim, the most pressing issue facing their memberships is climate change, then I suggest they work within their own industries to do their part to combat the problem and not callously and hypocritically take it out on hard working American AFL-CIO members represented by Building Trades Unions. Perhaps even support the AFL-CIO's own Sportsmen Alliance organization to promote the outdoors and a healthy environment for both labor and leisure. We in the Building Trades of the AFL-CIO are not climate science deniers. But we also fear hyper activism on climate at the insistence of others and now routinely joined by these unions extending beyond much needed energy infrastructure that will ironically reduce carbon emissions but now also to other investments that could be held up by similar tactics such as new schools, hospitals, light rail, airports and even modern post offices. It is both offensive and inappropriate for them as General Presidents to be so narrow minded, disregard facts, dismiss and disparage careers in the Building Trades, support lawlessness and violence at the workplace, and jump to the beckon call of outside interests and politicians at the expense of AFL-CIO members.

The proud, skilled men and women of North America's Building Trades Unions not only urge these leaders to reverse their position and support this project, but they also demand

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a public apology for not only the uninformed public opposition to this project and calls to terminate their employment, but for once again initiating the conscious decoupling of the American Labor Movement or, what remains of it.

Sincerely,

A handwritten signature in cursive script that reads "Sean McGarvey".

Sean McGarvey
President

cc: AFL-CIO Affiliated Union Presidents