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# United States Senate

WASHINGTON, DC 20510-4402

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## COMMITTEES:

FINANCE  
RANKING REPUBLICAN MEMBER

JUDICIARY

HEALTH, EDUCATION,  
LABOR, AND PENSIONS

AGING

JOINT COMMITTEE  
ON TAXATION

Richard Griffin  
Former General Counsel  
International Union of Operating Engineers  
1125 17<sup>th</sup> Street, NW  
Washington, DC 20036

Dear Mr. Griffin,

In light of recent news reports, I am writing to inquire about your history with the International Union of Operating Engineers (IUOE). Because I, along with many of my colleagues, do not believe your appointment to the National Labor Relations Board (NLRB) was legitimate, I am sending this letter to your last known place of employment.

As you likely know, recent news reports have indicated that, during your lengthy tenure at the IUOE, many union members and officials faced criminal charges ranging from racketeering and embezzlement to workplace sabotage and crimes of violence. One such report indicates that, in the last ten years alone, more than 60 IUOE members have been arrested, indicted, or imprisoned on such charges.

Some of the more noteworthy cases involved members of prominent organized crime families using their influence with IUOE locals to commit acts of fraud and extortion. Others were instances where local union officials were either convicted or pled guilty to embezzling union funds, taking bribes from contractors, or fraudulently collecting union payments.

While it appears that you did not directly represent any accused members or officials of IUOE locals in these proceedings, these reports raise questions regarding your tenure at the union. Under normal circumstances, such matters would properly be explored during Senate confirmation hearings. However, because of President Obama's decision to bypass the Senate with respect to your nomination, the Senate has not had an opportunity to fully examine either your record or your qualifications.

Given your still-pending nomination to the Board, I respectfully request that you provide detailed answers to the following questions:

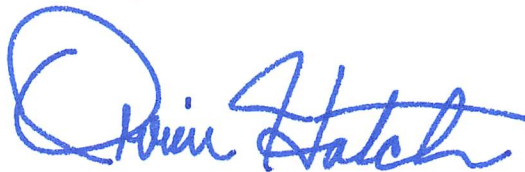
1. In your various positions at the IUOE, what responsibilities did you have in addressing criminal charges and allegations against members or officials of the IUOE or its locals?
2. What policies and procedures were in place at the IUOE's national offices during your time at the union to deal with criminal allegations involving members or officials of IUOE locals?
3. What role, if any, did you play in any of the following criminal cases:
  - a. John L. Dorrier, former business agent of Operating Engineers Local 66, who was sentenced to 12 months imprisonment in 2003 after pleading guilty to charges of embezzlement, forgery, and interfering with the administration of Internal Revenue Laws.
  - b. James Roemer, former treasurer of the Operating Engineers Local 14, who was sentenced to 41 months imprisonment in 2003 and ordered to pay nearly \$3 million in restitution and tax penalties after pleading guilty to several charges, including fraud, making and receiving unlawful union payments, tax evasion, and obstruction of justice.
  - c. Morris Diminno, former union representative of the Operating Engineers Local 14 who was sentenced to 70 months imprisonment in 2004 after pleading guilty to charges of fraud, unlawful labor payment, unlawful monetary transaction, and obstruction of justice.
  - d. Louis Moscatiello, organized crime associate who was sentenced to more than six years imprisonment in 2005 after pleading guilty to charges of racketeering, extortion, and conspiracy to commit union embezzlement. Moscatiello admitted to using his influence over Operating Engineers Locals 14 and 15 to obtain preferential and no-show jobs for other organized crime associates.
  - e. Kenneth Campbell, former business manager of Operating Engineers Local 825 who was sentenced to 46 months imprisonment in 2009 after pleading guilty to embezzlement and taking bribes from contractors.
  - f. Andrew Merola, organized crime associated who was sentenced to 11 years in prison for numerous charges, including a charge of wire fraud involving a no-show job he had as a member of the Operating Engineers Local 825.
  - g. Leaders and members of the Operating Engineers Local 17 – 10 individuals in all – currently indicted on counts of racketeering and extortion involving vandalism and damage to machinery at non-union work sites.

In addition, please provide the following documents:

1. A detailed list of all matters on which you worked involving allegations of fraud, embezzlement, or other financial misconduct on the part of officers or members of the IUOE or its locals.
2. A detailed list of all matters on which you worked involving allegations of extortion, violence, or sabotage on the part of members or officials of the IUOE or its locals.
3. Any writings, articles, or statements wherein you expressed your views, or the views of the IUOE, regarding actual, proposed, or suggested changes to labor law or policy to the NLRB or to Congress.

Over the last few years, the NLRB has been at the center of many high-profile controversies. While there are stark differences of opinion regarding the Board's agenda and even the legitimacy of its membership, I believe we can all agree that the Senate should take seriously its responsibility to provide advice and consent regarding presidential appointments. Toward that end, I appreciate your cooperation in addressing these important matters.

Sincerely,

A handwritten signature in blue ink, appearing to read "Orrin Hatch", with a large circular flourish at the beginning.

Orrin G. Hatch  
United States Senator

cc: Chairman Mark Pearce, National Labor Relations Board