

## **MEMORANDUM**

*Attorney-Client Privileged and Attorney Work Product*

TO: President Chris Shelton

FROM: Jeff Rechenbach  
Cathy Creighton  
Jason Veny, Esq.

DATE: July 3, 2023

RE: **Mooney Investigation Results**

On June 13, 2023, President Shelton and several Executive Board members received a letter alleging that District 2-13 Vice President Ed Mooney engaged in “abusive conduct” towards union members and staff. The letter was sent from a self-appointed committee of active and retired CWA local officers called the “Emergency Mutual Respect Committee” (“EMRC”). The EMRC alleged to have received written and verbal statements from several individuals describing instances in which Vice President Ed Mooney engaged in conduct that violates CWA’s Mutual Respect Policy.

### **Scope of the Investigation**

On June 16, 2023, CWA’s Executive Board commissioned an investigation into these allegations. President Shelton advised local presidents and CWA staff of the Board-sanctioned investigation and encouraged cooperation with the investigation. President Shelton appointed former CWA Secretary-Treasurer Jeff Rechenbach to lead the investigation with the assistance of outside attorneys Jason Veny from Murphy Anderson PLLC, and Cathy Creighton from Cornell University (“Investigation Team”).

On June 16, 2023, by email, the Investigation Team offered to meet with individuals that comprised the EMRC and requested that the EMRC provide any materials or information that would assist in the investigation. Using the email address [cwamutualrespect@gmail.com](mailto:cwamutualrespect@gmail.com), the EMRC provided the Investigation Team with four documents, including two written statements, and an Unfair Labor Practice charge that was filed against CWA Local 13000.

On June 19, 2023, the Investigation Team again emailed the EMRC and offered several dates and times to meet with anyone that was willing to come forward and again requested relevant “written materials, recordings, notes, and zoom recordings.”

The Investigation Team met with 23 people, including members, staff representatives, local union officials, former staff representatives, national union officers,

and retirees. All interviewees were afforded the opportunity to share pertinent information about Ed Mooney. At the outset of each interview, we provided assurances to the interviewees that their confidentiality would remain in place as much as possible, while also providing Ed Mooney with an opportunity to respond to comments made about him.

In addition to the interviews, the Investigation Team reviewed several written statements, emails, unfair labor practice charges, and voice recordings from individuals that came forward. The Investigation Team also met with Vice President Mooney and afforded him an opportunity to respond to the allegations against him. After meeting with him, he provided us with written statements from members and former staff representatives that attested to his character.

Although we had a short window, the Investigation Team conducted a thorough, independent, and impartial investigation. Below is a summary of our findings.

### **Summary of the Allegations against Ed Mooney by Category**

#### ***Reports of Alleged Racist and Racially Insensitive Remarks as Reported to the Committee:***

Two interviewees reported that in 2018, Ed Mooney told one employee of Asian descent that they should get along with another employee of Asian descent because they had a lot in common.

It was reported to the investigation team that in 2018-2019, Mr. Mooney asked an employee of Asian descent to come into a room with 2 strangers and mentioned that since she was Asian could she recommend a sushi restaurant nearby.

It was reported that in early 2020, in a meeting of CWA people and a City Councilwoman Helen Gym, Mr. Mooney told councilwoman Gym that “of course” she is a crazy lefty since aren’t all her people communists? She is of Korean descent.

Three people we interviewed noted that they had contemporaneous conversations regarding the comments noted above.

*Mr. Mooney denied that he told an employee that she would get along with another employee because they were both Asian. Mr. Mooney denied saying anything like what is alleged to Helen Gym and said it would be ridiculous to say that to a sitting councilwoman. Mr. Mooney noted that CWA supported Ms. Gym in her council race, but not her mayoral race.*

*Mr. Mooney said that he asked an employee to recommend a sushi restaurant because he knew that they ate sushi.*

It was reported that at a group meeting in 2022, a person gave a verbal report. That person’s first language was not English. After the person left the meeting, Mr. Mooney said to the

group that he could not understand a word the person said, even though the person we interviewed said that the person spoke in accented English which was not hard to understand. The person we interviewed suggested Mr. Mooney said this because he does not accept diversity of languages and cultures.

### ***Reports of Alleged Homophobic Statements***

It was reported to the committee that around the second half of 2011, Mr. Mooney was angry with the employee that they did not return a telephone message, and asked the employee if they knew who Mr. Mooney was. Mr. Mooney stated that he was a Vice President of CWA, and questioned again "Do you know who I am?" And then said words to the effect of, "I know who you are. You are a cock sucking faggot." The employee reports that this had a devastating impact on them as a gay person and the negative emotions are still present with them. Another person told the committee that this incident was reported to him shortly after it occurred in 2011.

*Mr. Mooney vehemently denies that he ever used his authority over anyone; vehemently denies that he called anyone a "cock sucking faggot." That he would never call anyone a homophobic slur, that he was not aware at the time that the person who makes the allegation was gay; that he worked with other CWA people who are gay and would never use that slur. Mr. Mooney also states that the person who told the committee that this was reported to him in 2011 told Mr. Mooney that he did not remember that this was told to him. One person told the committee that Mr. Mooney's close friend is a gay woman and that they did not believe Mr. Mooney would make homophobic remarks.*

Virtually every person who talked to the committee indicated that Mr. Mooney uses the term "cock sucker" and continues to use that term to date. We heard from two CWA employees who are gay and they felt that the term is a homophobic slur in that it is used generally toward men who engage in oral sex with other men.

*Mr. Mooney admitted that he used the term "cock sucker" in the past and believes he used that term because he listens to a lot of Mobster audio books where that word is used. He has stopped using the term and stopped listening to mob audio books. He states he no longer uses that term.*

A number of people told the investigation team that over the course of many years, up to 2020, Mr. Mooney uses a hand gesture, as if masturbating, when talking about someone he is frustrated with. The gesture is not made towards the person he is talking to, but rather about someone who is not present, or is on the other end of the phone.

*Mr. Mooney admits that on one occasion he used this gesture in a meeting in January 2020 with local union officers and a staff representative. He lost his composure due to poor performance by the local union. This was the only time Mr. Mooney used this gesture.*

## ***Misogyny and Sexist Statements***

Many employees of CWA and officers of the CWA reported that they believe Mr. Mooney treats women more harshly than men and is more demeaning to women. Some CWA employees we interviewed stated that Mr. Mooney refers to female CWA workers as “little lady” or as “girls”.

*Mr. Mooney absolutely denies that he treats women differently or calls them little lady or girls. He states that he hires women regularly and treats them equally.*

Several CWA employees and local officers we interviewed stated that over many years, and as recently as 2023, Mr. Mooney uses the word “Cunt” and “Fucking Cunt” to describe women who are affiliated with CWA with whom he is upset. He does not make this statement to the woman he is upset with, but about women he is upset with.

*Mr. Mooney denies that he has ever used the word “cunt” to refer to a woman, and especially denies using any such language in the workplace.*

Two women told the committee that they felt uncomfortable with Mr. Mooney’s treatment of them in the workplace.

1. In 2016 one CWA employee stated that she was conducting a training with about 30 people in the room. When Ed Mooney came into the room he looked at her as if he was “checking her out.” He referred to her as “young lady” and “sweetheart,” and looked at her in a way that made her very uncomfortable and feel unsafe. Mr. Mooney’s actions made her feel disrespected in front of members who she was training, and even though the training went fine, it shook her confidence. After the training, Mr. Mooney approached her and said that she could call him if she ever needed help in spreading information to other local unions. She did not feel like she could make a complaint about this incident and did not do so in 2016.
2. Another female employee stated that in mid-2022, she did a presentation where Mr. Mooney was present with a number of other people. At the end of her presentation, Mr. Mooney commented on the performance, and then (getting her cell number from her supervisor) telephoned to again comment on her presentation. This attention made the employee uncomfortable. The committee interviewed 2 other persons who attended this presentation. They each said that they were extremely uncomfortable at Mr. Mooney’s remarks to this woman and recalled that he mentioned her appearance (although the person he was talking about does not recall Mr. Mooney talking about her appearance) and that one person said, “Goodness Ed” after he made a remark to the employee.

*Mr. Mooney denies that he has ever talked about a woman's appearance or dress or objectified any women in the workplace. He noted he is in a relationship with a woman who works at CWA and so he would especially not talk about women in the workplace.*

A person reported to the committee that as the Me-Too Movement was taking place in about 2019 Mr. Mooney came into a meeting and said, "Are we still allowed to hug?" They believed this showed an insensitivity to the movement.

### ***Allegations of Profanity, Violence and Abuse***

Virtually every person the committee spoke with indicated that Mr. Mooney uses profanity when he speaks. Those same persons indicated that they are not upset with swearing per se, but rather that Mr. Mooney uses swearing to attack, belittle, and as part of a power strategy and bullying, and that the attacks are generally against subordinates. We heard from one CWA employee that they warn new employees that they should be prepared to be yelled at with profanity by Mr. Mooney. A number of people we interviewed stated that when they see Mr. Mooney's number on their phone they get a pit in their stomach in anticipation of hearing harsh words. A number of people noted that they do not know whether they are going to get a nice Mr. Mooney or angry Mr. Mooney. We heard from a number of interviewees that Mr. Mooney yells and swears at people to the point where he is red in the face and they are fearful he may harm them.

*Mr. Mooney denies that he ever yells in the workplace, or uses profanity towards employees, or in any way treats employees poorly. Mr. Mooney noted that he is hard of hearing and that sometimes people say he is yelling, but he is merely speaking loudly because he is hard of hearing. Mr. Mooney only yells and uses profanity towards employers and not employees, officers of CWA.*

A number of people told the committee that Mr. Mooney screams when he is angry and has told more than one subordinate that they are "fucking stupid", "fucking idiots", "worthless", and to "shut the fuck up".

*Mr. Mooney denies saying these things or anything like these comments. He admits that in frustration he may have told one employee to shut up when he asked her to stop talking and she would not.*

When a new officer was elected as president of a local union in about 2017, Mr. Mooney told them that they had their hands full because some of their members were "insane wack jobs" and "nuts," and did not pay dues. It offended the officer that a Vice President of CWA would talk about CWA members this way. Mr. Mooney continued to tell them that the staff representative working with the new local officer is "horrible" which is why he assigned her to the horrible bargaining unit. Mr. Mooney encouraged this person to report directly to him if there were problems or issues with the staff representative. The officer indicated that contrary to Ed Mooney's opinion of the staff representative, all of their experiences with the

staff representative were very good that that the staff rep was “awesome, took pride in their job and cared about the membership.” When this officer talked to the staff representative on the phone and the staff representative was in their office, Mr. Mooney would often interrupt the call by screaming at the staff representative, and using profanity tell them to get off the phone because he wanted to talk to them. Similarly, when the staff representative was at the local union hall, Ed Mooney might call the staff representative’s phone, and the officer could hear him screaming and swearing on the other end berating the staff representative. The union officer told the committee that they observed the staff representative become upset by these interactions, and their face would flush. The union officer told the committee that they offered to give the staff representative an office at the local union office to get away from Mr. Mooney so they could work a “normal day.”

*Mr. Mooney denies all of these statements. He admits that he had a poor relationship with a staff representative who worked in his office because her performance was bad. However, Mr. Mooney states he never screamed at her or swore at her.*

In about 2015 an interviewee reported that Mr. Mooney told them that airline passenger service agents are retarded and that since they are a bunch of retards that is why he was giving them the retarded staff representative to do their work.

*Mr. Mooney denies that he would speak that way about members of the CWA since he devoted his entire life to working for members.*

It was reported to the investigation team that as recently as the first half of 2023, Mr. Mooney referred to a broad category of CWA members as dumb, and indicated they should not be involved in participating in policy meetings because people who worked in that job are dumb.

*Mr. Mooney denies that he called members dumb.*

It was indicated by 3 people that were interviewed that Mr. Mooney suggested they use physical violence to resolve disputes in the workplace. In about 2018, Mr. Mooney told a local union officer that if he had a problem with a person in another local, that they should “catch a plane, go down there and kick their ass.” Mr. Mooney told a staff representative that they had issues with members they should “just punch them the fuck out.”

*Mr. Mooney denies that he ever said anything like this.*

The investigation team heard that since October 2022 to date Mr. Mooney has used violent language, often directed at strike breakers and Management, but also at striking members; stating that he believed that members should beat people up. He also suggested that he was going to punch members in the head because he was unhappy with the members’ actions during a strike. One interviewee said that Mr. Mooney talks about violence so frequently that they stopped noticing.

*Mr. Mooney said that he may have told members on picket lines that they have to protect themselves (notably a Teamster on the Gazette strike recently had his jaw broken by a scab), but he has never talked about hitting a member or punching a member in the head, or otherwise talked about violence.*

It was reported that in December 2022, talking about a former employee of CWA, Mr. Mooney referred to her as a “fucking Cunt” and said “I wish that bitch were dead.”

*Mr. Mooney denies that he ever called anyone a Cunt in the workplace or anywhere or wish anyone dead.*

It was reported that in 2019, Mr. Mooney told a subordinate that he “knows people in Philly” and that they “better watch their back”.

*Mr. Mooney denies ever saying he “knows people in Philly” and that they “better watch their back.”*

It was reported that in May 2019 Mr. Mooney told an activist to take a CWA employee “out back and shoot her in the head and don’t get anything splattered on you and if you don’t you’re fired”.

*Mr. Mooney denies that he ever said this.*

It was reported that in May 2019 Mr. Mooney said that he had his mother’s gun which now had bullets in it and knew how to use it, and the employee better remember that. He then winked and laughed.

Three individuals told the investigation team that at a meeting they attended Mr. Mooney was very angry and upset and then mentioned that he had never made use of a gun *before*. This comment appeared to be a non sequitur and they each became afraid. One of the individuals stated that Mr. Mooney suggested that they go punch out members who were obstructionists; screamed and yelled profanity and told the staff representative they were worthless, and made repeated hand gestures simulating masturbation. His actions caused a hostile environment in the local union. For one local union officer, Mr. Mooney’s behavior triggered PTSD they have from earlier childhood trauma. The former officer became very upset while talking to the investigation committee and was unable to recall any dates as they appeared to be reexperiencing the trauma from talking about Mr. Mooney. The officer stated that they decided not to run for office any longer because of the behavior of Mr. Mooney and the hostile environment he created in the local union.

*Mr. Mooney stated that he has a gun which he purchased legally and in order to make the point to Republicans that he is able to purchase a gun in Philadelphia. Mr. Mooney denied that his mother ever owned a gun, and denies he ever threatened anyone with a gun or even talked to any person at CWA about his gun, except at a meeting when he was trying to make the point to Republicans that he is able to purchase a gun in Philadelphia. Mr. Mooney also noted that he never purchased bullets for his gun.*

It was reported that in about March 2020 Mr. Mooney told a union employee that if they died he would not put a flower on their grave.

*Mr. Mooney denied saying this.*

It was reported that in about July 2022 Mr. Mooney said to a female employee/officer that he had never hit a woman *before...* and the person we interviewed indicated that they believed Mr. Mooney was implying that he might hit them now and was frightened.

*Mr. Mooney denied saying this.*

The investigation team was told that in 2011, Ed Mooney called the office of [REDACTED] and told the person who answered the phone that he wanted to talk to the Congressman and when they did not put him on the phone call the person who answered the phone a fucking piece of shit, a cocksucker, and said that their parents should be ashamed of them, and if they had family members living in PA that maybe he would have to find them. The Congressman called CWA and said that Mr. Mooney could never call his office again and the relationship with the Congressman and CWA was ended.

*Mr. Mooney denied saying this.*

It was reported to the investigation team that in March 2023 Mr. Mooney was upset that [REDACTED] publicly disclosed mental depression had caused him to check himself into [REDACTED] in March 2023 because he was not in the Senate to vote on bills. Mr. Mooney said that the CWA was right to have supported [REDACTED] over [REDACTED]. Mr. Mooney said words to the effect that [REDACTED] “is a fucking pussy, he should man up, get himself out of bed, and stop being a crybaby, instead of lying in bed all day he should man up and suck it up and get out of bed.”

*Mr. Mooney denied saying this.*

Many of those who brought complaints also note that Mr. Mooney can be kind and compassionate, but that is what makes it so confusing when he then lambasts them. Mr. Mooney was often described as “Jekyll and Hyde”; and that it was unnerving never knowing which Mr. Mooney you might encounter. For example, for engaging in the same behavior, a subordinate might be complimented or screamed at. Another person interviewed said that Mr. Mooney is a terrifying boss who is simultaneously endearing and insulting. One other person said that Mr. Mooney’s treatment of them follows a common pattern of abuse where he is simultaneously kind and cruel but ultimately manipulative. For example, Mr. Mooney would only proceed with a work project which needed to be completed if the employee changed their physical appearance to be more conservative and consistent with how Mr. Mooney wished them to appear—and they ultimately complied and changed their appearance to be more conservative and then were filled with self-disgust for doing so.



One person stated that organizing is low in Mr. Mooney's District because the organizers feel dismayed at having to work with him and feel they do not have his support; which has negative consequences for the union.

*Mr. Mooney believes he is kind to his subordinates and denies that he is abusive.*

### ***Accusation of Mr. Mooney putting a Local Union into Trusteeship in Retaliation for A Complaint***

The committee heard from a person who believed that after they made a written complaint about Ed Mooney that he put the local union into trusteeship in retaliation, and that he was abusive at the meeting where the local was placed into trusteeship. The person provided the committee with recordings they took of the meeting where the local was placed into trusteeship. The committee reviewed the recordings and it seemed that Mr. Mooney conducted himself appropriately in the meeting. Two other persons told the investigation team that Mr. Mooney was direct and professional at the time the trusteeship was imposed. Additionally, in interviewing multiple persons, it was concluded that it was the CWA Executive Board's authority to place the local into trusteeship, and not Vice President Mooney.

### ***Interviews of Those who Are Supportive of Ed Mooney***

The committee received letters of support and interviewed those who are supportive of Ed Mooney. One person stated that they have great difficulty reconciling the Ed Mooney they know with the Mutual Respect Committee's report. They think of Mr. Mooney as a passionate person supportive of the union and while his language may be colorful, it is largely due to his passion for supporting members. They say Mr. Mooney's colorful language is usually directed at the employer and is not directed at CWA members or workers. It was noted by those the investigative team interviewed that many people in CWA talk like Ed Mooney insofar as they use profanity and they do not believe his behavior or speech is outside the norm. The record reveals that Mr. Mooney has helped a number of people who are in need, and can be a very supportive and caring supervisor. The committee was told several times that if a CWA employee has a personal issue, Mr. Mooney will accommodate them and is caring. They include incidents where Mr. Mooney goes above and beyond to help members and coworkers.

### ***Two Formal Complaints to the International Union About Ed Mooney and Resolution***

Two formal complaints were made to the CWA International Union about Ed Mooney; by written letter dated March 11, 2020 and by email dated March 11, 2021.

1. The first complaint received on March 12, 2020, just as COVID-19 was beginning to infect, sicken and kill people in the USA including CWA members. This was at a time of unprecedented workload in the CWA for members and just as they were going to

transition to work at home for a few days, which turned into many months. Notwithstanding the impact of COVID, the CWA identified the complaint as a Mutual Respect issue and in late April or early May 2020, President Chris Shelton along with Chief of Staff Jody Calemine addressed the issue with Ed Mooney in a conference call which took place for just under an hour (undated notes of the call were provided). Mr. Shelton went through each allegation set out in the letter. Mr. Mooney did not specifically deny or admit the accusations, but referred to the underlying issues within the local union. Mr. Shelton went through the allegations one by one and said that Mr. Mooney could not suggest violence, cannot demean people, not engage in name calling, not treat people poorly, not make vulgar hand gestures, and if there is a reason to discipline you should discipline correctly. Mr. Shelton said that kind of behavior was a problem for the Union. Mr. Mooney agreed that he would not engage in the behavior alleged in the letter complaint, and Mr. Shelton believed that Ed Mooney had received the message.

It appeared that no one told the Local Union that the complaint had been received and acted on. It was explained that this oversight was due to confusion at the outset of the pandemic and that the underlying issues in the local union were ongoing.

2. The second complaint involved issues predating the first complaint. An email complaint was made to CWA on March 11, 2021 concerning issues that a CWA staff member had worked with Mr. Mooney during the period September 2018 to June 2019. The complainant had reached out to a staff member who reached out to Jody Calemine and he suggested to file a complaint under the Mutual Respect Policy. After a complaint was filed, it was assigned to counsel to investigate. Ed Mooney was given an opportunity to respond in writing to the complaint which he did. Thereafter, it was suggested that Mr. Mooney attend sensitivity training. Although CWA could not force sensitivity training, Mr. Mooney voluntarily agreed to attend such training as recommended by the Employee Assistance Program. The CWA received notice that Mr. Mooney successfully completed sensitivity training.

In both instances, it was noted that without charges being brought by a member, there is very little the Executive Board or the CWA President can do against an elected national officer.

### ***Post Sensitivity Training***

Since attending sensitivity training, one person who speaks with Ed Mooney at least once a week indicated that Mr. Mooney will say something which violates the Mutual Respect policy and then say, "Oh I know I should not say that, they will probably send me back to charm school". This person feels that Mr. Mooney is deriding the sensitivity training he went to, does not take it seriously, and has continued some of his poor behavior post training.

*Mr. Mooney denies saying this. Rather, he says that when other people say something which may be deemed inappropriate, someone will say "Watch what you are saying, or you'll end up in Charm School like Mooney!"*

Dated: July 3, 2023

Jeff Rechenbach

Jason Veny, Esq.

Cathy Creighton

***Addendum dated July 3, 2023***

The Executive Board received our report and asked certain questions which we respond to below:

1. The first question was whether any of the allegations contained in the report were also contained in the two complaints received by the President's Office?

The investigation committee was asked by the CWA Executive Board to conduct an investigation looking into allegations against Ed Mooney which were raised by the "Emergency Mutual Respect Committee", and to hear from any and all persons who wanted to talk to the investigation team about Mr. Mooney. The report did not make recommendations, but rather reported on what was related to the investigation team.

At the time we began the investigation, we were unaware of prior complaints about Mr. Mooney or how they were addressed. We accepted information from any person from CWA who reached out to us. Some of the information related to us, *did* include information from the two prior complaints, but it far more complicated than one might expect to separate out those complaints from other complaints in our report. For example, other persons interviewed who were never mentioned in a prior complaint came forward to not only corroborate the information, but to also express that they were simultaneously harmed by what was happening to their coworkers and themselves, and that Mr. Mooney's actions created a hostile environment for them despite the fact that they did not make a complaint.

To answer your first question, it would be exceedingly difficult to parcel out what happened in the March 2020 and March 2021 complaints with other statements brought to us by other persons, and in our opinion would invalidate the concerns of many people who came to the investigation team.

2. The second question was whether the report includes all allegations that were presented to the committee, regardless of whether the committee considered them credible or not, or are only those that were deemed credible included?

The investigation team did not make credibility findings; and did not consider the credibility of Mr. Mooney or any person who appeared before us. Rather, we reported on what was relayed to us. We did not include in this report any allegations which did not relate to the Mutual Respect Policy, but there was only one instance where that happened.

3. Was Mr. Mooney given the opportunity to respond to every allegation made against him?

The investigation team believes it gave Mr. Mooney the opportunity to respond to the allegations against him, while also attempting to protect the confidentiality of persons who spoke with us. Mr. Mooney was provided the opportunity to respond to specific actions and words he was alleged to have used and a time frame for when such actions occurred, while not revealing who made the allegation against Mr. Mooney.

There are three instances in the report where Mr. Mooney did not have an opportunity to respond where he has since responded. They are the allegations regarding his (1) his statement “are we still allowed to hug?” (2) his comment about not understanding a person for whom English is a second language and (3) that organizers are not organizing in his District.

On the first two, Mr. Mooney has no idea to whom these allegations refer, and without further context, cannot respond to the allegations.

Regarding the incident involving organizing being low in his District and organizers not feeling supported. According to Mr. Mooney, in his District, there was no District Organizing Coordinator from April 2019 to the third quarter of 2022 and only one Local 75/25 organizer at Local 13000, so he does not know to whom this refers.

Mr. Mooney comments that his mother never owned a gun, and references to Pennsylvania should be Philadelphia, which the investigation team clarified in the body of the report. *See, p. 7.*