

Judge hears union lawsuit: IBEW sued over MEA project

By **LEE JORDAN**
Alaska Star Editor

A civil trial over alleged **violence** on the part of union picketers against an open shop contractor is being conducted in Anchorage Superior Court this week. It is **related** to bitterly-fought campaigns for **seats** on the boards of directors of area utility cooperatives and conflicts over contracting policies.

Utility **Construction Inc.** is suing the International Brotherhood of Electrical Workers (IBEW) over events which occurred during **construction** in 1986 of a **Matanuska Electric Association (MEA)** project to extend power to the **Eklutna** water treatment plant. **Aaron Downing**, a former electrical contractor who was defeated in his 1995 bid for re-election to the MEA board of directors, was an owner of the **contracting firm**.

The suit is **being heard before** a jury in the **courtroom** of Judge Brian Shortell.

"This is a very important trial because if the public is ever to **realize** the benefits of lower cost utility construction and maintenance, all contractors must obviously be **protected from this kind of damage and harassment**," said **Lee Ann Gerhart** in a "fax update" from **Citizens** for an Independent Chugach Electric (CICE). Gerhart **said** she is a volunteer with the **non-profit** group.

"**No non-IBEW** companies will bid (under new open bidding by-laws of the utilities) if this kind of activity is condoned in our **community**," Gerhart said.

IBEW Business Agent Gary Brooks could not be reached for comment yesterday.

CICE court observers said witnesses for the contractor told the **jury** about personal threats they said were made by **pickers**, which at one time were said to number about 100 people. Anchorage police and Alaska State Troopers spent **considerable** time at the site, observing and enforcing a temporary **restraining**

order obtained by the contractor against the union.

Employees described threats, damage to equipment, rock-throwing and shots fired. David Lee Johnson testified that he "was extremely **afraid**" during a confrontation with picketers.

In a deposition, Joe W. Carter said that he was District Engineer for MEA in Eagle River and was in an MEA vehicle when he was threatened at the site. He said he did not observe **any** acts of violence. He also said he did not observe any actions of the contractor which were unsafe.

Brooks testified that the company's witnesses were "not describing an organization that I am familiar with."

Retired lineman Steve Lund of Eagle River testified that he was at the site **three** times during the **picketing**. He had once worked for Downing and "thought a lot of him."

Lund stated that he joined the picketing **because** he "didn't like what (Downing) was doing. I felt like he deceived me and I had a responsibility to show I didn't approve of it."

Lund said the picketers remained at least 200 feet away from workers as required by the **court** order. He said there was "general heckling," but he saw no acts of violence.

Lund said the contractor employed "unskilled" people to do a dangerous job. "It was obvious they didn't know what they were **doing**!"

Testimony regarding a possible "Molotov cocktail" near the road was not given to the jury. **Contractor** employee Tom Cox said that when **enroute** to the project one **afternoon** he had seen a man holding a bottle with a flaming rag extended from its mouth. Cox said the man ran into the woods when he attempted to **warn** Downing. He said a **police** officer who passed told him he had not seen anything **suspicious**.

Downing vs. IBEW trial winds down

By **LAURA MITCHELL HARRIS**

Frontiersman reporter

ANCHORAGE — An Anchorage jury is hearing evidence this week in a 10-year-old lawsuit between a local non-union electrical contractor and the International Brotherhood of Electrical Workers union.

Palmer-based Alaska Utility Construction Inc., owned by Aaron Downing, is suing the union for damages related to alleged harassment and illegal attempts to force the company to sign an agreement with the IBEW. Alaska Utility was build-

ing a powerline extension for Matanuska Electric Association to the Eklutna water plant in the summer of 1986. Allegedly, the union picketed the workers, fired gunshots and threw rocks at the workers, threatened violence and death, and disrupted the workplace, according to court testimony.

The trial is winding down this week and is expected to go to jury deliberations today. The case has been transferred several times from state to federal court.

Downing is an outspoken critic of the union and used to serve on MEA's board of directors.

