



RESEARCH REPORT | Center for American Freedom

AFGE CORRUPTION WARRANTS INVESTIGATION

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TOPLINE POINTS

- ★ The American Federation of Government Employees (AFGE)—America’s largest and most influential federal employee union—has a serious corruption problem. AFGE accounts for more than 1-in-10 union corruption convictions over the past decade, despite representing just 2% of all unionized workers—the highest rate of corruption of any union.
- ★ David Cox, AFGE’s national president, resigned in 2020 amid allegations of sexual harassment, sexual abuse, and misappropriating funds. AFGE officials allege that the union’s senior leadership, including the new president, knew of and covered up Cox’s conduct. Senior AFGE officials have also been accused of misconduct that has not been investigated.
- ★ The extent of AFGE’s alleged corruption needs to be comprehensively investigated. Existing anti-corruption safeguards proved inadequate. Policymakers cannot effectively address the problem until they know how deep the rot goes.

The American Federation of Government Employees (AFGE)—the largest and most influential federal employee union—has a serious corruption problem. AFGE accounts for more than 1-in-10 federal criminal union corruption convictions over the past decade. AFGE has the highest conviction rate of any public or private sector union over this period. During this time, dozens of AFGE locals have been placed into trusteeship for corruption.

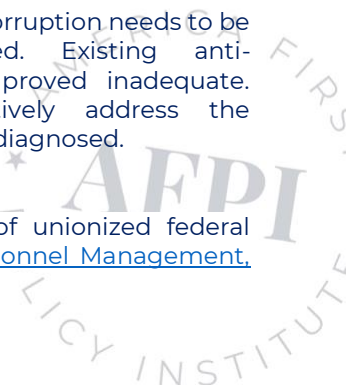
AFGE’s corruption problems also extend beyond local chapters to the national organization. AFGE’s national president, J. David Cox, resigned in 2020 amidst allegations of sexual harassment, sexual assault, and using union funds for his personal benefit. AFGE members and employees allege that the union’s senior staff and National Executive Council knew of Cox’s abuses and either turned a blind eye or actively helped conceal them.

AFGE officials also allege that the union’s national leaders have ignored misconduct by their friends and political allies while using pretextual charges to eliminate rivals within the union. When the Immigration and Customs Enforcement (ICE) Council—a subordinate AFGE organization—asked the Labor Department to investigate AFGE’s corruption the parent union responded by dissolving the ICE Council.

The extent of AFGE’s alleged corruption needs to be comprehensively investigated. Existing anti-corruption safeguards have proved inadequate. Policymakers cannot effectively address the problem until it has been fully diagnosed.

Widespread AFGE Corruption

AFGE represents two-thirds of unionized federal employees ([U.S. Office of Personnel Management](#)).



[n.d.](#)).¹ Approximately 280,000 workers in the federal government and the District of Columbia are dues-paying AFGE members ([Office of Labor-Management Standards, 2022a](#)).² Federal law prohibits unions like AFGE from engaging in corrupt or undemocratic practices ([5 U.S.C. §§ 7111\(f\)\(1\), 7120\(a\)](#)). It also requires union officials to solely use their positions to benefit their members, not themselves ([29 U.S.C. § 501](#)).

AFGE has fallen so far short of these standards that it has been described as “the most corrupt union in the U.S.A.” ([Gilson, 2017](#)). AFGE accounts for over one-tenth of all criminal federal union corruption

convictions over the past decade, despite representing just 2% of all unionized workers.^{3,4}

Over the past decade, 64 AFGE officers and employees were criminally convicted on federal union corruption charges, the second most of any union during this period (Office of Labor-Management Standards, 2022b).⁵ Only the Steelworkers—a union with almost twice as many members—had more convictions.⁶ Expressed as a rate, (convictions per 100,000 members) AFGE’s corruption exceeds all other unions. Over the past decade, 21.4 AFGE officials were criminally convicted

UNION OFFICERS OR EMPLOYEES CRIMINALLY CONVICTED OF CORRUPTION 2012–2022

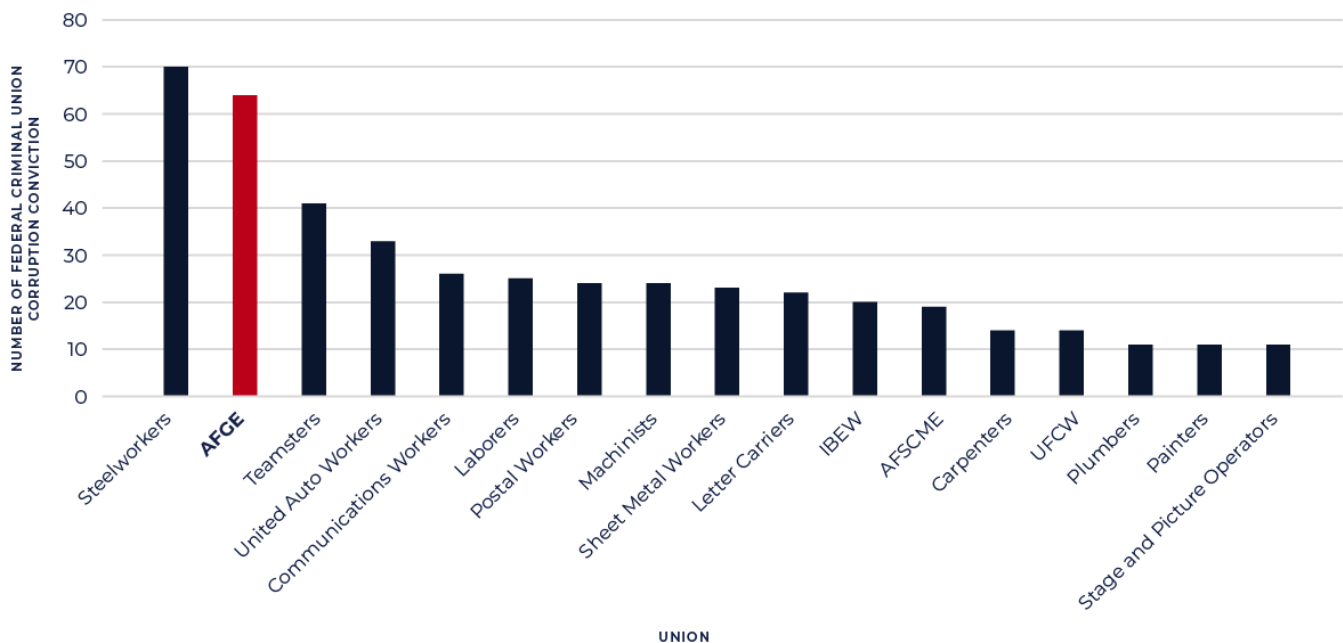


FIGURE 1

Source: U.S. Department of Labor, Office of Labor-Management Standards

¹ AFGE represents 775,000 of the federal government’s 1.22 million unionized employees. AFGE has particularly high concentrations of membership in the Department of Veterans Affairs, the Department of Defense, the Social Security Administration, and the Department of Justice ([U.S. Office of Personnel Management, n.d.](#)).

² Under federal law, unions represent all workers in a bargaining unit, but workers are not required to join the union or pay dues. AFGE’s FY 2021 financial disclosure report showed the union has 299,000 members, of whom 282,000 are active workers. Most of the remaining members are retirees.

³ Between May 10, 2012, and May 10, 2022, the Office of Labor-Management Standards records a total of 619 union officers or employees were convicted of criminal offenses. AFGE accounted for 64 of those convictions.

⁴ 14.0 million workers report being members of a labor union ([U.S. Bureau of Labor Statistics, 2022](#)). AFGE has 282,000 members who are active workers—2% of all workers who belong to a union.

⁵ These figures were revealed through a Freedom of Information Act request for OLMS convictions. They cover the period between May 10, 2012, and May 10, 2022.

⁶ 70 Steelworkers officer or employees were convicted during this period. Financial disclosure reports filed with the U.S. Department of Labor show that the Steelworkers represent 516,000 workers ([Office of Labor-Management Standards, 2022c](#)).



UNION CORRUPTION CONVICTION RATE PER 100,000 MEMBERS 2012-2022

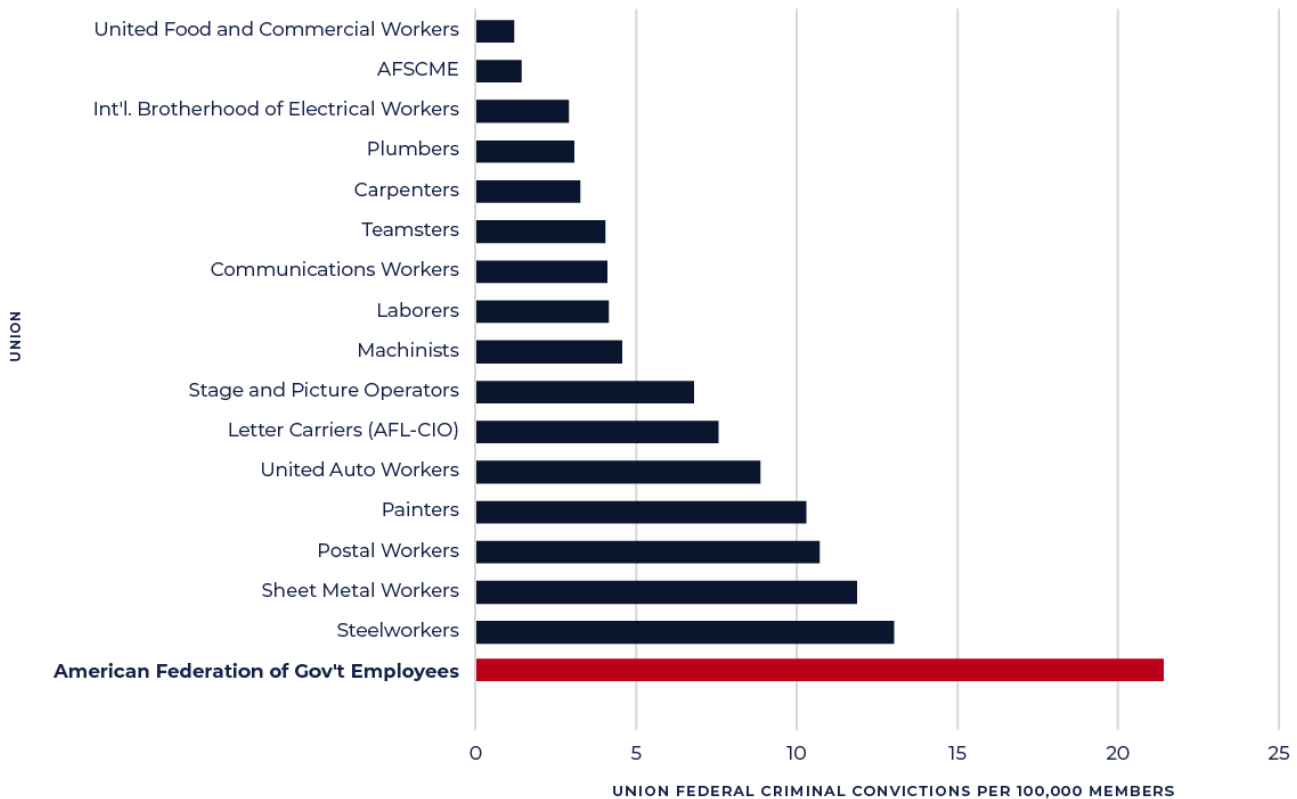


FIGURE 2

Source: U.S. Department of Labor, Office of Labor-Management Standards

on federal corruption charges for every 100,000 union members—nearly two-thirds more than the next most corrupt union.⁷

Most of those convicted were high-ranking AFGE officers.⁸ The Department of Labor’s Office of Labor-Management Standards (OLMS) details many of these convictions:

- Michael Oldham, former president of AFGE Local 1900 (Taunton, Massachusetts), pleaded guilty on April 13, 2022, to 26 counts of wire fraud for \$35,900 in checks written from the union’s bank account, one count of false statements for filing a false LM-3 report, and three counts of filing false tax returns in

the amount of \$233,970 ([Office of Labor-Management Standards, 2022d](#)).

- Donnell Owens, former secretary to the Communications Director of the AFGE National Union, pleaded guilty on October 20, 2021, to embezzling \$275,524 from the union ([Office of Labor-Management Standards, 2022e](#)).
- Michael Wood, former treasurer of AFGE Local 3957 (Grant, Louisiana), pleaded guilty to criminal forgery. He was sentenced on September 16, 2021, to three months in prison, followed by three years of supervised release. He was also ordered to pay \$29,664

⁷ This figure was calculated by dividing the number of criminal corruption convictions for each union between 2012-2022 by the number of members each union reported on their most recent form LM-2 filed with the Department of Labor.

⁸ 35 of the 64 AFGE convictions were current or former presidents of AFGE union locals, 23 were current or former secretary-treasurers (the second highest ranking officer in AFGE locals), and the balance were lower-ranking AFGE officers or employees.



in restitution ([Office of Labor-Management Standards, 2022e](#)).

- Rocky Gannon, former president of AFGE Local 2302 (Fort Knox, Kentucky), pleaded guilty to three counts of wire fraud and nine counts of forged securities. He was sentenced on October 1, 2020, to 15 months of home incarceration, four years of probation, and 250 hours of community service. He was also ordered to pay \$116,353 in restitution ([Office of Labor-Management Standards, 2022f](#)).
- Tony J. Liesenfeld, former president and secretary-treasurer of AFGE Local 148 (Lewisburg, Pennsylvania), pleaded guilty to wire fraud. He was sentenced on June 8, 2020, to one year and one day of incarceration and two years of supervised release. He was also ordered to pay \$100,000 in restitution ([Office of Labor-Management Standards, 2022f](#)).

Over the past decade, 44 AFGE local unions have been placed in trusteeship because of corruption or financial malpractice.⁹ Recent revelations also suggest that AFGE's corruption problems extend to the union's national leadership.

Senior AFGE Officer Fired After Questioning Expenses

AFGE members elected Eugene Hudson, Jr., their national secretary treasurer (NST), in 2012 and reelected him in 2015. Hudson ran for the union's second highest-ranking position on a platform of "stamping out corruption." The NST's duties include ensuring "maintenance of fiscal integrity" (Hudson v. Am. Fed'n of Gov't Emps, 2019, p. 2). Since AFGE's inception, the NST has always been responsible for approving expense vouchers submitted by National Executive Council (NEC) officers (Hudson v. Am. Fed'n of Gov't Emps, 2019, p. 2).¹⁰

Hudson reports that he questioned expenses that National President J. David Cox and other senior

AFGE NEC members submitted for reimbursement. These expenses included meals for spouses at an AFGE-sponsored trip to the Virgin Islands, jewelry purchased as gifts for AFGE staff, a \$200 pen, \$1,400 in clothing at Nordstrom, \$800 in artwork purchased for home use, and extensive use of private limousine services after hours ([Hudson, 2016](#); *Doe #1 v. Am. Fed'n of Gov't Emps Amended Co*, 2020, ¶¶ 88-101; *Hudson v. Am. Fed'n of Gov't Emps*, 2019, p. 3).¹¹

Allegedly, AFGE NEC members were extremely upset about their expenses being questioned. The NEC allegedly convened a secret meeting in July 2016 at the request of then-District 5 Vice President Everett Kelley (AFGE's current national president). The NEC allegedly chastised Hudson for questioning expense vouchers. In early August 2016, AFGE transferred authority to approve NEC members' expense vouchers from the NST to the president ([Hudson, 2016](#); *Doe #1 v. Am. Fed'n of Gov't Emps Amended Co*, 2020, ¶¶ 104-105; *Hudson v. Am. Fed'n of Gov't Emps*, 2019, p. 3).¹²

Hudson claims that "in the history of AFGE, no other NST has ever had their expense voucher approval authority taken away and given to the national president" (*Hudson v. Am. Fed'n of Gov't Emps*, 2019, p. 3). Hudson shortly thereafter announced his intention to run against Cox in AFGE's 2018 presidential election ([Hudson, 2016](#)).

A year later—in August 2017—the AFGE NEC overwhelmingly voted to remove Hudson from office.¹³ AFGE claimed a message Hudson sent after the 2016 election warning about the incoming Trump Administration violated the Hatch Act and put AFGE members in legal jeopardy ([Cox, 2017](#); *Hudson v. Am. Fed'n of Gov't Emps*, 2019, pp. 4-6).¹⁴

Hudson claims the NEC actually wanted to remove him for challenging AFGE's financial practices and for planning to run against Cox. He says the Hatch Act claims were pretextual. Evidence supports his claims. The Office of Special Counsel formally determined that Hudson's message did not violate the Hatch Act ([Hamrick, 2017](#)). Pam (Baca) Espinoza,

⁹ This figure represents the number of AFGE locals that AFGE National placed into trusteeship between May 10, 2012, and May 10, 2022, on the basis of "corruption or financial malpractice." The Department of Labor makes these reports available online ([Office of Labor-Management Standards, n.d.](#)).

¹⁰ AFGE's leadership body is the National Executive Council (NEC), which consists of three elected National Officers located at headquarters, the national president, the national secretary-treasurer, and the national vice president for Women and Fair Practices, along with 12 national vice presidents (NVPs), each representing and located in a geographical region ([AFGE, 2022](#)).

¹¹ The Nordstrom expenses were allegedly made by now-NST Eric Bunn, and the artwork by National Vice President Gerald Swanke. The relevant AFGE officials subsequently reimbursed AFGE for many—but not all—of these expenses.

¹² The NST was only left with authority over the president's expense vouchers, but not for any other NEC members.

¹³ Every NEC member present except Hudson voted to remove him.

¹⁴ The Hatch Act prohibits federal employees from engaging in political activities while on duty.



a former AFGE local president and council vice president, had also testified under oath that senior NEC officials repeatedly expressed to her their desire to “bring Hudson down” and described plans to remove him as NST in September 2016—before he sent the post-election email, and shortly after Cox stripped him of authority to approve expense vouchers. Baca testified that two NEC members told her at that time, “Hudson has no idea what we have waiting for him” (*Hudson v. Am. Fed’n of Gov’t Emps*, 2019, pp. 4-6).

Cox was subsequently reelected as AFGE’s national president in 2018, while Kelley was elevated to national secretary-treasurer ([American Federation of Government Employees, 2018](#)).

AFGE President’s Alleged Sexual Harassment, Abuse, and Racism

In late 2019 Bloomberg News reported that multiple AFGE employees had accused Cox of sexual harassment. The employees also accused senior AFGE staff of ignoring or covering up complaints against Cox and other AFGE officials ([Eidelson, 2019a](#); [Eidelson, 2019b](#)). These public allegations prompted AFGE to commission an external investigation. Cox denied the allegations, but in February 2020, he resigned as AFGE president shortly before the investigators released their report ([Russell, 2020](#)). In June 2020, a group of AFGE members, former AFGE employees, and employees of AFGE contractors sued Cox and AFGE over Cox’s alleged conduct and AFGE’s alleged cover-ups.¹⁵ The news reports, external investigation, and legal filings accuse Cox of serious misconduct.

Communications Director

Plaintiff Brett Copeland—AFGE National’s former Director of Communications—alleges that Cox harassed him during a union conference in Palm Springs, California, in April 2017. Copeland had been promoted just weeks earlier. Copeland claims that an inebriated Cox stuck his tongue in Copeland’s ear, told Copeland he loved him and invited him to share the jacuzzi in Cox’s hotel room. Rocky Kabir, Cox’s confidential secretary, witnessed these events. Copeland resigned two days later ([Working IDEAL, 2020, pp. 11-13](#); *Doe #1 v. Am. Fed’n of Gov’t Emps Amended Complaint*, 2020, ¶¶ 127-136).

Confidential Secretary

Kabir—also a plaintiff—claims that Cox routinely sexually harassed him during his tenure at the

union. Cox allegedly had Kabir travel with him to strip clubs, directed him to procure male prostitutes, told him to watch Cox have sex with male prostitutes, and frequently sexually propositioned Kabir. Kabir further alleges that Cox repeatedly touched him inappropriately, told him he should be more open to having sex with men and invited Kabir to watch pornography with him. (*Doe #1 v. Am. Fed’n of Gov’t Emps*, Second Am. Compl., 2020, ¶¶ 478-490, 520, 569). Kabir claims that once he made it clear that he was planning to get married, Cox—who is married—began making allegations of poor job performance and began questioning the legitimacy of Kabir’s timecards, overtime, and expense reports. Kabir believes this was retaliation for rejecting Cox’s sexual advances. ([Working IDEAL, 2020, p. 14](#)).

Limousine Driver

Plaintiff John Doe #1 was employed with Capitol Chauffeur Services (CCS)—a limousine contracting service—as a professional driver for President Cox. He alleges that Cox engaged in escalating sexually predatory behavior against him. Allegedly, Cox began by asking inappropriate sexual questions. Cox later grabbed John Doe #1’s genitals while he was driving, nearly causing him to crash the vehicle. Thereafter Cox required John Doe #1 to drive him to strip clubs and join him inside. Cox later kissed John Doe #1 on the mouth without his consent (*Doe #1 v. Am. Fed’n of Gov’t Emps Amended Co*, 2020, ¶¶ 301-326).

Cox allegedly subsequently forced John Doe #1 to allow Cox to perform oral sex on him on multiple occasions. Cox reportedly threatened John Doe #1 that if he refused, AFGE would cancel its limousine contract with CCS Limo or Cox would demand CCS Limo terminate his employment. This would cost John Doe #1 the job that was the sole source of income for his wife, their six children, and himself. This alleged sexual abuse occurred in the limousine John Doe #1 drove and happened over the course of a decade. Cox’s alleged abuse was so stressful that it was a proximate cause of John Doe #1’s high blood pressure, life-threatening kidney failure, and stroke, as well as leading to John Doe #1’s divorce (*Doe #1 v. Am. Fed’n of Gov’t Emps Amended Complaint*, 2020, ¶¶ 327-367).

Cox also appears to have spent AFGE funds lavishly on these private limousine services. AFGE Local 2431 President Lawrence Tomscha filed a written complaint with AFGE’s National Executive Council in

¹⁵ The second amended complaint lists twelve plaintiffs, all of whom “are current or former AFGE employees, elected officials for local AFGE unions, AFGE members, employees of AFGE contractors, and family members.” *Doe #1*, 554 F.Supp.3d at 86 (*Doe #1 v. Am. Fed’n of Gov’t Emps*, Second Am. Compl., 2020, ¶¶ 58-84).



early 2018 objecting to Cox spending \$90,000 in AFGE funds for personal limousine services the previous year (*Doe #1 v. Am. Fed'n of Gov't Emps* Amended Complaint, 2020, ¶ 107).

Hotel Employees

Cox's alleged sexual misconduct also extended to hotel employees where AFGE held conferences. In 2014 AFGE held an event at a hotel in Myrtle Beach, South Carolina. Allegedly, the hotel management informed an administrative assistant for Everett Kelley—then the AFGE national vice president for District 5—that Cox had sexually harassed and propositioned an employee. The hotel wanted Cox to leave immediately. Kelley allegedly convinced the hotel to allow Cox to remain (*Doe #1 v. Am. Fed'n of Gov't Emps* Amended Complaint, 2020, ¶¶ 74-80).

In 2017 AFGE hosted a human rights training conference at a hotel in San Juan, Puerto Rico. Pam Espinoza attended the training. She testified under oath that Everett Kelley told her the hotel nearly kicked the entire AFGE delegation out after Cox sexually harassed and attempted to touch a pool attendant inappropriately. Kelley allegedly persuaded the hotel to allow AFGE to stay as long as Cox remained confined to his room (*Doe #1 v. Am. Fed'n of Gov't Emps* Amended Complaint, 2020, ¶¶ 152-184).

Alleged Racism

AFGE employees and officers also testify that Cox regularly used racial and religious slurs. Cox allegedly frequently called men of color racially derogative terms like “boy” or “son,” including President Obama, Eugene Hudson, John Doe #1, and Kabir. Cox did not deny these allegations during a sworn deposition. Cox allegedly referred to Pakistani limo drivers as “sand n—s” that he didn't want to have driving him around. He allegedly used the same term to describe Kabir, a southeast Asian, and also derided him as a “F***ing Muslim” or a “Godd**ned Muslim.” After drinking, Cox allegedly told John Doe #1, “You know we white folks are going to hang you black people” (*Doe #1 v. Am. Fed'n of Gov't Emps* Amended Co., 2020, ¶¶ 124-128, 338-344; *Doe #1 v. Am. Fed'n of Gov't Emps* Fourth Amended Co., 2022, ¶ 6; *Hudson v. American Federation of Government Employees*, 2019, p. 7).

Hudson sued AFGE for racially discriminating against him when it reduced the national secretary-treasurer's authority. A jury found AFGE guilty and

awarded Hudson \$100,000 in damages.¹⁶ The D.C. Circuit Court of Appeals recently upheld that verdict (*Hudson v. American Federation of Government Employees*, 2022).

External Investigation Substantiates Complaints

The external investigation AFGE commissioned substantiated many of these complaints. The investigators concluded that Copeland's allegations of harassment were “credible and corroborated through witness statements and documentation” (*Working IDEAL*, 2020, p. 12). The investigators also concluded that Kabir's complaints were “credible and supported by substantial evidence” (*Working IDEAL*, 2020, p. 5). The investigators further reported that:

“Witnesses reported multiple incidents of Cox talking about soliciting sex workers and/or being asked to procure a sex worker for him ... We learned through multiple sources of an incident in which Cox allegedly propositioned a member of hotel staff, and hotel management expressed concern to their contacts at AFGE ... Multiple witnesses described hearing Cox use racial and religious slurs” (*Working IDEAL*, 2020, pp. 17-18).

The investigators also found that Cox would bring AFGE officials to and conduct union business at strip clubs (*Working IDEAL*, 2020, p. 30). The investigators did not examine John Doe #1's complaint and thus did not make any judgment as to whether those allegations were true or if Cox misused AFGE funds (*Working IDEAL*, 2020, p. 19).

AFGE Leadership Allegedly Ignored, or in Some Cases, Covered Up Cox's Behavior

The allegations against Cox—allegations that lead directly to his resignation—are highly disturbing. Worse, senior AFGE staff and NEC members reportedly knew about Cox's behavior and either ignored it or actively helped to cover it up. Bloomberg News reports that:

“Staff say Cox's conduct was well-known within the union. ‘It was the worst-kept secret at AFGE,’ says Bre Andrews, a former political organizer there ... Employees would warn each other to be wary of Cox late at

¹⁶ The jury concluded that AFGE's decision to remove the Human Resources and Information Services departments from the NST's supervision were racially discriminatory, but the decision to withdraw his authority to approve expense vouchers was not.



night or when alcohol or hotel rooms were involved, Andrews says. ‘We would try to protect each other from J. David’s behavior.’

Attempts to raise the issue internally had little effect, current and former employees say. One recalls referencing concerns about Cox’s behavior during a conversation with a union vice president, who responded by covering both ears to signal the discussion was over” ([Eidelson, 2019a](#)).

Many of the individuals who reportedly turned a blind eye to Cox’s conduct remain high-ranking AFGE officials.

Everett Kelly allegedly helped cover up Cox’s harassment at the hotels. At the time, Kelley was vice president of AFGE District 5. Allegedly, although he had received complaints about both the Myrtle Beach and San Juan incidents, Kelly did not document them or report them to AFGE’s National Executive Council or Human Resources department. Neither did he interview any of the affected employees, file a complaint about Cox’s behavior, or take any disciplinary action. Instead, he allegedly negotiated with hotel managers to allow Cox and AFGE’s delegations to remain at the hotels. A member of AFGE’s human rights committee has testified under oath that Kelley told her he knew about Cox’s actions at San Juan, agreed they were “problematic” but could not do anything about it because “it was Cox” (*Doe #1 v. Am. Fed’n of Gov’t Emps Second Am. Compl.*, 2020, ¶ 168).¹⁷ Kelley is currently AFGE’s national president and earns a salary of \$236,000 a year ([Office of Labor-Management Standards, 2022a](#)).

Interestingly, Kelley’s administrative assistant—who allegedly received the initial report about Cox’s misconduct at the Myrtle Beach hotel—subsequently received a series of large promotions and raises. At the time of the alleged Myrtle Beach incident, she made \$45,000 a year. In 2015 Kelly recommended her for a promotion to a managerial position paying \$71,000 a year, despite her having no managerial experience. In 2016 Kelly recommended her for another promotion to a position paying \$88,000 a year. In 2017 Cox raised her pay to \$102,000 a year. Over the next two years, her salary was raised to \$116,000. These promotions and pay raises were allegedly given to purchase her silence about the

Myrtle Beach incident (*Doe #1 v. Am. Fed’n of Gov’t Emps Amended Complaint*, 2020, ¶¶ 78-85, 173-175, 558, Exhibit 5).

Copeland reports that he filed a complaint about Cox’s harassment to Corey Bythrow, the deputy to AFGE’s Chief of Staff. Bythrow referred Copeland to AFGE’s General Counsel, David Borer. AFGE’s EEO policies required Borer to retain a neutral, outside law firm to investigate the charge. The lawsuit alleges that Borer did not do so. Instead, Borer allegedly spoke to Cox about the incident and conducted no further investigation until the news reports compelled AFGE to commission the external investigation (*Doe #1 v. Am. Fed’n of Gov’t Emps Amended Complaint*, 2020, ¶¶ 127-136). Borer remains AFGE’s General Counsel, earning a salary of \$290,000 a year ([Office of Labor-Management Standards, 2022a](#)).

Kabir reports he told AFGE Executive Secretary Denene Colbert about Cox’s actions, but she took no action (*Doe #1 v. Am. Fed’n of Gov’t Emps Second Am. Compl.*, 2020, ¶¶ 62, 484-485). Colbert remains in her position, earning a salary of \$117,000 a year ([Office of Labor-Management Standards, 2022a](#)). Kabir also testified that he reported Cox’s behavior to AFGE’s national Public Policy Director, Jacque Simon. Simon allegedly responded that Cox “just needs some sex. You’ll have your freedom after the [2018 AFGE presidential] election” (*Doe #1 v. Am. Fed’n of Gov’t Emps Second Am. Compl.*, 2020, ¶ 493). Simon remains AFGE’s Public Policy Director earning a salary of \$191,000 a year ([Office of Labor-Management Standards, 2022a](#)).

Kabir further alleges that “[n]early everybody at AFGE headquarters knew about Cox’s sexually predatory habits” and saw his job as running interference for them. Allegedly, when Cox asked other AFGE staff members to accompany him to strip clubs, they would tell Kabir, “No, I’m not going with that pervert, that’s what you were hired to do” (*Doe #1 v. Am. Fed’n of Gov’t Emps, Second Am. Compl.*, 2020, ¶¶ 515-518).

AFGE officials report that the NEC was informed of Cox’s excessive limousine spending during the union’s 2015 national convention. Again in 2016, then-NST Hudson allegedly alerted the NEC that Cox was “using the CCS Limousine service for

¹⁷ In 2019, Working IDEAL attorneys asked Defendant Kelley why he did not act after learning about the 2014 sexual harassment complaint filed against Cox by the Myrtle Beach hotel in his district. Defendant Kelley responded that he had asked Cox about it; Cox denied it, and Kelley believed him. Defendant Kelley did not mention during the interview that in 2017 he had received a *second* complaint that Cox sexually harassed a male hotel employee in his district (*Doe #1 v. Am. Fed’n of Gov’t Emps Amended Complaint*, 2020, ¶¶ 185-192).



unexplained, late night and weekend usage that appeared to be unrelated to Cox's [union] duties." The National Executive Council allegedly did nothing to investigate these charges, and many of these NEC members subsequently endorsed Cox for reelection (*Doe #1 v. Am. Fed'n of Gov't Emps* Third Amended Complaint, 2021, ¶¶ 56-66).

Several of Cox's alleged victims—including Copeland, Kabir, and John Doe #1—have sued members of AFGE's National Executive Council and AFGE senior staff for failing to report, document, or investigate complaints of Cox's alleged misconduct (*Doe #1 v. Am. Fed'n of Gov't Emps* Amended Complaint, 2020, ¶¶ 669-670). Pam (Baca) Espinoza testified in that litigation that "there was a culture of complicity at AFGE because many NEC members, including NVP's [national vice president] Everett Kelley and Eric Bunn [now NST], Gerald Swanke, Arnold Scott and Augusta Thomas and AFGE headquarters staff were aware of J. David Cox's sexual misconduct, misspending of AFGE resources and bullying, and either enabled his misconduct or looked the other way" (*Doe #1 v. Am. Fed'n of Gov't Emps* Amended Complaint, 2020, Exhibit 7).

Additional Allegations Against Senior AFGE Officials

Numerous senior AFGE officials, in addition to Cox, have also been accused of severe misconduct—including the union's current president. Everett Kelley was elevated from District 5 National vice president to national secretary-treasurer at AFGE's 2018 convention. He then became AFGE's president when Cox resigned in 2020 and was elected to a full term in 2022.¹⁸ In addition to allegations that Kelley helped cover up Cox's corruption, Kelley has also been accused of misconduct in his own right.

Former AFGE District 5 Office Manager Andrea Bentley, former District 5 Office Manager Kathrina Suarez, and Local 4056 Secretary-Treasurer Martha Perez allegedly filed sexual harassment charges against Kelley when he was District 5 vice president. AFGE allegedly settled those charges with confidential nondisclosure agreements that prevented Bentley, Suarez, and Perez from speaking publicly about Kelley's conduct (*Doe #1 v. Am. Fed'n of Gov't Emps* Amended Complaint, 2020, ¶¶ 50-51, 537-538).

Kelley has also been accused of covering for other AFGE officials who engaged in sexual misconduct. In

one case, Jamie Dukes, then the vice president for AFGE Local 2017, a unit representing civilian Army personnel within District 5—allegedly engaged in sexual misconduct, including sending pictures of his genitals to a woman. The woman allegedly complained to AFGE, sharing the pictures he sent. An AFGE Trustee testified that this behavior led her to remove Dukes from his position and that she forwarded Kelley the pictures Dukes had sent. Kelley allegedly subsequently directed subordinates to reappoint Dukes as vice president. Allegedly, Dukes was later permanently removed from Local 2017 after the Army banned him from all military installations for sexual harassment (*Doe #1 v. Am. Fed'n of Gov't Emps* Second Amended Complaint, 2020, ¶¶ 692-708).

In another case, an AFGE member¹⁹ alleges that senior staff in AFGE's National Headquarters ignored serious sexual harassment complaints:

In 2015, Amber Westbrook, an AFGE member at the time, says that Rosendo Rocha, the president of her local chapter, told her that sex was the way for women to get ahead at the union and demanded to have adjoining hotel rooms at a conference. When she told the general counsel's office, they asked her follow-up questions, but "took no action and provided no explanation" she says. "I contacted and filed complaints with the appropriate officials that were supposed to have my back.

Instead, Dorothy James, a national vice president, told Westbrook, in an email reviewed by Bloomberg, that she was ineligible for a union position because she did not "have a positive working relationship with the Local President" ([Eidelson, 2019b](#)).

Westbrook reports she also filed union charges against Rocha with James, whose position as national vice president put her on AFGE's NEC. James, Cox, and General Counsel Borer allegedly knew of these charges but took no action to investigate or otherwise resolve them. Rocha is allegedly close friends with Cox (*Doe #1 v. Am. Fed'n of Gov't Emps* Second Amended Complaint, 2020, ¶¶ 175-177, 772-802).

¹⁸ Kelley was elected AFGE's national secretary-treasurer at AFGE's 2018 convention. Under AFGE's constitution the NST becomes president when the office becomes vacant.

¹⁹ Westbrook subsequently ran against and defeated Rocha in the election for the presidency of their union local.



Senior AFGE officials besides Cox also allegedly used racial slurs. Pam (Baca) Espinosa has testified under oath that NVP and NEC member Gerald Swanke twice referred to African American AFGE officers as “SMBs” in her presence—once to another NEC member at an NEC meeting. She subsequently learned the term was a racist code word for “Simple-Minded Blacks” (*Doe #1 v. Am. Fed’n of Gov’t Emps Amended Complaint*, 2020, ¶¶ 43-45). An AFGE Council president allegedly called Hudson a “n—” at the 2015 AFGE National Convention. AFGE allegedly “took no remedial or disciplinary action” against him (*Doe #1 v. Am. Fed’n of Gov’t Emps Second Amended Complaint*, 2020, ¶¶ 112-116).

Alleged Undemocratic Practices

AFGE officials also allege troubling undemocratic practices within the union. Federal law requires unions to select their leaders through democratic elections. This is meant to hold unions accountable to their members, empowering the rank-and-file to vote out corrupt officers. AFGE leadership has allegedly circumvented this democratic accountability by using the union’s disciplinary and trusteeship procedures to eliminate internal union rivals.

AFGE’s National leadership allegedly had a “longstanding policy and practice of politicizing the AFGE disciplinary process by prosecuting the slightest alleged infractions filed against their political adversaries while utterly ignoring charges filed against their political allies for abusive and flagrant violations of law and the AFGE National Constitution” (*Doe #1 v. Am. Fed’n of Gov’t Emps Second Amended Complaint*, 2020, ¶ 774).

In contrast to ignoring charges against AFGE national leadership and their allies, court filings document that AFGE has rigorously prosecuted charges against the incumbent leadership’s political opponents. AFGE’s NEC putatively removed Hudson as national secretary-treasurer for violating the Hatch Act despite the Hatch Act not applying to union employees and the Office of Special Counsel formally concluding that Hudson’s message was legally unobjectionable.

In another case, AFGE fired Jocelyn Johnson, a long-time AFGE employee, for allegedly making a \$10

contribution to Eugene Hudson’s presidential campaign. This violated AFGE’s ‘No Politics’ rule that requires union employees to remain neutral in AFGE’s political contests. AFGE showed no leniency and swiftly fired Johnson, despite her denying making the minor contribution.^{20 21} However, AFGE allegedly took no action against AFGE employees who violated the No Politics rule to support incumbent AFGE leaders (*Doe #1 v. Am. Fed’n of Gov’t Emps Second Amended Complaint*, 2020, ¶¶ 656-684).

Similar concerns have been raised about abuses of the trusteeship process. In several cases, local AFGE officials have accused the union’s national leaders of consolidating their local or putting it into trusteeship to sideline political opponents. Pam (Baca) Espinoza alleges that AFGE’s national leadership retaliated against her opposition to Cox and Kelley at the union’s 2018 National Convention by consolidating Local 1802—which she led—into a new local, depriving her of her leadership position (*Doe #1 v. Am. Fed’n of Gov’t Emps Amended Complaint*, 2020, ¶¶ 46-47, Exhibit 7).

In another case, Alex Bastani formerly led AFGE Local 12.²² Bastani was a high-profile critic of Cox within AFGE, running against him in the union’s 2012 and 2015 presidential elections. Bastani was particularly critical of how Cox and the NEC “made exorbitant expenditures on themselves,” such as spending \$650,000 for NEC to travel to Israel for Cox to receive an award ([Lauderdale, 2017](#)). In 2016 Local 12 won a \$7,000,000 overtime settlement for its members. Two weeks before Local 12’s scheduled 2017 officer elections, AFGE National put the local into trusteeship, appointing the candidates running against Bastani’s team to lead the union instead ([Wagner, 2017](#)).

AFGE claimed there were concerns with how Local 12 was spending funds and implementing member decisions. Bastani and his fellow Local 12 officers responded that there was no allegation of misappropriation of funds and that the trusteeship was a politically motivated “sloppy coup” that violated AFGE’s trusteeship procedures ([Lauderdale, 2017](#)). Former Local 12 Vice President Eleanor Lauderdale alleged AFGE National put the local into trusteeship because Cox feared Bastani would win reelection and, with the settlement victory, be in a

²⁰ Johnson maintains that she did not make that donation, and her bank deducted the funds from her account in error. An investigation by the bank substantiated that claim.

²¹ Johnson is also suing AFGE for racial discrimination, arguing that white employees who allegedly engaged in much more severe violations of AFGE’s “No Politics” rule were not disciplined, while she—an African American—was terminated for at most a minor infraction.

²² AFGE Local 12 represents Department of Labor employees in the Washington, D.C. region.



stronger position to challenge Cox in AFGE's 2018 election. She told reporters that "this was their way of tainting Alex, to get him out of office and to get him out of the way so he doesn't become a competitor" ([Wagner, 2017](#)).

Local 12 held new officer elections in 2018, and AFGE ended the trusteeship shortly after Bastani and his fellow former officers lost that vote. The Labor Department investigated complaints that the trusteeship was not instituted "for an allowable purpose" but declared the investigation moot after AFGE lifted it ([Office of Labor-Management Standards, 2019](#)).

AFGE officer elections also suffer from a surprising number of irregularities. Department of Labor investigations found "a violation that may have affected the outcome" occurred in 53 AFGE officer elections between 2012 and 2022 (Office of Labor-Management Standards, 2022g).²³

ICE Council Dissolved After Requesting AFGE Investigation

In June 2022, the National ICE Council, an AFGE Council representing about 7,600 U.S. Immigration and Customs Enforcement (ICE) employees, filed a complaint against AFGE with the Department of Labor. The complaint accused AFGE's national leadership of corruption and mismanagement:²⁴

The ICE Council and its Locals allege that AFGE is stealing, wasting, grossly mismanaging, and engaging in illegal acts with its membership's money. When memberships' dues money is available to [National Executive Council] members in furtherance of attending strip clubs, pursuing prostitutes, and funding unauthorized settlements involving their own misconduct, etc., it is evident that sufficient monetary protections and oversight are not in place at AFGE ([Dinan, 2022a](#)).

The complaint asked the Labor Department to investigate this corruption and sought to separate the ICE council from AFGE. AFGE responded by disclaiming interest in representing ICE employees. This move disbanded the ICE Council. Rather than allowing the Council to separate from its parent union, AFGE responded to the Council's corruption

complaint by ending its existence as a union.

Chris Crane, the former president of the ICE Council, accused AFGE of retaliating against his union:

We did what we were supposed to do. We reported to the Department of Labor that union bosses at AFGE were allegedly spending dues money on prostitutes and strippers, sexually assaulting their own employees, engaging in payoffs and coverups, and other unlawful and egregious acts. It was supposed to be investigated. We were supposed to be protected. Federal employees must be alerted immediately that they have no protection from corrupt unions when reporting allegations to the Department of Labor ([Dinan, 2022b](#)).

Nonetheless, the Federal Labor Relations Authority upheld AFGE's actions and decertified the ICE union ([U.S. Department of Homeland Security, Immigration and Customs Enforcement, and American Federation of Government Employees, 2022](#)).

The Extent of AFGE's Alleged Corruption was Not Comprehensively Investigated

The extent of AFGE's corruption has not been comprehensively investigated. In 2021, a D.C. federal district court judge dismissed most of the complaints against AFGE and its NEC members for failing to investigate, report, or prevent Cox's alleged misconduct. The judge held that the Labor-Management Reporting and Disclosure Act (LMRDA) did not require them to do so. The Court allowed some plaintiffs to sue Cox in his personal capacity but held that AFGE was not institutionally liable for most of his conduct.²⁵ The Court also ruled that most of the other charges of misconduct by AFGE officials—such as Westbrook's claim that her local president sexually harassed her—needed to be pursued separately in state court ([Doe #1 v. Am. Fed'n of Gov't Emps, 2021](#)). Most of Hudson's charges have similarly been dismissed, aside from his claim that AFGE racially discriminated against him ([Hudson v. Am. Fed'n of Gov't Emps, 2018](#); [Hudson v. Am. Fed'n of Gov't Emps, 2019](#); [Hudson v. Am. Fed'n of Gov't Emps, 2020](#)). As a result, no single lawsuit will examine the extent of AFGE's alleged corruption.

²³ The Department of Labor revealed this information through a Freedom of Information Act request.

²⁴ The complaint also accused AFGE of supporting politicians who sought to abolish ICE and disparaged ICE employees.

²⁵ The only complaints the Court allowed to proceed against AFGE were Kabir's charges of a racially hostile working environment and Johnson's charge that her firing was racially motivated.



AFGE does not appear to have deeply investigated its internal corruption either. The AFGE-sponsored investigation focused only on allegations related to Cox's conduct, not misconduct they uncovered by other AFGE officials.²⁶ The Working IDEAL investigators confirmed AFGE staff were aware of some of Cox's behavior but concluded they "did not find evidence that any senior leader knew the full scope of sexual misconduct and other inappropriate behavior listed above" ([2020, p. 18](#)).

However, the investigators do not appear to have examined senior AFGE officials' complicity in Cox's behavior in depth. For example, they report that Kelley knew of the Myrtle Beach hotel incident, but simply noted that Kelley said he believed Cox's subsequent denial. The investigators did not examine Kelley's reported knowledge of the alleged San Juan hotel incident why he would continue to believe Cox's denials after two alleged incidents, the witness statement that Kelley admitted to knowing about Cox's behavior, or the large raises and promotions Kelley's assistant received after taking the Myrtle Beach complaint. Similarly, the investigators simply noted that "there are conflicting accounts" about what AFGE senior staff, such as Jacque Simon, knew about Cox's conduct towards Kabir ([2020, pp. 14-15](#)). They did not do more to determine whether, as alleged, one of AFGE's most senior officials told a victim of Cox's alleged predations to endure his abuse.

The Working IDEAL investigators do not appear to have comprehensively investigated senior AFGE officials' emails and text messages during the relevant periods or taken sworn testimony. The AFGE-sponsored investigation focused on determining Cox's guilt and identifying AFGE's structural shortcomings. It did not comprehensively investigate corruption within AFGE or senior officials' complicity in that corruption.

AFGE's Alleged Corruption Warrants In-Depth Investigation

AFGE's documented and alleged corruption warrants an in-depth investigation. Existing legal protections against union corruption appear to have failed, but it is not clear how deep corruption runs in AFGE. A thorough investigation is needed to uncover the full extent of the alleged corrupt and undemocratic practices within the union. This is necessary both to hold allegedly corrupt or complicit AFGE officials accountable and to provide guidance

to policymakers about where anti-corruption safeguards failed. Investigators should, at a minimum, examine the following questions:

- What did AFGE National Executive Council members and senior staff such as Jacque Simon and David Borer know about Cox's alleged misconduct? When did they know it? How strong is the evidence that they received reports of his misconduct but ignored it or helped cover it up?
- AFGE President Everett Kelley, National Secretary-Treasurer Eric Bunn, and National Vice Presidents Dan Doyle, Philip Glover, Arnold Scott, and Cheryl Eliano—current members of AFGE's National Executive Council—strongly endorsed Cox for re-election as AFGE president in 2018. They allegedly received reports about Cox's spending union funds on personal late-night limousine services in 2015 and 2016. What action, if any, did they take on these reports? How much did these NEC members know about Cox's misconduct at the time they encouraged AFGE members to vote for him?
- AFGE reportedly hired CohnReznik to forensically audit Cox's expense vouchers, including his spending on limousine services (*Doe #1 v. Am. Fed'n of Gov't Emps Third Amended Complaint*, 2021, ¶¶ 45-49). That audit has not been publicly released. What did CohnReznik find?
- The Working IDEAL report noted "[a]ccounts differ on what Kabir told Simon" and that "there is conflicting evidence about what information [Simon] shared with [Borer]" about Kabir's complaints ([2020, pp. 14, 28](#)). Is there evidence that corroborates Kabir's claim that he told Jacque Simon about Cox's alleged abuse, and Simon told him to ignore it?
- The Working IDEAL investigators report that "there is conflicting evidence in the record about whether deferring to Copeland's wishes was, in fact, the only basis for [David Borer] declining" to investigate Copeland's complaint against Cox ([2020, pp. 27-28](#)).

²⁶ The investigators explained that "[d]uring our investigation, witnesses also reported a range of past incidents at AFGE concerning inappropriate conduct by other individuals besides Cox, including sexual comments and conduct, allegations of racial and religious bias, and inappropriate and offensive social media postings, among other concerns. These allegations are outside the specific scope of this report, which focuses on Cox's conduct" ([Working IDEAL, 2020, p. 19](#)).



What evidence suggests AFGE's General Counsel had other motives for ignoring Copeland's complaint of sexual harassment?

- Do AFGE's EEO policies, as alleged, require AFGE to hire a neutral party to independently investigate discrimination and harassment complaints brought against the national president? If so, were any neutral investigators hired to investigate complaints of Cox's racial, religious, and sexual harassment? If not, why not?
- Annette Wells, John Doe #1's mother, is a long-time AFGE member in good standing. She reports she filed union charges against Cox in February 2020 for racially harassing and sexually abusing her son (*Doe #1 v. Am. Fed'n of Gov't Emps* Third Amended Complaint, 2021, Exhibit 1). How were those charges investigated, if at all? What conclusions did the investigators come to?
- The Working IDEAL investigators reported that AFGE National Leadership conducted official business at strip clubs and recommended ceasing this practice (2020, pp. 30, 40). How many AFGE meetings occurred at strip clubs? How much did AFGE spend on "adult entertainment" venues? Who approved those expenditures? Who besides Cox participated in those meetings? Were they forthcoming about proactively communicating these abuses to their membership?
- Did AFGE National President Everett Kelley, as alleged, persuade hotels in both San Juan and Myrtle Beach to allow AFGE's delegations to stay despite Cox's alleged misconduct? Did he, as alleged, admit to knowledge of Cox's sexual misdeeds? Why was his assistant's salary nearly tripled in the years immediately following the alleged Myrtle Beach incident?
- How credible are the three sexual harassment complaints allegedly lodged against Everett Kelley? How much (if any) did AFGE pay to settle those alleged complaints? What were the terms of any settlements? Has AFGE settled any other complaints of misconduct against Kelley?
- What complaints (if any) have been filed against other AFGE NEC members and senior staff? How did AFGE respond to any such complaints, and how much (if any) has AFGE paid to settle them?
- The Working IDEAL investigators reported learning of "a range of past incidents at AFGE concerning inappropriate conduct by other individuals besides Cox, including sexual comments and conduct, allegations of racial and religious bias." They further stated, "[t]hese allegations are outside the specific scope of this report, which focuses on Cox's conduct. We will provide AFGE with any recommendations for further follow up on these additional allegations" (2020, p. 19). What specific behavior did the investigators uncover and how credible are those reports? Which AFGE officials were implicated? What recommendations did Working IDEAL provide? Were AFGE NEC members or senior staff aware of this behavior? Did further investigation follow?
- Does any evidence suggest AFGE NEC members or headquarters employees were aware of Rosendo Rocha's alleged misconduct? If so, why was no action taken against him?
- How many internal complaints of corruption or other misconduct by local officials has AFGE National received in the past decade? How many of those complaints has AFGE National ignored or taken no substantive action on? Has AFGE exhibited a pattern of ignoring complaints against political allies of AFGE's National Leadership?
- Does any evidence—such as email exchanges or text messages—suggest AFGE differentially applied its disciplinary policies to remove perceived political opponents of AFGE's National leadership?
- Does any evidence suggest AFGE's Hatch Act charges against Eugene Hudson were pretextual and that Cox and/or other NEC members were using the charges to eliminate a political rival or an individual who had challenged their use of AFGE funds? What were AFGE NEC members communicating to each other about Eugene Hudson over text and email?
- Does any evidence suggest AFGE National placed Local 12 or other locals into trusteeship on pretextual grounds? Does



any evidence suggest AFGE National used the trusteeship process to remove political rivals from union office? What about consolidating locals to eliminate political rivals?

- Does any evidence suggest AFGE disclaimed interest in representing ICE employees in retaliation for the ICE Council requesting the Labor Department investigate corruption in AFGE National? Did AFGE staff collude with Federal Labor Relations Authority employees to withdraw certification from the ICE Council unusually quickly?

These questions need to be answered to assess the depth of the alleged corruption within AFGE. If the corruption is as serious as numerous former AFGE officials suggest, policymakers need to strengthen workers' protections against union corruption substantially.

Conclusion

The American Federation of Government

Employees has a higher rate of federal criminal convictions than any other union. AFGE accounts for over 1-in-10 federal union corruption convictions. Dozens of AFGE locals have been placed into trusteeship for corruption. AFGE's national president recently resigned amid allegations of misappropriating funds, racial bias, sexual harassment, and sexual abuse. An internal AFGE investigation found many of these allegations highly credible.

AFGE officials say the union has a "culture of complicity" where misconduct is widely known but tolerated. Senior AFGE officials, including AFGE's new president, allegedly knew about and concealed Cox's misconduct. Many senior AFGE officials, including the union's current national president, have been accused of additional wrongdoing and coverups. AFGE officials also allege that the National Union uses its disciplinary and trusteeship powers to eliminate political rivals within the union—undermining members' ability to elect honest leaders. AFGE's alleged corruption warrants investigation for the benefit of the union's membership and the larger public.



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