

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

UNITED STATES OF AMERICA)
)
 v.) CAUSE NO. 2:18-CR-89
)
THOMAS WILLIAMSON SR.)

PLEA AGREEMENT

Pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, comes now the United States of America, by Trial Attorneys Alexander B. Gottfried and Robert S. Tully, the defendant, Thomas Williamson Sr., and Paul Stracci and J. Michael Woods, as counsel for the defendant, and show the Court that they have entered into a plea agreement as follows:

1. I, Thomas Williamson Sr., have the ability to read, write and speak the English language.

2. I have received a copy of the Indictment charging me with three felony criminal offenses and have read and discussed it with my lawyers, and believe and feel that I understand every accusation made against me in this case. I have agreed to plead guilty to Count 1 of the Indictment.

3. I have told my lawyers the facts and surrounding circumstances as known to me concerning the matters mentioned in the Indictment and believe and feel that my lawyers are fully informed as to all such matters. My lawyers have counseled and advised with me as to the nature and elements of every accusation against me and to any possible defenses I might have.

4. I understand that I am entitled to have all my rights which may be involved in this matter explained to me, and that I have the right to have any questions I may have answered for me.

5. I understand that by pleading guilty I waive certain rights. The rights described below have been explained to me, as well as the consequences of my waiver of these rights:

- a. If I persisted in a plea of not guilty to the charges against me, I would have the right to a public and speedy trial. The trial could be either a jury trial or a trial by the judge sitting without a jury. I have the right to a jury trial. However, I may waive a jury trial in writing with the approval of the Court and the consent of the government.
- b. If the trial were a jury trial, the jury would be composed of twelve people selected at random. My attorneys and I would have a say in who the jurors would be by removing prospective jurors for cause where actual bias or other disqualification is shown, or without cause by exercising so-called peremptory challenges. The jury would have to agree unanimously before it could return a verdict of either guilty or not guilty. The jury would be instructed that a defendant is presumed innocent, and that it could not convict unless, after hearing all the evidence, it was persuaded of my guilt beyond a reasonable doubt, and that it was to consider each count of the Indictment separately.
- c. If the judge, without a jury holds the trial, the judge would find the facts and determine, after hearing all the evidence, and considering each count separately, whether or not the judge was persuaded of my guilt beyond a reasonable doubt.
- d. At a trial, whether by a jury or a judge, the prosecution would be required to present its witnesses and other evidence against me. I would be able to confront those government witnesses and my attorneys would be able to cross-examine them. In turn, I could present witnesses and other evidence on my own behalf. If the witnesses for me would not appear voluntarily, I could require their attendance through the subpoena power of the Court.
- e. At a trial, I would have the privilege against self-incrimination so that I could decline to testify, and no inference of guilt could be drawn from

my refusal to testify. If I desired to do so, I could testify in my own behalf.

- f. At trial and at every stage of the proceedings, I have a right to an attorney, and if I could not afford an attorney, one would be appointed for me.
- g. In the event that I should be found guilty of the charges against me, I would have the right to appeal my conviction on such charges to a higher court.

6. I understand that under the U.S. Sentencing Guidelines, the Court, in light of an investigation by the United States Probation Office, will determine the applicable sentencing guideline range, and that the Court will determine all matters, whether factual or legal, relevant to the application of the U.S. Sentencing Guidelines. I understand that the U.S. Sentencing Guidelines are advisory only, and that the specific sentence to be imposed upon me will be determined by the judge after consideration of a pre-sentence investigation report, input from counsel for me and the government, federal sentencing statutes, and the U.S. Sentencing Guidelines. Notwithstanding the Sentencing Guidelines, I understand that under the terms of this agreement and Rule 11(c)(1)(C), if the Court accepts this agreement, the Court is bound to impose a sentence that is within the range specified in this agreement.

7. Notwithstanding the above, I have, with the assistance of counsel, entered into a plea agreement with the United States Department of Justice as follows:

- a. I will plead GUILTY to Count 1 of the Indictment, which charges me with Hobbs Act Extortion Conspiracy, in violation of 18 U.S.C.

§1951, because I am, in fact, GUILTY of the offense as charged in the Indictment.

- b. I understand that the maximum possible penalties that may be imposed for the offense to which I am pleading guilty are as follows: twenty years of imprisonment, three years of supervised release, and a fine of not more than \$250,000.
- c. I further understand that a special assessment of \$100 will be imposed in addition to any other penalty and the special assessment is due and payable prior to my sentencing hearing. The total special assessment is \$100.
- d. I further understand that under a term of supervised release, I would have to live my life under certain conditions set by the Court and should I violate any of these conditions, the Court could revoke the supervised release and sentence me to serve an additional term of imprisonment.
- e. The following agreement (stated in paragraph 7(e)(i)) is submitted to the Court pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure, and is binding upon the Court. I understand this means that if the Court decides not to follow the agreement, then the Court will notify me that it rejected this plea agreement and afford me the opportunity to then withdraw my plea of guilty. I understand if I then persist in my guilty plea, the disposition of the case may be less favorable to me than that contemplated by this plea agreement.
 - i. The United States of America and I agree that the Court should impose a sentence that is not less than 24 months' incarceration and not greater than 54 months' incarceration to be followed by a 3 year term of supervised release. This a reasonable, fair, and appropriate sentence taking into consideration all circumstances and 18 U.S.C. § 3553(a) factors.
- f. In exchange for my guilty plea, the United States agrees to move to dismiss Counts 2 and 3 of the Indictment at the time of sentencing.
- g. I acknowledge that no additional grounds exist for a downward departure or variance from the recommended sentence. Furthermore, I agree that I will not seek an alternative sentence or make a sentencing recommendation, directly or through counsel, which is conflict with this agreement.

- h. I agree to make full restitution to the victims of my offense in an amount to be determined by the Court. I acknowledge restitution shall be due immediately and paid pursuant to a schedule to be set by the Court at sentencing. I understand that a payment schedule imposed by the Court establishes only a minimum obligation, and does not preclude the United States from pursuing other means to collect the restitution judgment pursuant to federal and state law. I agree that the Court should make the restitution order joint and several with any other restitution orders imposed in this case.
- i. I expressly authorize the United States to immediately obtain a credit report in order to evaluate my ability to satisfy any financial obligation imposed by the Court. I agree to submit within 30 days of the filing of this plea agreement a completed financial statement to the United States in a form it provides and as it directs. I promise that the financial statement and disclosures will be complete, accurate and truthful, and I understand that any willful falsehood on the financial statement will be a separate crime and may be punished under 18 U.S.C. § 1001 by an additional five years' incarceration and fine.
- j. I agree to the entry of money judgment against me in an amount equal to the amount of restitution, as determined by the Court at sentencing. I agree that forfeiture is not applicable in this case.
- k. I hereby acknowledge that my conviction for the offense to which I am pleading disqualifies me by operation of law from serving in the capacities described in 29 U.S.C. § 504 and § 1111, including, but not limited to, office or employment with a labor organization or employee benefit plan; service as a labor relations consultant to a labor organization, employer, or employer association; or service as a consultant or advisor to a labor organization or an employee benefit plan. These disabilities extend until 13 years after the date on which the judgment of conviction is entered upon sentencing or the last date of imprisonment and actual confinement resulting from conviction of the crime described in this agreement, whichever is later.
- l. I will not contest and will seek no relief from the employment disabilities described in 29 U.S.C. § 504 and § 1111. Such relief includes, but is not limited to, reduction of the length of disability or exemption from the disability with respect to employment in a particular prohibited capacity.

- m. I understand that the law gives a convicted person the right to appeal the conviction and the sentence imposed. I also understand that no one can predict the precise sentence that the Court will impose, and that the Court has jurisdiction and authority to impose any sentence within the range set forth in this plea agreement. With this understanding and in consideration of the government's entry into this plea agreement, I expressly waive my right to appeal or to contest my conviction (with the exception of the issue described in subparagraph (n)) and all components of my sentence including restitution or the manner in which my conviction or my sentence was determined or imposed, to any Court on any ground other than a claim of ineffective assistance of counsel, including any appeal under Title 18, United States Code, Section 3742, or any post-conviction proceeding, including, but not limited to, a proceeding under Title 28, United States Code, Section 2255. I also agree to waive all rights, whether asserted directly or through a representative, to, after sentencing, request or receive from the United States any further records, reports, or documents pertaining to the investigation or prosecution of this matter; this waiver includes, but is not limited to, rights conferred by the Freedom of Information Act and the Privacy Act of 1974.
- n. However, I expressly do not waive my right to appeal the issues raised in the Joint Motion to Dismiss Indictment (ECF No. 37) and Joint Motion for Reconsideration (ECF No. 53.) The United States acknowledges that I have not waived this right.

8. I am prepared to state to the Court the facts in this matter that cause me to believe I am guilty as charged in Count 1 of the Indictment to which I have agreed to plead guilty. Furthermore, I acknowledge that the following is only a summary of the events:

On January 7, 2016, within the Northern District of Indiana, I knowingly and intentionally agreed and conspired with my co-defendant, Jeffrey Veach, and others, to use actual and threatened violence to obtain contracts for the union in which I served as an officer, Ironworkers Local 395. Through my actions, I sought to obtain for Local 395 a labor contract with D5 Iron Works, an Illinois steelworking company ("D5"), and/or a business contract with Lagestee-Mulder, an Illinois construction company. Prior to January 7, I had learned that D5 was working on a construction project for Dyer Baptist Church in Dyer, Indiana, which is in Local 395's "territory." I also knew that D5 was not signed up to a labor contract with Local 395.

Iron Workers Union 395 President Thomas Williamson Sr.

On the afternoon of January 6, I visited the church jobsite in order to talk to the owner of D5 and convince him to “sign up” with Local 395 or stop work on the job. The owner refused and told me I was trespassing on the site. I then went across the street to the Dyer Baptist Church to persuade the church to stop work on the site and use union labor instead. I told a church employee that using non-union labor was “unethical,” and that the Church should use “my guys” instead. On the morning of January 7, I returned to the jobsite with Veach, and again insisted that D5 join the union or stop work on the site. When the owner of D5 refused, I became angry, calling him a “cunt” and a “scab bastard” and grabbing his jacket. I also said that we were going to have to “take things back to old school.” By “old school,” I meant committing acts of violence against D5 and its workers.

Veach and I then gathered up rank-and-file members of Local 395 to return to the jobsite that afternoon. Local 395 members attacked the D5 workers and beat them with fists and loose pieces of hardwood, kicking them while they were on the ground. As a result of the attack, one D5 worker sustained serious bodily injury in the form of a broken jaw, that required several surgeries, extended hospitalization, and medical treatment.

Veach and I initiated the confrontation and did not act in self-defense or “mutual combat.” The purpose of the attack was to intimidate D5 and the general contractor, in order to get the D5 workers off the site and to get Local 395 ironworkers onto the site to complete the job. I believed that the confrontation, and/or my earlier threats, would result in obtaining a contract for Local 395 workers to complete the Church project.

9. I understand that if I violate any of the provisions of this plea agreement, including my continuing obligation to demonstrate acceptance of responsibility, the United States may at its option either (1) ask the Court to make a determination that I have breached a term in this agreement in which event I will at sentencing, lose the benefit of **all** the non-binding promises made by the government in this agreement and I would have no right to withdraw my guilty plea, or (2) seek to have the Court declare this entire plea agreement null and void, in which event I can then be prosecuted for all criminal offenses that I may have committed.

Iron Workers Union 395 President Thomas Williamson Sr.

10. I believe and feel that my lawyer has done all that anyone could do to counsel and assist me, and that I now understand the proceedings in this case against me.

11. I declare that I offer my plea of guilty freely and voluntarily and of my own accord, and no promises have been made to me other than those contained in this agreement, nor have I been threatened in any way by anyone to cause me to plead guilty in accordance with this agreement.

12. I understand and acknowledge that this agreement, once filed with the Court, is a public document and available for public viewing.



Thomas Williamson Sr.
Defendant



Paul Stracci
Attorney for Defendant



J. Michael Woods
Attorney for Defendant

APPROVED:

DAVID L. JAFFE
CHIEF, ORGANIZED CRIME AND GANG SECTION
UNITED STATES DEPARTMENT OF JUSTICE

By: /s/ Alex Gottfried
Alexander B. Gottfried
Trial Attorney

/s/ Robert Tully
Robert S. Tully
Trial Attorney

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my refusal to testify. If I desired to do so, I could testify in my own behalf.

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- k. I hereby acknowledge that my conviction for the offense to which I am pleading disqualifies me by operation of law from serving in the capacities described in 29 U.S.C. § 504 and § 1111, including, but not limited to, office or employment with a labor organization or employee benefit plan; service as a labor relations consultant to a labor organization, employer, or employer association; or service as a consultant or advisor to a labor organization or an employee benefit plan. These disabilities extend until 13 years after the date on which the judgment of conviction is entered upon sentencing or the last date of imprisonment and actual confinement resulting from conviction of the crime described in this agreement, whichever is later.
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On the morning of January 7, Williamson and I visited the church jobsite to talk to the owner of D5 and convince him to “sign up” with Local 395 or stop work on the job. The owner refused and told us to leave the site. Williamson became angry, calling him a “cunt” and a “scab bastard” and grabbing his jacket. Williamson also said that we were going to have to “take things back to old school.” By “old school,” I understood Williamson to mean committing acts of violence against D5 and its workers.

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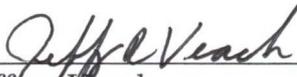
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Jeffrey Veach
Defendant



Kevin Milner
Attorney for Defendant

APPROVED:

DAVID L. JAFFE
CHIEF, ORGANIZED CRIME AND GANG SECTION
UNITED STATES DEPARTMENT OF JUSTICE

By: */s/ Alex Gottfried*
Alexander B. Gottfried
Trial Attorney

/s/ Robert Tully
Robert S. Tully
Trial Attorney