



Leo W. Gerard
International President

October 30, 2009

By Facsimile Transmission (202) 647-2283

The Honorable Hillary R. Clinton
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Dear Madam Secretary:

Re: Drummond Colombia

We are writing to follow-up on our letter to you of September 17, 2009 regarding Drummond and its response to the strike of its mining union in March of this year – a strike over the workplace death of a contract employee of Drummond.

First, in that letter, we expressed our concern that Drummond had petitioned for permission to fire all of its union workers in retaliation for this strike. In fact, Drummond petitioned the Tribunal Superior de Valledupar for a declaration that the strike of March was “illegal,” a declaration which would in fact permit Drummond to fire all of the striking workers under Colombian law. And, when we wrote to you on September 17, we did so because of the reasonable fear of the mining union, Sintramienergetica, that Drummond would fire all of the striking workers.

While the Tribunal did declare the strike “illegal,” and while the Colombian Supreme Court, subsequent to our letter to you of September 17, affirmed the Tribunal in this regard (see, attached tentative decision), decisions which would empower Drummond to fire any and all of the striking workers of its choosing, Drummond has recently publicly stated, in response to our September 17 letter to you, that it does not in fact have the intention to discharge all of the striking union workers – a declaration which we welcome.

At the same time, Drummond has, by its own admission, “dismissed five union workers and suspended four others for participation” in the March strike. And, while we are not clear who specifically Drummond is referring to here, our information is that Drummond has fired a leading member of the union, and is currently engaged in a separate legal action which would, if successful, result in the discharge of four members of the Colombian union’s executive board (a large chunk of the board, but not the entire board as we initially believed). Moreover, it is still the fear of Sintramienergetica that, once the tentative Colombian Supreme Court decision (which has yet to be signed and made public) becomes final, Drummond may move to fire other of the striking workers.

The USW is still greatly concerned about this situation because we believe that any discharge of striking workers and union leaders in retaliation for a strike over the death of a co-worker is both immoral and in contravention of ILO Conventions 87 and 98 – Conventions which Colombia has ratified. Further, we are very concerned that, as expressed in the AFL-CIO's recent comments to the U.S. Trade Representative about the Colombia FTA, the courts of Colombia continue to outlaw striking in that country, also in contravention of these ILO Conventions.

Finally, we noted in our September 17 letter to you that a Colombian judge has recently ordered that top Drummond executives be criminally investigated for conspiring with paramilitaries to carry out the murders of union leaders Valmore Locarno, Victor Orcasita and Gustavo Soler in 2001. This assertion was quite correct and is consistent with the USW's ongoing efforts to hold Drummond responsible for these killings. Indeed, I am attaching an article from El Tiempo from this past Sunday, October 25, which details new evidence which is coming out in this case, including the possible involvement of Jim Adkins, a former CIA operative who was intimately involved in the Iran-Contra scandal.

We again call upon the U.S. State Department to request that the Colombian government refrain from permitting the firing of any of Drummond's workers in retaliation for the aforementioned strike, to order Drummond to improve safety conditions in its mines and to continue the investigation and prosecution of all those responsible for the killings of Valmore Locarno, Victor Orcasita and Gustavo Soler.

We will continue to follow this matter closely with great interest. Thank you for your attention in this regard.

Sincerely,

A handwritten signature in black ink that reads "Leo W. Gerard". The signature is fluid and cursive, with the first letters of each name being capitalized and prominent.

Leo W. Gerard
International President

c: President Alvaro Uribe Velez, By Fax (202) 232-8643
The Honorable Nancy Pelosi, Speaker of the House
The Honorable Charles Rangel
The Honorable Sander Levin
The Honorable Michael Michaud
The Honorable James McGovern
The Honorable Steny Hoyer