



# Foundation Action

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of the National Right to Work  
Legal Defense Foundation, Inc.

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## Big Labor Makes Gains on Election Day

*Foundation attorneys  
inundated with workers'  
calls for help*

WASHINGTON, D.C. — Big Labor may have been among the biggest winners in November's elections. But union bosses' over-the-top tactics have sparked unprecedented outrage at the corruption of the political process with forced union dues.

In one of the closest election campaigns in history, Big Labor's big money delivered victories to many congressional candidates and undoubtedly swung key battleground states such as Michigan, Pennsylvania, Washington, and Wisconsin to Al Gore. But if that was not enough, dozens of officials and lawyers as well as hundreds of other paid union operatives swarmed into Florida to help the Gore forces try to steal the election.

"Using money ripped from the paychecks of hardworking Americans, union bosses and many of their handpicked candidates won this election big time," said Foundation Vice President Stefan Gleason.

## Big Labor plays big role in Florida recount

The central focus of Big Labor's record-breaking political spending was



**AFL-CIO boss John Sweeney worked in cahoots with Al Gore to try to steal the election from President-elect George W. Bush.**

aiding Gore's campaign effort as well as picking up four seats in the U.S. Senate. And when the election came down to recounting Florida's ballots, Big Labor sprung into action to steal the victory from President-elect George W. Bush.

According to the *Wall Street Journal*, the "AFL-CIO dispatched dozens of officials and lawyers to Florida to collect voter complaints, man the picket lines, and aid in the recounts."

The *Journal* also reported that in West Palm Beach, Gore's recount committee was "camped out in the meeting hall of Local 630 of the plumbers' union" and that union officials provided Gore's recount forces with telephones, fax, and computer lines, as well as the needed hardware.

When reporting on the Florida recount, the *Washington Times* noted, "Democrats could appear to have an edge thanks to Labor Unions. 'A lot of

them came from around the country,' said Monte Freidkin, chairman of the Democrat Party. 'They had finished [electioneering at home] and came down here.'"

"When Al Gore needed to corrupt the electoral process and twist the law, he called on the experts — Big Labor," said Gleason. "Of course, union officials have decades of experience stealing union representation elections, so asking for their help in Florida was a no brainer."

## Big Labor obliterates spending records

Before the election, AFL-CIO boss John Sweeney boasted that he and his cronies would spend more money than ever before on this year's political campaigns. He wasn't kidding.

Even worse, union bosses forced millions of American workers to foot the bill. These workers lost their right to participate freely in the democratic process.

see **BIG LABOR**, page 7

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# NEA's Policy of Religious Discrimination Held Illegal

*Foundation attorneys fight teacher union on behalf of religious objectors*



**Schoolteacher Dennis Robey was true to his convictions and challenged the nation's largest teacher union.**

CLEVELAND, Ohio — Responding to federal charges filed by an Ohio schoolteacher, the federal government will prosecute the National Education Association (NEA) labor union for harassing teachers nationwide whose sincerely held religious beliefs prevent them from supporting a union they believe to be immoral.

Persuaded by arguments of Foundation attorneys representing the teacher, the Equal Employment Opportunity Commission (EEOC) found that the nation's largest teacher union has been systematically violating teachers' civil rights by forcing them annually to endure a burdensome and invasive process before respecting their religious objections and by nationally requiring an annual objection.

This is the latest step forward for employees aided by Foundation attorneys, who are pioneering the fight to protect the rights of employees of faith against compulsory unionism.

"Big Labor has a long, sad history of persecuting people of faith," said Foundation President Reed Larson.

## NEA's annual objection scheme illegal

The national prosecution resulted from EEOC charges filed by Dennis Robey, an Ohio teacher whose specific

objections were to the labor union's pro-abortion, pro-homosexuality positions and the union's constant attempts to interfere with parental rights.

Under precedents established by Foundation attorneys using Title VII of the Civil Rights Act of 1964, union officials may not force any employee to financially support a union if doing so violates the employee's sincerely held religious beliefs. In order to accommodate the conflict between an employee's faith and a requirement to pay fees to a union he believes to be immoral, the law allows employees instead to donate that money to charity. Robey, for example, desired his forced dues to be redirected to Habitat for Humanity.

Robey began exercising his rights in 1995. But in early 2000, union officials rebuffed his long-standing objection and demanded that every year he describe, in detail, his deeply held religious views, fill out a lengthy and invasive form, and file it

with the union. On the form, union officials asked probing personal questions about his relationship with God and his "religious affiliation," and required him to obtain a signature from a "religious official" attesting to the validity of his beliefs. In some states, teachers must actually defend their religious views before a panel of union lawyers and militants during Inquisition-style hearings.

Foundation attorneys argued that this nationwide union policy places an undue burden on teachers, and convinced the EEOC that teachers need only file a one-time objection to paying forced union dues. The union's illegal scheme is employed nationally against thousands of teachers whose sincerely held religious beliefs prevent them from supporting a union.

"The NEA union's annual objection scheme is designed for one purpose — to harass people of faith," said Larson.

see **NEA POLICY**, page 7

*"The struggles of these brave working men and women remind us that freedom of religion is a principle worth fighting for."*

## Foundation Action

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The Foundation is a nonprofit, charitable organization providing free legal aid to employees whose human or civil rights have been violated by abuses of compulsory unionism. All contributions to the Foundation are tax deductible under Section 501(c)(3) of the Internal Revenue Code.

# Indian Tribes Win Right to Enact Right to Work Laws

## *Union-stooge NLRB vows appeal to U.S. Supreme Court*

SAN JUAN PUEBLO, N.M. — Foundation attorneys have blocked another attempt by union officials and the Clinton administration to kill a Right to Work law. But an appeal to the U.S. Supreme Court may be imminent.

Turning back Big Labor's and Big Government's assault, the U.S. Court of Appeals for the Tenth Circuit upheld an American Indian tribe's Right to Work ordinance. In a far-reaching decision, the court rebuked the over-zealous National Labor Relations Board (NLRB), which sought to impose compulsory unionism on a sovereign tribe.

The Pueblo of San Juan, a New Mexico reservation, established a Right to Work ordinance in 1996, giving everyone who worked on tribal land the freedom to choose whether or not to join or support a labor union. It stated, in part, that "no person shall be required, as a condition of employment on Pueblo lands, to ... become or remain a member of a labor organization."

The Right to Work ordinance threatened the coercive power of union bosses at the Western Council of Industrial Workers (WCIW) Local 1385.

### **NLRB does union's dirty work**

Angered by the tribe's decision to protect the rights of workers, union bosses called in their favorite rogue federal agency, the NLRB, to do their dirty work. WCIW union lawyers filed a complaint with the NLRB — and claimed, ironically, that they were somehow victims of "unfair" labor practices.

Big Labor's lapdogs at the NLRB



**Big Labor targeted the San Juan Pueblo reservation in its nationwide war on freedom and the Right to Work principle.**

predictably sided with the union and agreed to drag the Pueblo of San Juan into court to quash the Right to Work ordinance.

"This was nothing but a power grab — pure and simple," said Stefan Gleason, Foundation Vice President. "This agency is insistent on shoving compulsory unionism down the throats of employees from all walks of life."



### **Foundation attorneys win in federal court**

Foundation attorneys tackled the NLRB's arguments before the U.S. District Court of New Mexico — and won. The Board's recalcitrant lawyers then took their flimsy case to the U.S. Court of Appeals.

There, Foundation attorneys filed arguments as a friend of the court supporting the tribe's case. The Foundation's efforts paid off again.

Specifically, the court slapped down the NLRB's assertion that the National Labor Relations Act (NLRA) of 1935 allows the government to override the labor relations policies of sovereign Indian tribes. Instead, the court maintained, "the NLRA does not preempt a tribal government from the enactment and enforcement of a Right to Work tribal ordinance."

Section 14(b) of the NLRA affirms that states and territories may pass Right to Work laws. Since Indian tribes retain sovereign status, the court held that tribes may pass their own Right to Work laws.

In the end, the court was not impressed by the NLRB's and union bosses' attempts to ride roughshod over worker and tribal rights.



# Federal Court Strikes Down Machinists Union's Nationwide Employee Harassment Scheme

*Foundation attorneys make it less difficult to recover fees seized for politics*



**Machinists union czar R. Thomas Buffenbarger ordered workers to "invest" in the union's political campaigns or say goodbye to their jobs.**

ALEXANDRIA, Va. — In the wake of one of the closest presidential elections in U.S. history, it's now all too clear that the democratic process has been corrupted — not just in Florida, but throughout the country. The blame falls on federal labor policy which enables union bosses to influence elections by spending forced union dues on political campaigns.

But a group of more than 1,000 airline workers found justice in federal court. Represented by Foundation attorneys, the workers won a class-action lawsuit against an international machinist union laying the groundwork for ending Big Labor's favorite scheme to block worker objections to politics.

The judgment, issued by the U.S. District Court for the Eastern District of Virginia, struck down a nationwide harassment scheme used by the International Association of Machinists and Aerospace Workers (IAM) union to confiscate full union dues from nonmembers — including dues for politics — if the workers did not file annual objections within an arbitrary window period.

"This victory points up the cutting-edge nature of the Foundation's program," said Stefan Gleason, Foundation Vice President. "By establishing new precedents, Foundation attorneys are changing the law to diminish compulsory unionism abuse nationwide."

## Courageous employee resists union's intimidation

The union's harassing requirements did not stop Anthony Lutz, a United Airlines customer service representative at Washington Dulles International Airport, from pursuing justice. As a non-member of the union, Lutz became enraged when he discovered the union was siphoning portions of his mandatory agency fee to support ultra-liberal political causes with which he disagreed.

Lutz and five other United customer service representatives asked Foundation attorneys to file a formal complaint against the union seeking justice for all nonmembers compelled to pay union dues under the Railway Labor Act (RLA), which applies to railway and airline industry employees. When asked why he brought charges against the union, Lutz responded that he was fighting for his "First Amendment rights and freedom of conscience."

## Federal court scolds union officials for defying previous court rulings

Violating workers' constitutional rights is nothing new for IAM tyrants, nor is thumbing their noses at court rulings. Two years ago, the U.S. Court of Appeals for the Fifth Circuit (covering Mississippi, Louisiana, and Texas) had already ruled in the Foundation's *Shea v. IAM* case that the union's annual objection requirements were illegal. In *Shea*, the court excoriated union

officials for devising an "arbitrary" and "unnecessary" procedure that violated the First Amendment rights of workers "only to further the illegitimate interest of [union officials] in collecting full dues from nonmembers."

Defiant of the court's judgment, IAM officials continued to impose the union's annual objection requirements outside the Fifth Circuit. Meanwhile, IAM union czar R. Thomas Buffenbarger brazenly patronized workers whose rights he was violating. "Your union dues are one of the best investments you make," he quipped.

Boss Buffenbarger's rhetoric didn't dupe workers such as Lutz. Outraged at the sheer arrogance of union officials, Lutz fired back. "I don't know where they get their authority from," he said. "They intimidate. They put a gun to your head — 'You do this, or else.'"

*"They intimidate. They put a gun to your head — You do this, or else."*

Fortunately for Lutz and his coworkers, the coercive tactics of IAM union bosses didn't stand a chance in court. The judge concluded that the union's annual objection scheme imposes an "unjustifiable barrier for nonmembers." The court went further, declaring that the scheme violates the First Amendment because it "is without valid justification and imposes an undue burden" on workers who attempt to exercise their constitutional right to refrain from funding a union's political activities.

Though Virginia and the Fifth Circuit states have Right to Work laws, the federal RLA pre-empts those laws for Lutz and other airline and railway employees.

Since the ruling represents a significant blow to Big Labor, Foundation attorneys are bracing for an appeal. ♣

# Postal Union Urges Retaliation Against Letter Carriers

*Foundation files federal charges against lawless union*

EATONTOWN, N.J. — A growing number of Americans express concern about snoops gaining access to their personal information through hidden sources such as those on the Internet. But for 24 New Jersey postal workers, the greatest threat to their privacy may have come from all too visible union bosses.

Officials from the American Postal Workers Union (APWU) Red Bank Local 986 posted on a public bulletin board the names, addresses, and Social Security numbers of workers who did not support the union.

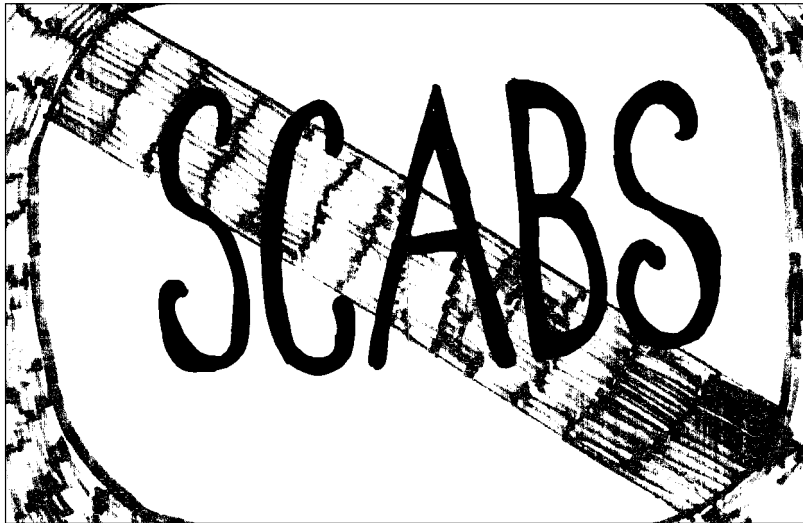
“True to form, the union bosses intentionally publicized what should have been confidential information to encourage their thugs to harass the workers for exercising their right not to join the union,” said Randy Wanke, Foundation Director of Legal Information.

## Foundation attorneys hold union accountable

Responding to this mean-spirited attack, Foundation attorneys filed unfair labor charges on behalf of the workers with the National Labor Relations Board (NLRB).

The federal charges state that union officials’ illegal actions “restrain and coerce” nonmembers who have exercised their right not to join the union. Through these charges, Foundation attorneys are seeking full prosecution against APWU officials for violating employees’ rights and an immediate injunction to stop the harassment of workers.

Foundation attorneys are also arguing that, in posting sensitive confidential information, union officials violated the Privacy Act of 1974. The Act prohibits



*Union goons produced anti-“SCABS” signs in an attempt to intimidate postal workers who did not support the union.*

public disclosure of personal records about federal employees without “a written request by, or with the prior written consent of, the individual to whom the record pertains.”

## Hypocritical union bosses spit on workers’ rights

Union bosses also violated the employees’ rights by placing a sign on their doors indicating that scabs are banned (a circle drawn around the word “scabs” with a thick diagonal line crossing over the text). The inflammatory sign singled out nonmembers for discrimination.

Union hierarchy persecuted nonmembers by refusing to approve their temporary schedule change requests and by failing to inform nonmembers of their “window period” for revoking their dues check-off authorizations.

The APWU, part of the AFL-CIO empire, states in its bylaws that it does “observe the rights of each and every member” and strives to “create harmony amongst our fellow employees.” But the Local 986 union’s website slogan speaks more truthfully to the malicious mentality of its hierarchy, calling itself the “World’s

Most Dangerous Local.”

The APWU’s harassment of workers through use of a so-called “scab list” is dangerously reminiscent of the violence incited by United Auto Workers (UAW) union goons during a 1996 strike at a Winchester, Virginia factory. UAW officials orchestrated attacks on non-striking workers by posting the workers’ names in union newsletters and in the union hall. As reported in earlier editions of *Foundation Action*, union goons carried out a campaign of vandalism and violence designed to

intimidate workers who exercised their Right to Work. The gruesome campaign included placing a severed cow’s head dripping with blood on a female worker’s car, and following up with a threatening letter to the horrified woman.

“Using code words to incite union thugs to viciously attack non-union workers is a common tactic of union bosses,” said Wanke. “That was apparently the purpose of the postal union’s scab list.”

## Special Note to Foundation Supporters

We have recently been receiving some reports of Foundation mailings being delivered late or not at all in New Jersey,

Connecticut, and other parts of the nation. If you have experienced significant delays in receiving Foundation mailings, please call or write to let us know.

# National Right to Work Foundation Grabs Headlines

SPRINGFIELD, Va. — A major part of the Foundation's program is exposing union abuse to the public. Every week, the Foundation's work is profiled through newspapers, the Internet, radio, and television. The following is just a cursory overview of recent Foundation news coverage.

In a live televised debate, Foundation Vice President Stefan Gleason went head-to-head with a former teacher union boss on the *Comcast Network*. During the debate, Gleason grilled his opponent on forced union dues and the National Education Association (NEA) union's prominent role in destroying the quality of America's public schools.

## Washington Times features Foundation activity

In December, the *Washington Times* ran an op-ed by Gleason blasting Big Labor's use of forced union dues to win big in the 2000 election.

In the article entitled "Union bosses fleece workers," Gleason wrote "Many politicians rode into office on the backs of working Americans who were forced — against their conscience — to fund



**Foundation Vice President Stefan Gleason defends teachers' Right to Work against a visibly flustered union boss during a regionally televised debate.**

union political campaigns. That ought to be the real outrage in this year's debauched elections."

Gleason's op-ed also ran in the *Pittsburgh Tribune-Review* along with several other daily newspapers around the nation.

## Foundation exposes Big Labor's election-year political spending

In weeks leading up to the 2000 election, the Foundation's Legal Information Department helped focus the attention of Wisconsin radio sta-



tions and newspapers on the plight of workers forced to pay union dues to the Teamsters union for politics.

Both the *Associated Press* and *Milwaukee Journal Sentinel*, the state's largest newspaper, wrote stories on Big Labor's use of forced dues in the swing state of Wisconsin. The *Jamesville Gazette*, *Wisconsin State Journal*, *Wausau Daily Herald*, and *Wisconsin Public Radio* also covered the Foundation's efforts.

## National religious media focus on Foundation

National religious publications and broadcasters focused heavily on the efforts of Foundation attorneys to protect the rights of people of faith against compulsory unionism abuses.

The *National Catholic Register* and Focus on the Family's *Citizen Magazine* covered the Foundation's successful fight to prosecute the NEA union for its policy of religious discrimination (see **Foundation Action** page 2).

Foundation staff attorney Bruce Cameron also appeared on several radio programs including *Family News in Focus*, *American Family Radio*, and *USA Radio Networks* (which has 1,400 affiliates). The *Dayton Daily News*, *Associated Press*, and *Christianity Today Magazine* also covered the story, and Gleason appeared on the *Michael Reagan Show*. ✠



### Support your Foundation through Planned Giving

Planned Giving is a great way to support your National Right to Work Foundation. Some of the ways you can help the Foundation are:

- ✓ Remembering the Foundation in your Will
- ✓ Gifts of Stocks/Bonds
- ✓ Charitable Trusts
- ✓ Gifts of Appreciated Real Estate

For more information on the many ways you can ensure that your support of the Foundation continues, call the Foundation at (800)336-3600 or (703) 321-8510. Please ask to speak with Alicia Auerswald.

## NEA Policy

*continued from page 2*

### Millions of Americans forced to choose between faith and job

Through the force of law, union bosses collect billions of dollars from America's working men and women — using a large portion of those forced union dues to promote controversial social and political objectives, unrelated to the workplace, that directly violate the teachings of several prominent religions.

### Foundation attorneys lead the way

Foundation attorneys first won the rights of religious objectors under Title VII of the Civil Rights Act of 1964 in a case brought before the EEOC on behalf Robert Roesser, a professor at the University of Detroit.

Roesser's Catholic faith taught him that the ultra-liberal social agenda advanced by the NEA teacher union was morally wrong. Roesser refused to financially support the NEA's ideological agenda. So NEA union ideologues had him fired.

Convinced by Foundation attorneys' powerful legal brief and oral arguments, the EEOC and the U.S. Court of Appeals ruled that Title VII of the Civil Rights Act of 1964 offers protection for workers threatened by union-perpetrated religious discrimination.

Foundation attorneys also forced the university to rehire Roesser and union officials to pay him \$100,000 for violating his rights.

Since the *Roesser* case, Foundation attorneys have won scores of victories on behalf of religious objectors. Yet union bosses continue to trample the rights of people of faith.

Larson vowed to keep the Foundation at the forefront of the battle. "The struggles of these brave working men and women remind us that freedom of religion is a principle worth fighting for." ✚

## Indian Tribes Fight Big Government

*continued from page 3*

### Decision paves way for Right to Work advances

Union bosses and NLRB bureaucrats have continually attempted to undermine state Right to Work laws. Having failed on numerous occasions (most recently in Virginia), they desperately initiated legal action against the 5,200 member San Juan Pueblo tribe.

"The court's ruling helps ensure that Native American peoples such as the Osage Nation and Seneca-Cayuga tribe, who both enacted Right to Work laws in 1998, are protected from

harassment from a Big Labor-Big Government alliance," said Gleason.

Currently, only a handful of the nation's 550 tribes have Right to Work laws. The Supreme Court may soon determine their fate. If the High Court upholds the laws, many more tribes may adopt Right to Work ordinances of their own.

Tribes with Right to Work ordinances, like Right to Work states, also enjoy great economic benefits. In addition to protecting worker freedom, the San Juan Pueblo's Right to Work law has fostered economic growth, the creation of high-paying jobs, and more take-home pay for workers. ✚

## Big Labor Made Electoral Gains

*continued from cover*

Big Labor did not merely pour workers' forced-dues money into slick television advertising. It dumped the majority of the dues it collected for politics into an intense "ground war" costing an estimated \$800 million.

On their web site, AFL-CIO political operatives proudly trumpet that they registered 2.3 million new voters, made 8 million get-out-the-vote phone calls, and distributed more than 14 million propaganda leaflets. Meanwhile, union halls were shut down across America as salaried union staff worked as full-time "volunteers" on political campaigns. Schemes like this allowed union officials to deploy an army of 100,000 union activists in the crucial weeks leading up to election day.

Union officials understood that their ability to collect forced dues would mean the difference in many races. James Hoffa, the Teamsters union president, declared, "With so many close races at the local, state, and federal levels, the Teamsters will be the determining factor in the fall elections."

### Foundation fights back in swing states

National Right to Work Foundation attorneys are currently representing thousands of workers who are fighting the illegal efforts of union officials to force them to pay for union political activities they don't support.

Days before the election, eight workers in Janesville, Wisconsin, exercised their right not to pay Teamsters union dues for the union's politics. Teamsters officials

*see BIG LABOR, page 8*

### Free Newsletter

If you know others who would appreciate receiving **Foundation Action**, please provide us with their names and addresses. They'll begin receiving issues within weeks.



## Big Labor

*continued from page 7*

responded by demanding they forfeit their jobs or pay nearly full union dues, including dues for politics.

In another case, Teamsters union officials in the battleground state of Pennsylvania demanded that Mark Simpson pay full union dues, much of which were being used for politics, as a condition of employment.

In Oregon, a federal security officer was fired by the Government Security Officers union for exercising his well-established right not to pay for the union's political campaigns.

Union tyranny hit especially hard on workers who encouraged co-workers to exercise their rights. United Food and Commercial Workers union bosses in Kentucky ordered the firing of a college student working at a grocery store for informing his coworkers of their right not to fund the union's politicking.

Foundation attorneys filed federal charges to protect the rights of these and thousands of other workers. In each of these cases, union officials violated the rights of employees under the Foundation-won Supreme Court *CWA v. Beck* decision. Under *Beck*, union officials cannot lawfully force employees to pay union dues for activities not related to collective bargaining, like politics.

"During the election, Foundation attorneys were inundated with calls and e-mails from union-abused workers being forced to support Big Labor's political machine," said Gleason.

Big Labor's massive 2000 election campaign was specifically designed to bring to power politicians who can be counted on to shield union bosses from legal accountability and block reforms to expand worker freedom. In addition to pushing for bigger government, higher taxes, and more job-killing regulations, the Big Labor agenda includes blocking the appointment of officials to the National Labor Relations Board who will enforce workers' rights under *Beck* to refrain from paying union dues for politics. ⚡



### *Message from Reed Larson*

President  
National Right to Work  
Legal Defense Foundation

Dear Foundation Supporter:

It's not as bad as being thrown to the lions.

That's the best one can say about the humiliating inquisitions that National Education Association (NEA) labor union officials conduct against people of faith who oppose their political agenda.

Thanks to you, Foundation attorneys are taking the lead in defending countless employees whose sincerely held religious beliefs prevent them from supporting unions they believe to be immoral.

And our efforts are succeeding.

As we report on page 2 of this issue of **Foundation Action**, Foundation attorneys have persuaded the federal government to prosecute the NEA labor union for its nationwide harassment of teachers of faith.

This harassment includes despicable practices like hauling religious believers before union boss tribunals or demanding every year that they answer invasive personal questions about their faith.

These vicious attacks on religious believers are wrong, and they're also illegal.

Union bosses yammer about the values of "tolerance" and "diversity."

But their actions reveal incredible hypocrisy when they humiliate and punish teachers of faith who don't kneel before the altar of Big Labor.

Sincerely,

Reed Larson