

# Right to Work Update

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National Right to Work Legal Defense Foundation • 8001 Braddock Road • Springfield, VA 22160  
www.nrtw.org • (703) 321-8510 • 1-800-336-3600

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Big Labor's attempts to illegally funnel forced union dues into partisan politicking are well known. What's less well known is Big Labor's use of forced union dues for another kind of ideologically driven activity -- union organizing.

With the blessing of the National Labor Relations Board (NLRB), union officials have long ignored U.S. Supreme Court rulings stating that objecting employees cannot be forced to pay union dues for organizing. To make matters worse, the heavy-handed tactics used by union officials to "organize" workers have gone from bad to worse.

## **Court rules that workers can't be forced to fund union organizing**

Under the landmark U.S. Supreme Court *CWA v. Beck* (1988) decision, union officials can only require objecting nonmembers to pay for proven collective bargaining costs. Politics, organizing, and other advocacy activities are clearly not aspects of collective bargaining.

Yet, union lawyers managed to convince the rogue NLRB to issue a ruling stating that workers could be forced, as a condition of employment, to fund union recruitment and mobilization drives.

National Right to Work Foundation attorneys immediately challenged this NLRB assault on employee rights, appealing to the U.S. Court of Appeals for the Ninth Circuit. The appellate panel was unanimous: the NLRB's arbitrary mandate defied U.S. Supreme Court precedent.

## **Big Labor spends big to corral more workers into unions**

Nevertheless, AFL-CIO President John Sweeney, who has declared organizing to be his top priority, has vowed to pour record amounts of resources into union organizing and propaganda campaigns. Toward that end, Sweeney has instructed the AFL-CIO's Organizing Department to spend over \$100 million on organizing in 2001.

Sweeney has also encouraged individual unions around the country to step up their organizing spending. A single local affiliate of the International Association of Machinists (IAM) union, for example, is reported to have budgeted upwards of \$2 million in a failed campaign this year to lure nearly 20,000 Boeing employees to accept union "representation." As part of the campaign, paid full-time staff knocked on employees' doors to demand that they sign forms certifying IAM union officials as their exclusive bargaining agents. (Despite the IAM hierarchy's aggressive campaign, Boeing employees voted overwhelmingly against the union, handing it an embarrassing 85% to 15% defeat.)

## Union “organizers” shake down workers through “card check” process

The phrase “union organizing” is a misnomer. While union officials use it to conjure up visions of a grassroots movement spearheaded by “oppressed” workers, quite the opposite is true. In reality, union officials often use questionable and strong-armed tactics to force their so-called “representation” upon unwilling or unsuspecting workers.

Instead of holding secret ballot elections supervised by the NLRB, union operatives are increasingly resorting to an aggressive tactic known as the “card check.” While NLRB elections do little to protect the rights of dissenting workers, card check schemes offer even less protection. The card check enables union activists to directly push union cards into workers’ hands and demand that they sign on the spot -- often using pressure tactics, deception, and outright threats to obtain signatures.

During a Culinary Workers Union organizing drive at the MGM Grand Hotel and Casino in 1996, union militants forced employees to submit to union affiliation by, among other things, submitting signatures from non-MGM employees, falsely telling workers they were only signing cards for “information,” threatening to have workers fired, threatening to have workers deported, threatening to have tires slashed, and repeatedly calling and harassing workers at their homes until they signed the union card check.

## Employees must be armed with knowledge to defend their rights

Not surprisingly, the card check shake-down invariably yields more signatures and more apparent “support” for unions than secret-ballot elections, which at least allow employees more ability to vote their consciences without fear of retaliation. As the militancy and frequency of card check schemes continue to increase, it becomes more and more vital that employees learn about their rights to refrain from unwanted union affiliation and to fight back against the coercive tactics of union organizers.

### Reality Check

Myth: Labor unions have built their political muscle “through sustained grassroots mobilization and organizing.”

-AFL-CIO President John Sweeney

Reality: Rather than from voluntary grassroots support, union officials’ power is derived from special privileges granted through numerous state and federal laws -- not the least of which is the power to force employees to pay union dues as a job condition.

-National Institute for Labor Relations Research

*The National Right to Work Legal Defense Foundation is a nonprofit, charitable organization providing free legal aid to employees whose human or civil rights have been violated by compulsory unionism abuses. The Foundation, which can be contacted toll-free at 1-800-336-3600, is assisting thousands of employees in nearly 500 cases nationwide. Its web site is at [www.nrtw.org](http://www.nrtw.org).*