



Foundation Action

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

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March/April 2007

Union Officials Sought \$275,000 from Worker Who Criticized Them

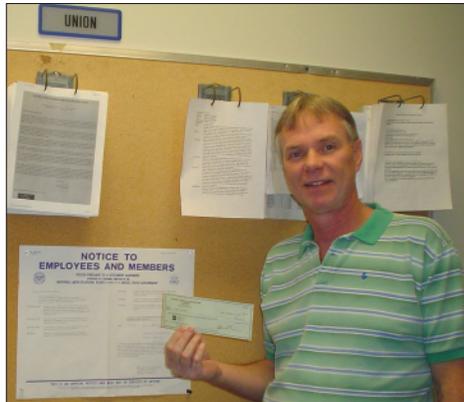
**Union boss scorns:
“we don’t like your kind”**

ORANGE COUNTY, CA – National Right to Work Foundation attorneys helped end a three-year long ordeal that included union lies about the seizure of forced dues, an internal union kangaroo court, a California state libel lawsuit, and the threat of a quarter million dollar retaliatory fine.

Ultimately, Southern California Edison (SCE) employee Randy Boettjer (pronounced “Betcher”) prevailed in his battle against bullying by International Brotherhood of Electrical Workers (IBEW) Local 47 union officials. But it was no cakewalk.

Union officials trump up lawsuit to stifle dissent

Boettjer’s ordeal began in 2003 when he took a part-time position with SCE at a private-sector power plant in Rosemead, California. Upon beginning work, Boettjer experienced the first of what would become a long pattern of harassment by IBEW officials when they told him that joining the union and paying full dues were required or he would be fired.



Randy Boettjer (pictured holding a check in front of the federal violation notice) credits the Foundation with helping him get his “life back” after years of ugly union intimidation.

Soon after Boettjer began working at SCE he grew disenchanted with the IBEW union because of continued mistreatment by union officials.

Boettjer was so disgusted with union officials’ deceptions about healthcare benefits that he created a website critical of Local 47 officials. (The site is still online: www.ibew47.com) When Boettjer called IBEW offices to question the misstatements, a union official blew him off, stating “we don’t like your kind.”

In early 2005, Boettjer left his temporary position and took a contract position with SCE that was not under the union’s monopoly bargaining agreement. IBEW officials moved quickly to make an example out of him for speaking out on his website against their so-called “representation.”

In retaliation for refusing to toe the union line, Local 47 union officials used an internal “union court” to fine Boettjer \$250,000 and expel him from membership. On the same day that this

kangaroo court was held, two top IBEW Local 47 bosses filed a lawsuit against Boettjer in Orange County Superior Court for libel and “intentional infliction of emotional distress” on the website. In that case, the two top union bosses tried to extract an additional \$25,000 from Boettjer.

Aggressive union retaliation continues

To defend himself against the bogus libel and “emotional distress” claims, Boettjer hired an attorney. Eventually, the court ruled in his favor on all counts – but fighting the frivolous suit cost Boettjer thousands of dollars in attorneys’ fees. Moreover, that was not the end of the union’s intimidation campaign.

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Automotive Union Brass Prosecuted for Bullying Nurses

Ohio nurses endure physical intimidation, surveillance, and stalking by union agents

TOLEDO, OH – The National Labor Relations Board (NLRB) has issued a formal complaint and agreed to prosecute the United Auto Workers (UAW) union for a campaign of harassment and intimidation aimed at nurses seeking an election to vote the union out at St. Vincent Mercy Medical Center.

The complaint stems from unfair labor practice charges filed by St. Vincent nurse Amy Anderson in July 2006 with help from National Right to Work Foundation attorneys. Anderson's charges detailed a bullying campaign by UAW union officials as she and others sought to collect signatures from their co-workers to throw the unwanted union out of their workplace.

The NLRB complaint against the UAW union and its Local 12 lists numerous examples of union agents physically intimidating nurses, including "following, surrounding, and impeding access to employees." The complaint also cites that in one instance a union official physically "struck a clipboard containing the petition" from a nurse's hands.



The NLRB complaint also alleges that UAW officials unlawfully intimidated nurses by such acts as recording their license plate numbers. The harassment took place at and around the medical center, not only in the parking lots, but even in the cafeteria and bathrooms.

Nurses rise above UAW union intimidation

Despite this intimidation, the nurses were ultimately able to collect signatures from 30 percent of employees – the minimum necessary to trigger an NLRB

A North Carolina UAW boss under union president Ron Gettelfinger actually blamed the victim for inviting threats of union violence because the worker exercised his rights: "He did put himself in the limelight."

supervised decertification election. The signatures have been certified by NLRB Region 8 in Cleveland, and the Board will hold a secret ballot election through which the health care professionals can rid their workplace of the abusive union. The election will be held April 11-13, 2007 for the collective bargaining unit of over 1,000 nurses.

Meanwhile, the NLRB has scheduled a May 2007 hearing before an administrative law judge to prosecute the UAW union for its unfair labor practices.

The automotive union is striving to impose its destructive forced unionism in the health care field as well.

Tired of union officials' mistreatment, a group of nurses formed "Nurses For A Union-Free St. Vincent's" (www.NursesKnowTheTruth.bravehost.com) with the goal of decertifying the unwanted automotive union, which is already notorious for its central role in hollowing out the struggling American auto industry.

"UAW union officials have unleashed a vicious intimidation campaign on St. Vincent nurses to keep the mandatory dues flowing in," said Foundation Vice President and Legal Director Ray LaJeunesse. "Given such hostility to the rights of the very rank-and-file nurses that UAW officials claim to 'represent,' it comes as no surprise that many of the nurses the union claims to represent are leading the effort to show union officials to the door." 

Foundation Action

Rev. Fred Fowler	<i>Chairman, Board of Trustees</i>
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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.

Judge Backtracks After Kicking Foundation Attorneys Off Case

Big Labor's "go-to" law firm works overtime to prevent embarrassing judicial action

ROCHESTER, NY – A federal judge was persuaded to backtrack after handing down a bizarre ruling that appointed a union lawyer to represent New York public employees aided by Right to Work Foundation attorneys in a constitutional case.

The case began when five Monroe County probation officers approached the Foundation for help in filing a class-action lawsuit in federal court against two government unions for violating their First Amendment rights.

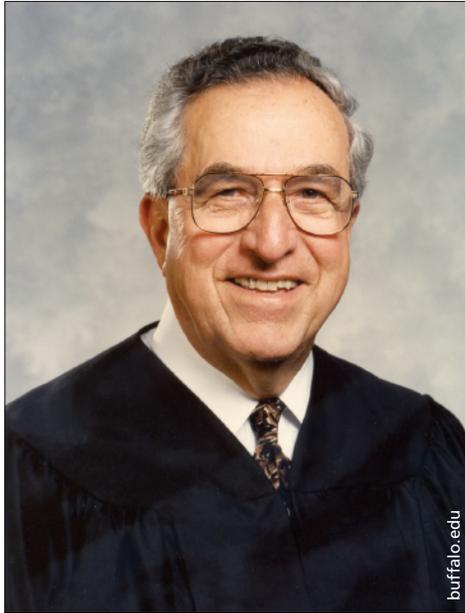
The probation officers sued the Civil Service Employees Association (CSEA) union and the American Federation of State, County, and Municipal Employees (AFSCME) union because union officials had unlawfully seized forced union dues from thousands of New York government employees while refusing to provide audited disclosure of union expenditures.

The five nonunion officers, led by David Scheffer, filed the suit in the U.S. District Court for the Western District of New York seeking an injunction preventing further collection of forced union dues, as well as refunds.

"Although this type of union abuse is somewhat common, the bizarre developments that ensued have raised eyebrows," stated Foundation Vice President Stefan Gleason.

Union-abused workers ordered to hire AFL-CIO lawyer

After David Scheffer and his coworkers filed their class-action complaint, union



Federal Judge Michael A. Telesca's rulings went so far out on a limb that even the unions' lawyers asked him to back off for fear of losing the case on appeal.

lawyers dusted off tired old arguments that attorneys employed by the National Right to Work Foundation should be disqualified from serving as counsel for the entire class of thousands of employees.

In an attempt to make their case, union lawyers served the Foundation with subpoenas seeking various internal documents that they believed would prove that Right to Work attorneys were controlled by an agenda at odds with the interests of some of the employees who are not union members. These tactics have been attempted before with little success. In fact, Bredhoff and Kaiser, the union law firm involved, was lambasted by a federal judge in New Mexico for "unethical" tactics when they made

similar arguments in a case only two years earlier.

But not only did Federal Judge Michael A. Telesca buy the unions' arguments opposing certification of the case as a class action; he also went a step further.

Judge Telesca ruled that Foundation attorneys could not represent the entire class of nonmembers – including the *very employees* who called the Foundation to ask for expert legal help. He therefore ordered the five named plaintiffs to meet with an attorney who regularly represents *unions* to establish an "attorney-client" relationship. If the employees refused, the judge indicated their case would be dismissed.

Rejecting the judge's attempt to impose on them a union attorney with an obvious conflict of interest, the employees asked their Foundation attorneys to request reconsideration of this bizarre ruling. If the judge would not relent and dismissed the case, Foundation attorneys intended to immediately appeal to the U.S. Court of Appeals for the Second Circuit.

Union lawyers act to protect judge from himself

Realizing that the court's wrong-headed ruling could backfire in a larger fashion, union lawyers filed a motion actually *siding* with Foundation attorneys. The judge relented, permitting the Foundation attorneys to pursue the case for the five named plaintiffs.

"That Big Labor's top legal brass intervened for the named plaintiffs shows just how far over the line Judge Telesca stepped," stated Gleason. "Union lawyers presumably knew that the

see **BIZARRE RULING** page 8

"Union lawyers served the Foundation with subpoenas seeking various internal documents."

Foundation-Aided Workers Testify to Congress

Employees detail illegal union harassment, misrepresentations, and intimidation

WASHINGTON, DC – Two employees represented by National Right to Work Foundation attorneys provided testimony in February to the U.S. House Education and Labor Committee about their disturbing experiences.

Mike Ivey, a Foundation-assisted materials handler at Freightliner Custom Chassis Corporation in Gaffney, South Carolina, and Karen Mayhew, a Portland, Oregon, employee of Kaiser Foundation Health Plan, told Congress why they oppose H.R. 800, Congressman George Miller's (D-CA) union power grab that would subject millions of workers to highly coercive card check unionization methods. Here are excerpts from their testimony:

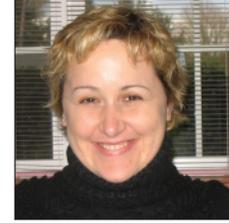


Mike Ivey: "Some employees have had five or more harassing visits from these union organizers.

The only way, it seems, to stop the badgering and pressure is to sign the card. Moreover, in many instances, employees who signed cards under pressure or false pretenses

later attempted to retrieve or void this card. The union would not allow this to happen, telling them that they could not do so...This harassment has been going on more than 4 years

with no end in sight. Faced with a never-ending onslaught, we employees feel that the UAW is holding our heads under



water until we drown."

Karen Mayhew: "Throughout this whole ordeal, my colleagues and I were subjected to

badgering and immense peer pressure. Some of us even received phone calls at home. While I let my feelings toward this union be known early on, I still was attacked verbally and in e-mail by my pro-union colleagues. I believe this abuse directed towards me was at the request of the union in an effort to intimidate me and have me back down...In sum, I respectfully submit that 'card checks' are not the preferred method of union recognition, and that the cases outlined above, filled with union abuses of a wide variety, are the rule in 'card check' campaigns, not the exception." ✎

"The only way, it seems, to stop the badgering and pressure is to sign the card."

Important Tax Benefits to You

Tax-deductible gifts of cash are excellent. But a gift of stock or other securities to the National Right to Work Foundation can provide donors with an even bigger tax break.

Not only will you be able to support the Foundation and our expanding strategic litigation and media programs right now, but you can save significantly on taxes at the same time. Appreciated securities are subject to a capital gains tax when they are sold. If you donate a gift of stock (that you have owned for more than one year) to the Foundation, the capital gains are not taxable to you. At the same time, you will benefit from a charitable tax deduction for the FULL fair market value of the securities as of the date of the gift.

Please, consider a gift of stock today. The Foundation's investment account information is as follows:

Electronic Transfer of Securities: c/o National Right to Work Legal Defense and Education Foundation, Inc.

UBS Financial Services, Inc.

DTC#0221 Account # WS-39563

If you do decide to send a gift of stock, please let us know at 1-800-336-3600 Ext. 3303.

Union Guilty of Threatening California Farm Workers

Ruling exposes union official's lie: "we give workers a clear choice" on affiliation

VENTURA, CA – The California Agricultural Labor Relations Board (ALRB) has ordered United Farm Workers (UFW) union officials to halt their misrepresentations, illegal threats of firings, and unlawful dues demands against California Mushroom Farm employees.

Won by National Right to Work Foundation attorneys, the ALRB ruling exposes the fallacy of earlier knee-jerk UFW comments to the media denying any wrongdoing. "We give workers a clear choice and show them how to exercise their options," a union spokesman lied.

The ruling stems from unfair labor practice charges brought by a pair of California Mushroom (formerly PictSweet Mushroom Farms) workers in early March 2004, citing that UFW union officials unlawfully demanded and/or collected full union dues from their paychecks, and threatened to order dissenting workers fired.

With free legal assistance from the Right to Work Foundation, Guillermo Virgen and Gerardo Mendoza

filed the class-action charges for roughly 400 workers employed by California Mushroom Farm. In addition to unlawful dues seizures and threats, the union hierarchy failed to inform thousands of laborers statewide that they have the right to certain procedural protections to ensure that their forced union dues do not finance activities unrelated to collective bargaining, such as union political activities.

Though many workers contested the amount of forced dues deducted from their paychecks, UFW officials simply ignored their objections.

Agency orders union officials to stop lying

The ALRB ordered UFW union officials to inform California Mushroom employees of their right to refrain from paying full union dues, provide workers with an audit of the union's books, and establish and implement procedures by which the employees can challenge the amount of forced dues the union deducts from their paychecks.

UFW officials also must refund with interest any unlawfully seized dues, as well as post notices and inform employees both orally and through the mail that they have the right to withhold forced dues unrelated to collective bargaining.



Golden State United Farm Worker militants illegally threatened employees' jobs if they did not pay full union dues to support union politics.

"UFW union officials have repeatedly run roughshod over the rights of workers, particularly in California," said Mark Mix, president of the National Right to Work Foundation. "The union hierarchy's refusal to respect the workers' basic freedoms shows a clear disdain, not only for the employees that they claim to represent, but also for the rule of law."

UFW union a repeat offender of workers' rights

In 2004, Foundation attorneys forced the UFW union to pay out over \$105,000 in back pay to a large group of strawberry pickers unlawfully fired from their jobs for refusal to join the union and sign dues check-off authorizations permitting the union to seize full dues directly from their wages. ⚡

Newsclips Requested

The Foundation asks supporters to keep their scissors sharp for clipping news items exposing the role union officials play in disruptive strikes, outrageous lobbying, and political campaigning.

Please clip any such stories that appear in your local paper and mail them to:

NRTWLDF

Attention: Newsclip Appeal

**8001 Braddock Road
Springfield, VA 22160**

Foundation Defends Security Guard from Union Attack on Job

Union officials bully worker for asserting rights under Texas Right to Work law

EL PASO, TX – Right to Work laws are increasingly under attack across America.

While the National Right to Work Committee battles serious legislative repeal attempts in Iowa, Nebraska, and South Dakota, Foundation attorneys are attacking increasingly brazen union attempts to flout Right to Work laws already on the books.

Juan Vielma, a security guard in El Paso, Texas, is facing ugly retaliation for refusal to join the Security, Police and Fire Professionals of America (SPFPA) union. Acting at the union bosses' behest, his employer, AKAL Security, indefinitely suspended him without pay in June 2006 until he pays union dues or fees.

While the Attorney General of Texas is still investigating requests to enforce the state's Right to Work criminal statute, Foundation attorneys have helped Vielma file a National Labor Relations Board (NLRB) charge. Vielma's charge details how the SPFPA union hierarchy is attempting to enforce a monopoly bargaining agreement with his employer that illegally makes financial support of the union a mandatory condition of employment.

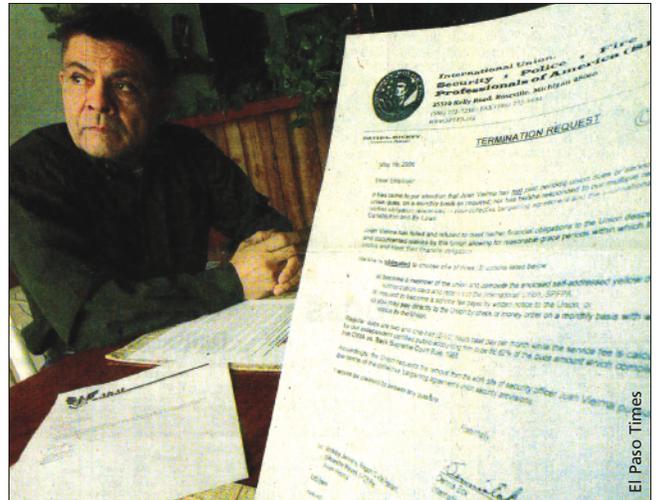
Union drives employee into poverty

Since the illegal suspension, Vielma has been out of work and has struggled to make ends meet.

"I can't collect unemployment because I'm suspended [not *technically* fired] until I pay the union fees," Vielma told the *El Paso Times*. "I've got all my bills. I'm two payments behind on my house (mortgage)."

Notwithstanding its "termination request" (pictured) a union official snickered to the *El Paso Times* that union officials merely "asked for Vielma to be removed from the federal worksite by his employer."

For adhering to his principles, Vielma has paid a terrible price. But like so many of the employees whom the Foundation has the privilege of assisting, he will not compromise. "I work to get paid; I don't pay to work," he emphasized.



"I work to get paid; I don't pay to work," said Foundation client Juan Vielma. Vielma shows the union's "termination request" for refusal to pay dues.

"A growing part of the Foundation's legal aid program is enforcement of state Right to Work laws so that workers may make a living without paying tribute to a union."

Texas yet to enforce its Right to Work law

Under Texas' highly-popular Right to Work law, union membership and dues payment are strictly voluntary. While Texas state prosecutors have yet to take action to enforce these clear violations of Texas criminal law, Foundation attorneys persuaded federal labor board prosecutors to pursue the matter to the extent possible under federal law.

AKAL Security and SPFPA union officials falsely claim that Vielma and his

colleagues work on federal property that is not protected by the state Right to Work law – and thus they can be forced to pay union fees as a condition of employment. NLRB investigators disagreed, and concluded that the union hierarchy violated federal law by restraining and coercing employees exercising their limited rights under federal law to refrain from union participation.

"Any tolerance of this vicious trampling of the freedom of association is unbecoming of the State of Texas. In the past, the Lone Star State has vigilantly defended its Right to Work law and it should do so today," said Stefan Gleason, vice president of the National Right to Work Foundation. "The union hierarchy is attempting to force Vielma into the poorhouse for refusing to shut up and pay."

Foundation attorneys seek reinstatement and back pay for Vielma, as well as a notice to all AKAL Security employees about their rights to refrain from union membership and dues payment. ✚

Overwhelming Anger Faces Those Who Question Union

continued from cover

Later that year, when Boettjer's non-union contract position ran out, he accepted a full-time position with SCE and soon received a visit from an IBEW union official. Despite being ousted from union membership in the sham internal union discipline hearing only a few months earlier, the union operative – by misrepresenting Boettjer's legal rights – deceived him into signing a automatic dues deduction card for full union membership.

Although Local 47 higher-ups later admitted that due to his expulsion they could not legally collect *any* forced union dues from Boettjer, union officials continued to automatically deduct so-called “agency fees” from his paycheck, illegally insisting that failure to pay would be grounds for termination.

That's when Boettjer learned about the National Right to Work Foundation and turned to it for help in protecting his rights.

Union forced to pay worker's legal costs

In September 2006, Foundation attorneys aided Boettjer in filing an unfair labor practice charge at the National Labor Relations Board. The charge against the union laid out multiple and repeated violations of Boettjer's rights at the hands of IBEW union officials.

In part, the charge pointed out that because Boettjer had been expelled from union membership for reasons other than failure to pay compulsory dues, under prior Board precedents – including cases won by Foundation attorneys –

union officials could not lawfully require Boettjer to pay *anything* as a condition of employment. This is true even though California is not a Right to Work state.

Faced with the charge and the evidence to back it up, Foundation attorneys soon forced IBEW officials to settle the charge completely in Boettjer's favor.

“Randy Boettjer's ordeal shows that union bosses will go to extraordinary lengths to muzzle

anyone who dares point out the abuses of their special privileges,” said Foundation President Mark Mix. “Unfortunately, these abuses will persist until forced unionism is completely eliminated.”

Under the NLRB settlement agreement secured by Foundation attorneys, the union hierarchy repaid Boettjer more than \$8,000 in attorneys' fees that he personally incurred in defending himself against the union's illegal retaliatory lawsuit, and union officials returned over \$800 in “agency fees” seized after they expelled him from membership.

In addition, Foundation attorneys forced union officials to rescind the \$250,000 fine levied against Boettjer in the sham “union court” proceeding and to agree not to collect any future “agency fees” from Boettjer.

Foundation helps union victim get his “life back”

“The best way I can describe what happened after I contacted the Foundation is to say it was like a snow-

ball rolling downhill which kept getting larger and picking up speed,” Boettjer recently recounted to *Foundation Action*.

“When the snowball finally slammed onto the union's doorstep just before Christmas, Santa jumped out and gave me my life back,” he quipped. ♣



Employee Gary Boettjer maintained a website that exposed IBEW bosses' betrayal of workers: www.ibew47.com

Free Newsletter

If you know others who would appreciate receiving

Foundation Action, please provide us with their names and addresses.

We'll rush them the next issue within weeks.

Bizarre Ruling

continued from page 3

embarrassing overreach would not only result in the Foundation attorneys' success on the appeal, but it would surely color all other actions taken by the trial court."

Previous court: attorneys at union law firm "unethical"

While the class-action status of the *Scheffer* case awaits a final resolution, Foundation attorneys have pressed forward by filing a motion for summary judgment for the plaintiffs.

As detailed in the July/August 2004 edition of *Foundation Action*, Bredhoff & Kaiser lawyers made similar attempts to muscle out Foundation attorneys as class counsel for a group of hundreds of blue-collar employees in *Harrington v. City of Albuquerque*, a case also involving abuses by AFSCME union officials.

In that case, Senior Judge C. Leroy Hansen rebuked the arguments of AFSCME union lawyers opposing Foundation staff attorneys as class counsel for all employees, stating, "all [AFSCME union] Defendants have shown is that Plaintiffs' counsel want to win this lawsuit...The Defendants do not allege that Plaintiffs' counsel has acted unethically or otherwise inappropriately, as the Defendants' counsel have repeatedly done themselves." 

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Message from Mark Mix

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter:

This issue of *Foundation Action* illustrates the many methods union bosses use to intimidate and bully employees who refuse to toe the union line—including lies, harassment, frivolous lawsuits, fines, and unlawful firings.

In our cover story, you can read about how IBEW union bosses used their internal kangaroo court and later a frivolous libel lawsuit to try to force Randy Boettjer to take down his website critical of union officials and their actions. These union bullies retaliated against Boettjer to a combined tune of \$275,000—just for speaking out and informing his fellow workers.

In El Paso, Texas, union officials ordered Juan Vielma terminated for not paying dues even though Texas has a Right to Work law (page 6). Now out of work for over eight months, Juan is struggling just to get by. Yet in the face of this brutal treatment by union bosses, Vielma defiantly summed up his struggle for the Right to Work principle when he told the *El Paso Tribune*: "I work to get paid; I don't pay to work."

Meanwhile, when nurses in Toledo, Ohio tried to vote out an unwanted union, they found themselves the victims of physical violence and intimidation. There, union agents harassed nurses in the parking lot, cafeteria, and even in hospital bathrooms.

It isn't easy for these workers to stand up to the thuggish behavior of union bosses. That's why I'm so grateful for your investment in this important work. Without it, these courageous individuals would have nowhere to turn.

These are just a few stories about those we help everyday. There are so many more and so much work to do but time, talent and treasure are limited.

Thank you again for your commitment.

Sincerely,

Mark Mix