



Foundation Action

The bi-monthly newsletter
of the National Right to Work
Legal Defense Foundation, Inc.

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Regulation Hasn't Stopped Union Abuse

*Solution is to eliminate,
not "fix," compulsory
unionism*

WASHINGTON, D.C. — With President Bush in the White House, there have been increased calls by reform-minded individuals for more regulations to counter runaway abusive union power. Some are pushing for increases in the Landrum-Griffin Act's union disclosure requirements. Others are demanding federal so-called "paycheck protection" regulations.

Pointing to the fact that government intervention created the problem in the first place and citing the long history of failed "reform" schemes, Right to Work leaders are urging the president to take a different course.

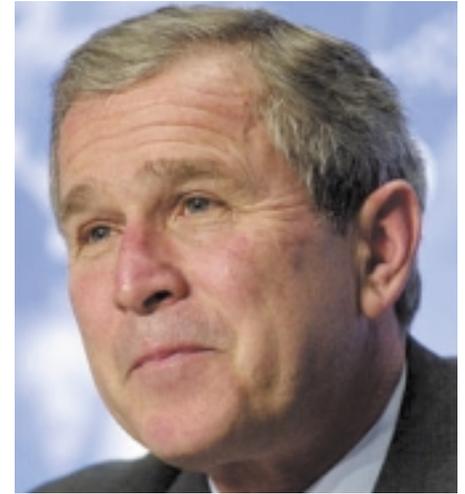
"Big Labor's government-granted privileges and immunities, not the least of which is the power to get employees fired from their jobs for refusal to pay union dues, enable union bosses to ride roughshod over employee rights," declared Reed Larson, President of the Foundation. "The only way to stop union boss abuse is to eliminate, not fix, the system of compulsory unionism."

History shows that regulation doesn't work

History teaches that attempts to create new bureaucracies to regulate



President George W. Bush could tear down the forced unionism regime erected by Franklin D. Roosevelt.



union abuses not only fail — they often create new problems.

When President Franklin D. Roosevelt signed the National Labor Relations Act (NLRA) in 1935, union officials first gained the power to compel unwilling employees and private-sector employers into monopoly bargaining contracts and forced unionism arrangements. To this day, that draconian law (though supplemented with a number of other government-granted privileges and immunities) is the root of union power and abuse.

As these new union powers led to incredible abuses, two major attempts to "reform" the NLRA followed.

In 1947, Congress passed the Taft-Hartley amendments to the NLRA, attempting to rein in the resulting union abuses after Big Labor waged thousands of crippling work stoppages during World War II. Although Section 14(b) of Taft-Hartley reaffirmed the right of states to pass Right to Work laws to limit federally imposed forced unionism, it increased union power to force workers in non-Right to Work states to pay for unwanted union "representation."

Because it strengthened, rather than dismantled, forced unionism, Taft-Hartley had little impact on Big Labor's power to subjugate America's workers and disrupt American commerce.

see REGULATION FAILS, page 7

IN THIS ISSUE

- 2** Teamsters Bosses Threaten Employee with Arrest
- 3** Union Sues Foundation for Exposing its Actions
- 4** New Party Chair Tied to Union Money Laundering
- 5** "Paycheck Protection" Regulations Raise False Hopes
- 6** Union Pays Price for Harassing Former Union Steward
- 7** Campaign Finance Update

Teamsters Bosses Threaten Employee With Arrest

Union to be prosecuted for systematically harassing workers

JANESVILLE, Wis. — Foundation attorneys are all too familiar with the outrageous tactics union bosses use to harass workers. Those who don't give in to union demands often face heavy union fines, termination from their jobs, and physical attacks from union thugs. Now union bosses have stooped to another low by threatening to have a worker *arrested* for standing up for his rights.

The Teamsters Local 579 union's pattern of abuses was scrupulously documented by Foundation attorneys, who filed multiple charges against the union with the National Labor Relations Board (NLRB) — leaving the NLRB with no choice but to prosecute Teamsters union officials for violating the rights of the Janesville Products industrial workers.

"Teamsters bosses must now answer for their systematic shakedown of these employees," said Randy Wanke, Foundation Director of Legal Information.

Union officials raid workers' paychecks

Foundation attorneys have filed multiple rounds of unfair labor practice charges against the politically active Teamsters union local for illegally collecting excessive "fees" from objecting nonmembers. Secretive union officials had failed to provide objecting employees with an independent audit of union expenditures, in violation of the Foundation-won U.S. Supreme Court *Chicago Teachers Union v. Hudson* decision.

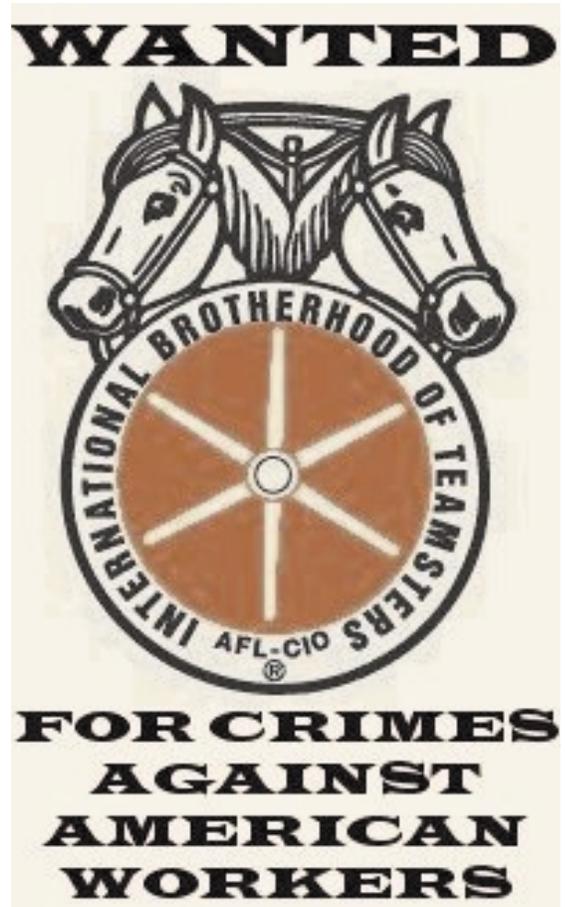
Further investigation by Foundation attorneys into the dues shakedown practices of the union revealed an even deeper level of abuse. When union dues payments were made a job condition at Janesville Products by a July 1, 2000, collective bargaining agreement, employees who were not members of the union when the agreement went into effect were clearly

"grandfathered" out of its forced unionism provision. Nevertheless, union bosses demanded that these exempted employees pay almost full union dues or forfeit their jobs.

The NLRB's complaint states that one union boss even went as far as threatening an employee with a "police complaint and possible arrest," since he was demanding that the union stop seizing forced dues from his paycheck.

Foundation attorneys pressure NLRB

Foundation attorneys intend to ensure that any resolution between the NLRB and the union results in full protection for all qualifying employees at the plant, including full rebates of all dues illegally seized. A full refund of the improperly seized money from approximately 75 workers could exceed \$10,000. †



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.

Union Sues Foundation for Exposing its Actions

Frivolous lawsuit is an attempt to derail Foundation's successful program

ANCHORAGE, Alaska — Alaska union officials have filed a spurious lawsuit to silence and intimidate the Foundation.

Laborers' International Union of North America (LIUNA) Local 341 union lawyers have filed a "defamation" suit against the Foundation for printing a **Foundation Action** story, which was also featured on the Foundation's web site, exposing their threats to have Alaska Regional Hospital employees fired for refusing to pay union dues for non-bargaining activities, such as politics.

"Seething with rage because they were caught red-handed, LIUNA bosses are trying to shut us up or shut us down," said Foundation Vice President Stefan Gleason.

Union boss: You WILL be fired

The union's retaliatory suit stems from its embarrassment from the prosecution by the NLRB for bullying employees. In February 2000, LIUNA Local 341 official Mano Frey sent a letter to hospital employees which began, "I have written to you on two previous occasions about your obligation to pay union dues. If you think that by not responding we will forget or forgive your debt, you are sadly mistaken."

He concluded the letter with this chilling threat, "The employer will be notified of the names of any of you that have not complied with this notice on February 29th and they WILL be fired."

Frey's demand for forced union dues lacked the necessary protections under the Foundation-won U.S. Supreme Court *CWA v. Beck* decision. Under *Beck* and other Foundation-won Supreme Court precedents, workers cannot be compelled to pay union dues used for politics or other non-bargaining purposes.

Foundation attorneys responded by slapping LIUNA Local 341 with federal unfair labor practice charges.



Alaska union boss Mano Frey threatened to have employees fired, and when the Foundation held him accountable, his lawyers sued for defamation.

Media coverage gives union black eye

After being contacted by the Foundation's Legal Information Department, local media in Anchorage, Alaska, jumped on the story — interviewing both Frey and an employee he threatened. Faced with public scrutiny — as well as a finding by the NLRB that the unfair labor charges had merit — LIUNA Local 341 union officials quickly retreated, agreeing to a settlement that was a near-total victory for employees.

As part of the settlement, union bosses signed off on a National Labor Relations Board notice that stated: "WE DO NOT currently have a *Beck* rebate system in effect. WE WILL immediately refund any dues and fees paid by any Alaska Regional Hospital employee to us, if they have previously advised us that they wish to be a *Beck* Objector." They also agreed to prominently post the settlement agreement to notify employees.

But after LIUNA Local 341 officials discovered that the Foundation reported on the case in the November/December 2000 edition of **Foundation Action**,

they called in their lawyers — socking the Foundation with a suit for alleged defamation and injurious falsehoods.

Union lawyers are demanding \$200,000 in damages, along with punitive damages. They are also demanding that the Foundation print a "retraction" of what they brazenly call "false statements."

Foundation refuses to back down

This is not the first time that union officials have sought to silence the Foundation. For 13 years, AFL-CIO lawyers kept the Foundation in federal court, trying to force it to turn over the names of Foundation supporters. With the backing of supporters, the Foundation fought back in court and won.

Once again, after Foundation President Reed Larson recently briefed supporters regarding Big Labor's newest legal attack, the resounding consensus was to fight back rather than back down.

Gleason noted that LIUNA's lawsuit is a transparent attempt to derail the Foundation's successful efforts to assist union-abused workers reclaim millions of illegally seized dollars from Big Labor's forced-dues coffers.

"Union bosses hate the Foundation because we make them pay through the nose for their illegal activities. But with Foundation supporters at our side, I'm convinced we can win this battle," concluded Gleason. ♣

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.

New Party Chair Tied to Union Money Laundering

Selection of McAuliffe as DNC's bagman a slap in the face to working Americans



DNC boss Terry McAuliffe, seen here embracing Bill Clinton, has been tied to the Teamsters money laundering scandal.

WASHINGTON, D.C. — Not only has the Democrat Party's selection of super-fundraiser Terry McAuliffe to be its new chairman raised the specter of the Teamsters' money laundering scheme he allegedly engineered; it has also drawn new attention to the connection between compulsory union dues and union corruption.

As Bill Clinton's top fundraiser over many years, McAuliffe used his connections with top union bosses to raise record amounts of campaign cash. He also allegedly supervised Democrat Party efforts to have donors contribute hundreds of thousands of dollars to the 1996 reelection effort of former Teamsters president Ron Carey in exchange for union contributions to Democrat candidates.

Although the Democrat Party's close-knit ties to top union officials were notorious long before McAuliffe became the party's new chief, new evidence has emerged that reveals just how close that relationship is. Federal investigations uncovered a "coordinated campaign" during the 1996 presidential campaign where the AFL-CIO hierarchy had "veto power" to approve or disapprove of the party's political moves.

According to published reports,

sources within the party have told federal investigators that McAuliffe helped mastermind a scheme which involved AFL-CIO unions pouring millions of dollars into Democrat Party coffers in exchange for contributions to Carey's campaign for Teamsters president. A U.S. attorney in New York is charged with taking a closer look at the scandal and has the power to seek an indictment of McAuliffe for his involvement in the scheme.

The same U.S. attorney recently convinced a grand jury to indict Ron Carey on seven counts of perjury and misleading federal investigators. Another Teamsters union boss involved in the scandal is already serving prison time for his misdeeds.

Also under investigation is No. 2 in the AFL-CIO's high command, Secretary-Treasurer Richard Trumka. One of Big Labor's most militant political brokers, Trumka allegedly laundered \$200,000 into the Carey campaign through the Democrat Party and a left-wing interest group. The ever-braven Trumka has lashed out at critics who suggest he resign his powerful AFL-CIO post, cynically insisting that "when somebody who has been an opponent says you ought to resign...it's like a red badge of courage."

Meanwhile, AFL-CIO czar John Sweeney is helping his embattled right-hand man stonewall investigators. Sweeney allowed Trumka to retain his office after pleading the Fifth Amendment to avoid incriminating himself. Sweeney's action violated a long-standing AFL-CIO rule against invoking the Fifth Amendment, purportedly designed to reduce rampant union corruption.

Both parties corrupted through forced unionism

The Democrat Party is not the only party corrupted by the system of compulsory unionism; many elected Republicans have also been affected. In 1996, for example, 21 Republican U.S.

Senators also bowed to AFL-CIO demands and voted against the National Right to Work Act, a measure that would have ended the federal authorization for forced union dues.

And during his failed attempt to win an endorsement for George W. Bush from the Teamsters union (and the millions in forced dues money that comes with it), Republican Party Chairman Jim Nicholson held a special "tribute" to Teamsters President James P. Hoffa at the 2000 Republican National Convention in Philadelphia. During the event, which some observers called "shameless," Jim Nicholson declared that Hoffa had restored "honor and decency to the International Brotherhood of Teamsters...and [brought] common sense and respect back to this great labor union."

Chairman Nicholson's fawning over the Teamsters top boss occurred at the same time that Hoffa was supervising one of the most violent union organizing campaigns in history. In the past two years, more than 55 shootings have been directed at Overnite Transportation trucks and drivers working for the mostly non-union shipping company. (Two victims of the bloody violence have already sought assistance from Foundation attorneys.)

No matter how many union kingpins are investigated and prosecuted, unions have remained cesspools of corruption as a direct result of the still-intact government-created system of compulsory unionism. This system of compulsion allows union officials to wield inordinate, abusive, unchecked power.

While many politicians and members of the media establishment express outrage at each new union scandal — as if it were an isolated incident — the Foundation's legal program is going after the very root of forced unionism abuse and corruption.

"The only way to wipe out union corruption is to rid the American workplace of the compulsory unionism that feeds it," said Gleason. ✎

“Paycheck Protection” Regulations Raise False Hopes

Independent observers point to flaws in much-hyped laws

SPRINGFIELD, Va. — Independent journalists and observers of “paycheck protection” laws, such as the failed law in Washington state, are again raising serious doubts about the wisdom of promoting similar laws in other states or at the national level.

The latest salvo exposing “paycheck protection” regulations as a blind alley came in a carefully researched article by syndicated columnists Jeff Jacoby and Michelle Malkin in the political journal, *The Weekly Standard*. Calling “paycheck protection” “vastly over-sold,” they reach a straightforward conclusion: “It won’t stop unions from political mischief.”

The two columnists, who are widely acknowledged as experts on this issue, are blunt in their assessment. “Paycheck protection” laws, they write, “have done little to reduce massive union expenditures of mandatory dues on left-wing lobbying, Democratic party-building, and soft-money ‘issues’ ads designed to hurt Republicans. Worst of all, they do nothing to curb the power of unions to extract dues from dissenting members in the first place.”

Meanwhile, the leading spokesman for the “paycheck protection” effort has condoned compulsory unionism, suggesting that there are “normal, legitimate union expenses” that constitute “the appropriate use of workers’ compulsory union dues.”

“In a free society, there is nothing ‘appropriate’ or ‘legitimate’ about forcing people to accept and pay for unwanted union affiliation!” said Foundation President Reed Larson. “Unfortunately, ‘paycheck protection’ has turned out to be just another form of compulsory unionism.”

“But,” Larson added, “we are encouraged to see more and more citizens concerned about the problem of runaway union power. The challenge now is to channel such new enthusiasm into efforts that will have a meaningful impact.”

Larson’s remarks came on the heels of a lawsuit filed by Foundation attorneys



So-called “paycheck protection” has little impact on WEA union boss Lee Ann Prielipp’s ability to funnel forced union dues into politics.

to help teachers recover a mere \$10 per teacher — the maximum available — under Washington state’s “paycheck protection” law that somehow became the model for similar efforts elsewhere.

“Foundation attorneys took this case,” Larson pointed out, “because they always do everything possible under the law to help victims of forced unionism abuse — even to gain a dues reduction of only \$10 a year.”

Union bosses skirt feeble Washington law

Foundation attorneys filed the class-action lawsuit, *Davenport v. WEA*, in the Superior Court of the State of Washington for the County of Thurston on behalf of 4,200 public school teachers in the state who are not union members (but who must still pay union fees). The suit came after Washington

Education Association (WEA) union officials illegally seized fees to advance the union’s political agenda without authorization, violating Washington’s “paycheck protection” law (Initiative 134). Even though the union spent far more on electioneering, the feeble “paycheck protection” law enables teachers to sue only for the return of about \$10 per teacher per year.

Just like 65 years of failed attempts by Congress to “regulate” the abuses arising from the system of compulsory unionism it had created, Initiative 134 failed to achieve its goal of preventing union officials from spending large amounts of government workers’ money for politics. Union officials easily sidestepped the law’s narrow and toothless requirements.

Because a number of non-member teachers had missed the annual deadline to reclaim about \$175 per teacher under the recent Foundation-won

Leer v. WEA settlement, those teachers are currently entitled only to reclaim the \$10 of dues attributed to “political activities” under its extremely narrow definition in the “paycheck protection” regulation. Unlike the flawed Initiative 134 (passage of which was not opposed by union officials), the Foundation’s *Leer* victory attacked the very basis of forced union dues on constitution-

There are “normal, legitimate union expenses” that constitute “the appropriate use of workers’ compulsory union dues.”

— the leading “paycheck protection” spokesman

al grounds.

Golden State’s “paycheck protection” backfired

Despite its embarrassing failure, the

see **PAYCHECK DECEPTION**, page 8

Union Pays Price for Harassing Former Union Steward

Courageous print shop employee beats back illegal money grabs

HAZLETON, Pa. — Foundation attorneys have shut down an attempt by union lawyers to overturn a Foundation victory on behalf of a former union shop steward at the Quebecor Printing conglomerate.

The U.S. Court of Appeals for the Third Circuit affirmed the Foundation-won ruling that Graphic Communications International Union Local 735-S was guilty of unfair labor practices for seizing forced dues from Patrick Quick after he resigned from the union. Union officials also violated Quick's rights by filing a baseless lawsuit against him to try to force him to pay union dues.

The appellate court ruling upholds a Foundation-won prosecution of the union, on behalf of the one-time union steward, by the National Labor Relations Board (NLRB).

"Union bosses' haste to harass a former union official demonstrates the back-stabbing nature of these scoundrels," said Foundation Director of Legal Information Randy Wanke.

Union lawyers sued employee

After becoming disenchanted at how his union was being run by arrogant union officers who were hostile to employees' concerns, Quick resigned his union membership. "I simply wasn't being given the representation that a union should give," he said.

The 61-year-old printer, who supervises the binding of telephone directories at Quebecor Printing, simply wanted to work in an environment where his experience and dedication to his job would be respected.

After union officials continued to harass Quick each time he voiced disagreement with them, Quick dropped out of the union and refused to pay any dues.

Despite the fact that the union's collective bargaining agreement did not authorize the collection of any mandatory



Union lawyers forced Patrick Quick through a legal wringer for quitting the union.

dues from nonmembers, the union hierarchy had orchestrated a campaign of intimidation designed to force Quick to hand over his money. As part of that campaign, union goons vandalized Quick's locker by writing "scab" on it and circulated malicious flyers personally attacking Quick and other nonmembers. Then they threatened Quick with firing from his job and called in their lawyers to file a frivolous lawsuit against him over a mere \$63.18 in alleged back dues.

"I thought I was going to end up in jail," Quick recalled.

However, Quick fought the union's harassment and contacted Foundation attorneys, whose unfair labor practice charges convinced the NLRB to prosecute the belligerent union. The Board conceded that Local 735-S officials illegally coerced the Quebecor Printing employee by seizing dues without authorization, threatening to have him fired from his job, and bringing a frivolous lawsuit against him.

Employee obtains justice after long battle

In upholding the Foundation-won NLRB ruling, the U.S. Court of Appeals for the Third Circuit ordered union officials to reimburse Quick for all dues illegally deducted from his paycheck after he resigned his union membership, to stop their systematic harassment of employees, and to notify all bargaining unit employees of their rights. ⚡



Foundation Vice President Stefan Gleason (right), appearing with Chuck Morris of the nationally syndicated Freedom Network, sheds light upon the plight of union-abused workers like Patrick Quick.

Campaign Finance Update

The U.S. Senate voted to remove language from the McCain-Feingold campaign finance bill that would have undermined the Foundation-won U.S. Supreme Court *CWA v. Beck* decision.

In January, the Foundation released an analysis revealing that Section 304 of the legislation, which was sold as “*Beck* codification” by its supporters, actually would have made it even easier for union officials to raid workers’ paychecks for political cash.

The Foundation’s findings were referred to during Senate debate on the McCain-Feingold bill. Several newspapers also ran an op-ed by Foundation President Reed Larson which explained the legislation’s *Beck*-gutting language, and other papers published their own editorials based on the Foundation’s report. ♣

Newsclip Appeal

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

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

NRTWLDF

Attention: Newsclip Appeal
8001 Braddock Road
Springfield, VA 22160

Regulation Fails to End Forced Unionism

continued from cover

In 1959, following Senate hearings investigating widespread union corruption and violence, Congress added another layer of regulation by passing the Landrum-Griffin Act. Congress sought to root out corruption by trying to infuse, through government force, democratic processes into unions. Like Taft-Hartley, Landrum-Griffin failed miserably because it also turned a blind eye to the root cause of union abuse.

In the late 1980s, President Reagan’s Commission on Organized Crime revealed that at least five major international unions were still mob-dominated. The most recent Teamsters scandal, involving the union’s former top boss, Ron Carey, and Democrat Party Money Man Terry McAuliffe (see page 4), is further evidence of Landrum-Griffin’s failure to achieve the goal of eliminating rampant union corruption.

Real issue is freedom vs. compulsion

Five decades worth of “reforms” and new regulations have proven counterproductive. Union officials are as politically powerful and abusive as ever.

As a result, workplace freedom is continually under attack by union bosses. And many basic American freedoms have been steadily eroded due to Big Labor’s

stranglehold on the political process.

“The solution is to end compulsory unionism,” said Stefan Gleason, Foundation Vice President. “That’s also the solution that 80 percent of the American people support.”

Right to Work spearheads battle for freedom

Toward that goal, Foundation attorneys continue to rack up legal victories on behalf of hundreds of thousands of workers whose rights have been violated under the Foundation-won *CWA v. Beck* and related court decisions. The Foundation is rolling back government-granted coercive union privileges, piece by piece.

Foundation attorneys are working toward persuading the U.S. Supreme Court to declare the union privilege of monopoly bargaining itself unconstitutional or go beyond the *Beck* decision and declare forced dues entirely unconstitutional.

In the meantime, Right to Work advocates are playing a crucial role in educating policy makers and voters on the nature of compulsory unionism and futile “fixes.” Gleason noted that Right to Work supporters are “at the forefront of the battle against compulsory unionism abuse. Our strength and our commitment to real freedom will drive home the message loud and clear.” ♣



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
- ✓ Charitable Trusts
- ✓ Gifts of Stocks/Bonds
- ✓ 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.

Paycheck Deception

continued from page 5

“paycheck protection” provisions within Initiative 134 have curiously become a model for other “paycheck protection” efforts around the country. In 1998, for example, “paycheck protection” proponents tried and failed to pass California’s Proposition 226.

But before California’s voters even went to the polls, the union bosses had already figured out how to continue business as usual, as documented by independent journalists such as Mike Antonucci of the Education Intelligence Agency and nationally syndicat-

“Real paycheck protection is about ending compulsory unionism... more regulation will simply make things worse.”

ed columnist Jeff Jacoby of the *Boston Globe*.

“It’s a shame that these well-meaning ‘paycheck protection’ regulations have panned out to be nothing more than fool’s gold,” said Larson. “This is particularly unfortunate since they have created a false sense of security for forced unionism victims.”

But despite those obvious failures, some misguided reformers are asking President George W. Bush and a few members of Congress to go down the blind alley of enacting a national “paycheck protection” law!

Larson pointed out the folly of expecting additional laws and regulations to ease the bad effects of compulsory unionism, while leaving compulsory unionism itself intact. (For a history of the failure of 65 years of “regulating” compulsory unionism, see cover page.)

As conservative syndicated columnists Jeff Jacoby and Michelle Malkin wrote in their *Weekly Standard* article, “Real paycheck protection is about ending compulsory unionism...more regulation will simply make things worse.” †



Message from Reed Larson

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter:

Union bosses are incensed.

Thanks to you, they’re feeling the heat. That’s why they continue to lash out at hard-working Americans and the National Right to Work Foundation itself.

In this issue of *Foundation Action*, we report on just a few of the many cases in which union bosses use threats, intimidation, and harassment of workers — the methods they know best.

Consider Patrick Quick of Pennsylvania, a former union shop steward. After he resigned from his union and refused to pay any dues, union goons vandalized his locker and circulated malicious flyers personally attacking him. Then union lawyers hit him with a frivolous lawsuit.

Teamsters bosses in Janesville, Wisconsin, showed the same thuggish mentality when they actually threatened to have a worker **arrested** for standing up for his rights.

And in Alaska, union bosses threatened to have hospital employees fired for refusing to pay union dues for non-bargaining activities, such as politics. When Foundation attorneys stopped these illegal threats and exposed them in the media, union bosses were so incensed that they sued the Foundation for defamation!

As the union bosses get shriller and more militant, I know we are having an impact.

With your continued support, Foundation attorneys are hitting hard and bringing these thugs to justice.

Sincerely,

Reed Larson