



Foundation Action

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

Vol. XXVII, No. 3

8001 Braddock Road • Springfield, Virginia 22160

www.nrtw.org

May/June 2007

Democrat Congressman Tampered with Union Vote at Trump Hotel

*Right to Work presses
Congress to investigate
alarming new trend of
politicians coercing workers*

ATLANTIC CITY, NJ – The National Right to Work Foundation has filed charges against a union and a congressman for holding a deceptive public ceremony during which they “certified” the union as the representative of dealers employed by the Trump Plaza Hotel and Casino.

The controversial incident represents an alarming national trend in which union officials are increasingly enlisting Members of Congress, state legislators, and other elected officials to participate in union organizing campaigns to coerce workers into union ranks.

Congressman conducts sham union ‘certification’

Foundation attorneys filed an unfair labor practice charge at the National Labor Relations Board (NLRB) against the United Auto Workers (UAW) union for enlisting Congressman Robert Andrews (D-NJ) effectively to



Rep. Rob Andrews (D-NJ), co-sponsor of the highly controversial “card check” forced unionism bill, appears to have violated House ethics rules by coercing workers into unionization.

pointed out that the Congressman helped UAW union officials interfere with the free exercise of employee rights in choosing whether to unionize by “acting under the false imprimatur of NLRB authority.” In doing so, Rep. Andrews may have confused casino dealers into thinking they had already selected the UAW union as their bargaining representative.

Of course, according to federal law, only the NLRB may “certify” a union. No member of Congress, even one like Andrews who holds a chairmanship with jurisdiction over labor matters, may play any role whatsoever in “certifying” unions.

see **TRUMP** page 7

impersonate a federal agency in order to conduct a phony union “certification” ceremony. During the ceremony, Andrews counted union “authorization” cards signed by some of the employees, boldly declared a “Certification of Majority Status” for the UAW, and signed a formal-looking document indicating that employees had chosen union officials to represent them.

The sham union ceremony was held just days before a scheduled NLRB-supervised secret ballot election at the hotel, apparently to influence the outcome. Even a television reporter covering the public event was evidently fooled, as reflected in the news coverage.

The NLRB charge also noted that Rep. Andrews’ extraordinary public event was televised and disseminated by other media. Foundation attorneys

IN THIS ISSUE

- 2** Foundation Helps Workers Beat Retaliatory Union Fines
- 3** Alcoa Employees Get Worked Over by Machinist Union Brass
- 4** Thuggery Abounds in ‘Card Check’ Union Organizing Bids
- 5** SEIU Local Ordered to Freeze All ‘Card Check’ Drives
- 6** PA Turnpike Workers Try to Hit Brakes on Illegal Dues Seizures

Foundation Helps Workers Beat Retaliatory Union Fines

Union officials sock employees with up to \$5,000 in illegal fines

CHICAGO, IL – In March 2006, Teamsters Local 714 union officials ordered employees of Joseph T. Ryerson & Son, Inc. to go on strike. When several of the metal processing employees refused to abandon their jobs and insisted on continuing to work, they soon found themselves the target of unlawful retaliatory fines levied by the Teamsters bosses.

To fight the illegal fines, ten Ryerson employees contacted National Right to Work Foundation staff attorneys, who helped them file a series of federal unfair labor practice charges against the Teamsters Local union at the National Labor Relations Board (NLRB).

Because, as is so often the case, Teamsters officials failed to notify the workers of their limited rights to refrain from formal union membership, the employees could not legally be subjected to internal union discipline.

After the NLRB investigated the Ryerson employees' charges, Teamsters union officials quickly agreed not to attempt to collect the illegal fines except in the unlikely event that the workers want to formally join the abusive union

that illegally retaliated against them.

"Teamsters officials go to great lengths to intimidate workers and stifle dissent," said Mark Mix, president of the National Right to Work Foundation. "There is no limit to the contempt union officials have for employees who exercise independent judgment, and particularly those who have the 'gall' to work to support their families during an unpopular strike."

Atlanta workers beat back fines for nonunion work

While Teamsters bosses tried to shake down laborers in the Land of Lincoln, other union officials attempted to bully workers in the Peachtree State.

With help from National Right to Work Foundation attorneys, four construction workers in Atlanta forced International Association of Heat &



Frost Insulators Local 48 union officials to rescind illegal retaliatory fines levied against them simply for choosing a nonunion employer. Union officials must also post notices at all Atlanta-area construction sites where the union is the monopoly bargaining agent to inform other employees of their rights.

The commercial insulation workers originally filed federal charges against the union local for refusing to honor their resignations from the union and threatening to fine them \$5,000 each in retaliation.

Union officials' refusal to honor the employees' resignations violated their rights under the Foundation-supported U.S. Supreme Court *Patternmakers v. NLRB* case. Under *Patternmakers*, workers may resign their formal union memberships at any time without reservation.

"It is appalling that these so-called 'defenders' of America's workers routinely attempt to drive them into the poorhouse just for pursuing work opportunities at nonunion job sites," said Mix.

Big Labor's actions also ran contrary to the spirit of Georgia's highly popular Right to Work law – on the books since 1947 – which prohibits forcing workers to join or pay dues to a union as a job condition. 

Foundation Action

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Distributed by the
National Right to Work Legal Defense and Education Foundation, Inc.
8001 Braddock Road, Springfield, Virginia 22160
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Alcoa Employees Get Worked Over by Machinist Union Brass

Foundation helps Alcoa employees fight back against ugly union intimidation

CLEVELAND, OH – Attorneys from the National Right to Work Legal Defense Foundation are helping local employees of Alcoa Inc. fight back at the National Labor Relations Board (NLRB) against a pattern of union intimidation.

Foundation attorneys helped Mark Bedenik and Matthew Slatten file unfair labor practice charges at the NLRB against the International Union of Machinists and Aerospace Workers (IAM) Local 10 union after a wave of related incidents. Union officials kicked the workers out of the union in retaliation for their inquiring about their rights to refrain from full union membership but illegally continued to seize forced union dues from their paychecks.

Alcoa Inc. is one of the world's top producers of aluminum products. Bedenik and Slatten work at Alcoa's Cleveland plant, which manufactures aluminum wheels for tractor trailers, large campers, and other vehicles.

Union officials tell workers to 'go fly a kite'

The trouble began when a group of employees led by Bedenik and Slatten refused to walk off the job during a union-ordered "sympathy strike" in early February. Union officials quickly retaliated by suspending the employees from eligibility for overtime work for up to one whole year.

But, when the employees inquired about their rights to refrain from full union membership, IAM union bosses told them to "go fly a kite." Union officials misled the Alcoa employees into believing that full membership was a mandatory condition of employment and threatened that resignation from the union would result in their firings.



The employees responded with help from Foundation attorneys by filing unfair labor practice charges with the NLRB, which are currently under investigation.

"Ugly penalties are brought down upon employees who refuse to toe the line," said Stefan Gleason, vice president of the National Right to Work Foundation. "It's a top union boss priority to stomp out all employee dissent."

Employees ordered to stand 'trial' at kangaroo court

As a result of Bedenik and Slatten exercising their right to resign from formal union membership, union officials sent threatening letters to the group of employees demanding that they appear at an internal union kangaroo court proceeding.

In their letters, union officials accused them of "campaigning, attempting, inaugurating, advocating, and encouraging secession from the IAM." Union officials ordered both employees

to enter the court through the "rear entrance" of the building. Once he read the letter, Bedenik commented, "I felt pretty much scared to go."

Despite the employees' decision not to attend the so-called "trial," union officials held the proceeding without them. IAM officials later threatened to fine Bedenik and Slatten and further attempted to discipline the two simply for opposing the union.

Because union officials again ignored the employees' request to honor their legal rights, Foundation attorneys filed follow-up NLRB charges for the Alcoa employees.

In those charges, attorneys highlighted *NLRB v. General Motors Corp.* and other cases establishing that workers cannot be legally subjected to vindictive internal union discipline unless union officials have previously properly notified the workers of their legal right to refrain or resign from formal union membership.

Thuggery Abounds in 'Card Check' Union Organizing Bids

by *Deroy Murdock, columnist for Scripps Howard News Service*

WASHINGTON, DC –“Count all the votes!” Democrats screamed during the 2000 Florida recount fiasco. “Don’t count the votes!” Democrats now yell when workers decide whether to unionize.

The Senate Health, Education, Labor & Pensions Committee heard testimony Tuesday [March 27, 2007] on the sarcastically titled Employee Free Choice Act (EFCA). Adopted March 1 by the House, 241-185, it would let unions capture workplaces without having to win secret-ballot elections. Instead, worksites could go union once representatives collect non-secret authorization cards from a majority of workers. Why spurn federally supervised labor elections? As United Food and Commercial Workers President Joe Hansen admits: “We can’t win that way anymore.”

Beyond vote suppression, other union card-check tactics seem stolen from a Martin Scorsese picture.

“I left this line of work because I became revolted by the ugly methods that we were encouraged to use to pressure employees into union ranks,” former United Steelworkers organizer Richard Torres wrote in a February 8 account to the House Education and Labor Committee. “I ultimately quit,” Torres continued, when a senior unionist “asked me to threaten migrant workers by telling them they would be reported to federal immigration officials if they refused to sign check-off cards.”

The union, Torres added, encouraged supportive employees to “go as far as bringing us the garbage from the offices so that union organizers could sift through it to find any dirt on someone in management or the company that [later] could be used to discredit them...”

In Philadelphia last August, federal Judge Stewart Dalzell ruled that the UNITE textile union “violated Drivers Privacy Protection Act (DPPA) by



Syndicated columnist Deroy Murdock.

recording license plate numbers in employee parking lot and using them to obtain employees’ addresses from motor vehicle records.” Dalzell determined that UNITE agents employed West-law’s legal database to link license plates to home addresses. UNITE used “private investigators or information brokers,” Dalzell indicated. Also, “Some organizers followed workers home to get addresses.”

“Some employees have had five or more harassing visits from these [United Auto Worker] organizers,” Mike Ivey, a Freightliner Custom Chassis Corporation materials handler, explained. “The only way, it seems, to stop the badgering and pressure is to sign the card...We employees feel that the UAW is holding our heads under water until we drown.”

After sick leave, “I found that when I returned to work, the [hotel employees] union representatives knew all about my hospitalization and my illness,” Faith Jetter of Pittsburgh’s Renaissance Hotel recalled in a November 2003 federal court affidavit. “I found this to be an invasion of my personal privacy.”

Edith White, a New Jersey college

food-service staffer, remembered that a Service Workers United organizer named Scott visited her home in August 2005. According to White’s National Labor Relations Board affidavit, Scott told her “I wouldn’t have a job in Sept. if I didn’t sign the card and that the Union would make sure that I was fired. At the end of the conversation, I told him to leave or I would call the police.”

In a 1996 decision, the NLRB held that a Service Employees International Union “card solicitor allegedly stated that the employee had better sign a card because if she did not, the Union would come and get her children and it would also slash her car tires.”

“In 2004, approximately 83 percent of newly organized workers were herded into unions without secret ballots,” says the National Right to Work Foundation’s Stefan Gleason. “Card-checks offer workers two basic choices: ‘Union, yes’ and ‘Union, yes.’”

This union thuggery unfolds behind a curtain of hypocrisy.

“We are writing to encourage you to use the secret ballot in all union recognition elections,” 16 House Democrats pleaded in an August 2001 letter to Mexican officials. They added, “The secret ballot is absolutely necessary in order to ensure that workers are not intimidated into voting for a union that they might not otherwise choose.” Of this letter’s 11 signers still in Congress, including EFCA sponsor George Miller (D - California), all voted to deny American workers secret ballots.

As the Senate considers this anti-democratic legislation, Democrats will fight for union bosses like UNITE’s Bruce Raynor. He perfectly expresses Big Labor’s position on jobsite democracy: “There’s no reason to subject the workers to an election.” ✎

SEIU Local Ordered to Freeze All 'Card Check' Drives

Even NLRB agrees certain West Coast union officials can't be trusted

PORTLAND, OR – After a Foundation-aided employee filed federal charges against the Service Employees International Union (SEIU) Local 49 for unfair labor practices, union officials must now abandon coercive “card check” union organizing drives for six months in the Pacific Northwest.

Card check union organizing strips workers of the already limited protections of a government-supervised secret ballot election. It substitutes a process in which union agents can browbeat workers one-by-one into signing cards that are then counted as “votes” favoring unionization.

The SEIU Local 49 union, which claims to hold monopoly bargaining power over 6,500 workers in Washington and Oregon, has used the abusive card check organizing scheme in workplaces all over the region.

SEIU officials cannot be trusted with 'card check'

In October 2006, Somers Building Maintenance-Siltronic (SBM) employee Ryan Canney and coworkers alleged that they were tricked into signing “information flyers” by SEIU Local 49 union officials during a union organizing drive. After union officials counted the flyers as “votes” favoring unionization, SBM management declared the SEIU union as the workers’ monopoly bargaining agent.

Canney, assisted by attorneys from the National Right to Work Foundation, filed federal charges with the National Labor Relations Board (NLRB). His charges stated that SBM counted out-of-date cards, promised benefits, and otherwise deceived and coerced employees into supporting unionization.



Associated Press

Andy Stern's SEIU union has become notorious for abusing workers' rights during coercive "card check" organizing campaigns.

The charge also emphasized that the majority of SBM employees did not wish to be “represented” by SEIU union officials, evidenced by two separate petitions given to the employer stating their desire to remain nonunion.

In April 2007, Foundation attorneys forced SEIU Local 49 union officials into a settlement requiring them to suspend the use of coercive card check organizing campaigns for six months. The settlement also required union officials to notify SBM employees that the company will not bargain with union officials unless an NLRB secret ballot election is held. SBM management was also forbidden from recognizing a union based on a card check count for at least one year.

“Even the NLRB has now recognized that SEIU union officials can’t be trusted with card check,” said Mark Mix, president of the National Right to Work Foundation. “Yet SEIU lobbyists are major backers of draconian legislation in Congress that would hand them mandatory card check privileges across America.”

SEIU Local 49 officials repeatedly break the law

Canney’s settlement follows a similar settlement by Karen Mayhew, a Right to Work Foundation-assisted employee of

Kaiser Permanente. Although Mayhew’s case successfully removed the unwanted Local 49 union from her workplace after a series of illegal union actions, SEIU union officials continued abusing employee rights using the card check scheme at other employers in Oregon and Washington.

“Local 49 officials have become notorious for abusing workers’ rights during organizing drives,” continued Mix.

Currently, Congress is considering legislation introduced by Senator Ted Kennedy (D-MA) and Congressman George Miller (D-CA), which they sarcastically named the “Employee Free Choice Act.” The sweeping new law would mandate that unions be recognized as monopoly representatives of employees through the coercive card check process. 

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

PA Turnpike Workers Try to Hit Brakes on Illegal Dues Seizures

Precedent-setting case challenges 'maintenance of membership' requirements

HARRISBURG/PITTSBURGH, PA – A group of 27 Pennsylvania Turnpike employees filed two separate federal civil rights lawsuits against union officials' illegal seizure of forced union dues. Even more importantly, the employees are challenging a pervasive policy of unions in the public sector to hold employees hostage in union membership for years at a time.

National Right to Work Foundation attorneys brought the cases for 20 employees in the U.S. District Court for the Middle District of Pennsylvania in Harrisburg and seven employees in the U.S. District Court for the Western District of Pennsylvania in Pittsburgh.

According to the lawsuits, the employees resigned their formal union memberships in 2005. The 27 asserted their right to pay no more forced dues

than the amount required by law, and to receive an independent audit verifying the amount. However, the Teamsters union Local 77 in Harrisburg insists that the 20 plaintiffs remain union members and continue to seize and spend full union dues. Similarly, Teamsters Local 250 in Pittsburgh is illegally seizing over 92 percent of full union dues from the employees' paychecks.

Turnpike employees seek to knock down roadblocks to free choice

In the Harrisburg suit, the 20 turnpike employees filed a potentially precedent-setting claim, challenging the constitutionality of a clause in the Teamster union-negotiated monopoly



AP/Wide World Photo

Jimmy Hoffa's Teamsters union affiliates in Pennsylvania are squeezing every forced-dues cent they can out of the state's Turnpike employees.

bargaining agreement. The agreement prohibits employees from resigning their formal union memberships, except during a narrow 15-day window prior to the expiration of a three-year-long collective bargaining contract.

Such unconstitutional requirements are not uncommon in public sector monopoly bargaining contracts across America. The policies are designed to block employees from resigning their formal union memberships and to prevent them from cutting off the payment of dues when those employees object to certain union activities.

Right to Work attorneys are seeking an injunction to stop the collection of forced dues from the 27 nonunion employees, as well as compensatory damages.

"Union officials want to hold employees hostage in full dues paying membership for as long as possible," said Raymond LaJeunesse, vice president and legal director of the National Right to Work Foundation. "Knocking down these unlawful clauses would be a step toward more freedom for Keystone State public employees and public sector workers nationwide." ✚

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:
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and Education Foundation, Inc.

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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.

Trump Casino Dealers Latest Target of UAW Union Officials

continued from cover



Foundation President Mark Mix has called on Congress to open an ethics investigation into politicians' misuse of their public offices to help union bosses.

Foundation presses House ethics panel to investigate

In a letter to the U.S. House of Representatives Committee on Standards of Official Conduct, Foundation President Mark Mix explained that Rep. Andrews' actions appeared to violate Congressional ethics rules and destroyed the "laboratory conditions" needed for a proper election to take place. Using his position to imply "official sponsorship," Rep. Andrews' actions may have caused some casino dealers to believe that their signed cards were official votes, and that the result of the election to be held days later was "a foregone conclusion" if it was held at all.

The letter also pointed out that Rep. Andrews' interference with federal agency proceedings for a major union donor appears to violate other House ethics rules.

"Rep. Andrews' actions in aiding UAW union officials in committing unfair labor practices harm the credibility of the U.S. House of Representatives," wrote Mix in his letter to the House Ethics Committee.

NLRB considers voiding tainted union 'vote'

One day before the election, the regional NLRB office announced that it would not block or impound the ballots unless the employer or union filed their own unfair labor practice charges, but that it would investigate the charges filed by Foundation attorneys.

Arguably as a result of Rep. Andrews' unlawful collusion with the UAW union, on March 31, 2007, Trump Plaza dealers still showed up for the reelection and voted for UAW union representation.

Meanwhile, Trump Plaza attorneys filed their own unfair labor practice charges and election objections, citing the same conduct as Foundation attorneys. The NLRB is currently investigating the objections and will decide whether the conduct tainted the election, necessitating that it be put aside.

UAW officials have given Andrews big money

According to OpenSecrets.org, since 1989 the UAW union has consistently been a top-five major donor to Congressman Andrews. The congressman received generous donations throughout his years in public office, amounting to over \$66,000, plus extensive unreported in-kind contributions, from UAW union officials.

"This is an outrageous example of Rep. Andrews' carrying water for the union bosses," said Mix. "Andrews is also

the chairman of the House subcommittee with jurisdiction over matters involving union special privileges."

Andrews chairs House labor panel

Rep. Andrews, a co-sponsor of the card check forced unionism bill (H.R. 800) was one of the 241 who voted 'yes' for its passage in the House in early March 2007. More significantly, Rep. Andrews is chairman of the Health, Employment, Labor and Pension subcommittee which conducted hearings on H.R. 800, the Orwellian-named "Employee Free Choice Act." Presently, the Senate version (S. 1041) is under consideration.

The coercive card check unionization scheme is opposed by most Americans, including the vast majority of union members, because it severely curtails employees' freedom to choose whether or not to unionize and strips workers of the limited protections of a government-supervised secret ballot election.

Foundation will monitor union-label politicians

The National Right to Work Foundation is fighting back against politicians who are enlisted by union bosses to act in illegal or unethical ways.

Responding to this type of political abuse, Foundation attorneys intend to file a complaint every time a politician is found to misuse congressional powers to impose forced unionism on employees.

"The only way to really stamp out this pernicious practice will be to challenge these corrupt actions at the NLRB, in the courts, and in the Ethics Committee whenever they occur," concluded Mix. ↗

Alcoa Shakedown

continued from page 3

IAM union officials trip themselves up

Then, IAM union officials expelled Bedenik and Slatten from union membership for inquiring about their rights guaranteed by the Foundation-won *Communications Workers of America v. Beck* case. Although the IAM union ousted Bedenik and Slatten, the union bosses still wanted to collect forced dues from them.

Again, Foundation attorneys responded by filing charges with the NLRB. These third federal charges alleged that the post-expulsion fee seizures were unlawful. Under the National Labor Relations Act, if union officials expel a union member for any reason other than failure to pay dues, they are not entitled to collect any fees whatsoever from such workers.

Sham kangaroo court finds employee 'guilty'

Later, Bedenik communicated with the human resources department and obtained overtime hours doing some painting at the Alcoa plant. When IAM union officials discovered this, they angrily insisted that Bedenik be tried before a second kangaroo court for supposedly working outside the union monopoly contract.

Union officials found Bedenik "guilty" and fined him \$2,000 for four bogus internal union charges. Attorneys from the Foundation helped Bedenik file his fourth federal unfair labor practice charge against the IAM union in mid-April.

Bedenik and Slatten are awaiting a decision from the NLRB as the agency reviews their four related federal charges. "This thuggish campaign of union intimidation is all too common in states like Ohio with no Right to Work law on the books," said Gleason. 



Message from Mark Mix

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter:

When union officials receive favors from the politicians on whose elections they spend millions of forced-dues dollars, it's just business as usual. However, as detailed in the cover story of this issue of **Foundation Action**, the favors Big Labor receives from its political beneficiaries may be reaching a new level of corruption.

For years, the United Auto Workers (UAW) union has been a top contributor to Congressman Robert Andrews of New Jersey. Usually that would mean the New Jersey Democrat would merely vote for forced unionism power grabs in Congress. Of course, he already has - recently voting for the card check forced unionism bill.

But this time, Andrews was involved in conducting a fake union "certification" ceremony just before an official National Labor Relations Board (NLRB) vote was set to take place.

The fake union "certification" was designed to mislead and coerce the dealers at Trump Plaza into believing that the union had been installed and "certified" - a stunt made worse by the fact that Congressman Andrews is the head of the subcommittee that has jurisdiction over many of Big Labor's new power grabs.

I wish I could say that this brazen power grab by UAW union officials surprises me, but of course, it doesn't. In fact, the use of politicians to coerce rank-and-file workers is becoming increasingly common. Outrages like this serve as another important reminder of the vital work the Foundation does.

Our efforts are only possible through your investment. We've got plenty of work to do!

Thanks to your continued support, we can stand ready to leap to the defense of employee free choice when union bosses violate the rights of America's employees.

All of us here at the Foundation are humbled by your commitment to liberty. It is making a difference.

Sincerely,

Mark Mix