

High Court Agrees with Foundation on Coercive Organizing Law

Prototype California law that stacked the deck for forced unionization is struck down

WASHINGTON, DC – In June, the United States Supreme Court by vote of seven to two overturned a prototype California law that stacked the deck in favor of coercive union organizing in an effort to force more workers into Big Labor's ranks.

National Right to Work Foundation attorneys filed arguments at the Supreme Court to overturn the controversial law that pressured companies to assist in coercive union organizing drives. The ruling in *United States Chamber of Commerce v. Jerry Brown* puts an end to the California law and raises doubts about the constitutionality of many other state and local laws in the Foundation's crosshairs.

"This was nothing more than an underhanded attempt by union officials to use public funds to corral California workers into their forced dues-paying ranks. The High Court was correct to find that the state law is pre-empted by federal labor law," said Raymond LaJeunesse, vice president and legal director of the National Right to Work Foundation.

Law denied workers truthful information

Federal labor law favors an "uninhibited, robust, and wide-open debate" in unionization drives, but the California law banned employers who received government contracts or grants from using the funds to "assist, promote, or deter union organizing."

Moreover, as Justice John Paul Stevens noted in the majority opinion, "the statute exempts expenses incurred in connection with...giving unions



The U.S. Supreme Court thought little of the Ninth Circuit U. S. Court of Appeals' flawed reasoning once again.

browbeat workers into signing cards at the workplace and even at workers' private homes. Union bosses also get to keep the cards, so they know exactly how each individual worker has "voted." The message is clear: Big Labor is

access to the workplace, and voluntarily recognizing unions without a secret ballot election." In other words, not only did the state prohibit the free flow of truthful information about the downsides of unionization, it also actively *promoted* unionization under the guise of so-called "neutrality."

So-called neutrality agreements are anything but

As *Foundation Action* readers are aware, "neutrality" is Big Labor's euphemism for one-sided and coercive card check unionization drives.

Through card check, a union gains recognition as the "exclusive representative" – or monopoly bargaining agent – of all workers in a bargaining unit as soon as a simple majority of workers sign union authorization cards.

Rather than determining union certification through the less abusive secret ballot election process, card check allows union officials to pressure and

watching you.

Importantly, as the Supreme Court majority also noted, "The Taft-Hartley Act amended [NLRA] §7 and §8 in several key respects. First, it emphasized that employees 'have the right to refrain from any or all' §7 activities." This "amendment to §7 calls attention to the right of employees to refuse to join unions, *which implies an underlying right to receive information opposing unionization*" – precisely the point made in the Foundation's brief.

The ultimate goal of the California law was simply to force more workers into unions. With more workers compelled to pay union dues, unions bosses would have more money to spend on political activism and lobbying.

"California officials were wrong to use the heavy hand of government to trample upon workers' rights," said LaJeunesse. "In their lust for more forced union dues, union bosses are resorting to increasingly coercive tactics."

For more information on the *Chamber v. Brown* case, see the January/February 2008 issue of *Foundation Action*. 

