



Foundation Action

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

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International Union Sued For Vicious Assault

*Union organizer with
long arrest record
named in complaint*

LOS ANGELES, Calif. — With the help of National Right to Work Foundation attorneys, a victim of violence at the hands of a union organizer filed a suit against the Union of Needletrades, Industrial and Textile Employees (UNITE) for damages incurred following a 2001 strike.

Matthew Kahn, a manager for Labor Ready's office in the City of Commerce, brought the action against UNITE International, UNITE Local 482, UNITE Western Joint Council, and union organizer Ramiro Hernandez, for compensatory and punitive damages suffered from a vicious premeditated assault outside the company's central office.

Worker harassed for two months

The series of events leading up to the beating began in March 2001, when UNITE Local 482 launched a strike against Hollander Home Fashions. During the strike, Kahn was responsible for finding replacement workers and escorting them to the strike facility.



AP/Wide World Photo

Union bosses like the Teamsters' Jimmy Hoffa Jr. wink and nod at the use of violence against workers during a strike. Since 1975, more than 10,000 incidents of union violence have been reported.

Over the next two months, UNITE union organizer Ramiro Hernandez, and several other union militants, allegedly harassed and threatened Kahn. The suit alleges that Hernandez's activities were part of a coordinated union effort to punish Kahn and other employees of Labor Ready for their involvement in providing replacement workers.

Day in and day out, Kahn lived in fear for his personal safety. Here are several examples of the alleged abuses Kahn was forced to endure:

In early April 2001, Hernandez and several union thugs attempted to prevent Kahn from leaving the Labor Ready parking lot. According to Kahn, Hernandez and the other union militants surrounded him and began calling Kahn a "fag" and taunted him with obscenities for several minutes. When a couple of security guards attempted to intervene, a union thug attacked them and began hitting them with signs.

Kahn and Daniel Cisneros, a fellow Labor Ready employee, were attempting to leave Hollander's Seville facility

when Hernandez and an angry mob blocked their car and threatened both men. When Cisneros and Kahn finally were able to leave the parking lot, Hernandez followed them to an intersection and attempted to punch Kahn.

Finally, on May 18, 2001, at 4:30 a.m., Ramiro Hernandez and several union militants ambushed Kahn in the parking lot of Labor Ready's office in Commerce, causing head injuries.

"These thugs must pay for their cowardly assault on an innocent man," said Reed Larson, President of the National Right to Work

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Union Prosecuted For Threatening to “Kill” Workers

Workers harassed for supporting decertification effort

ORLANDO, Fla. — Foundation attorneys have persuaded the National Labor Relations Board (NLRB) to prosecute the International Alliance of Theatrical Stage Employees (IATSE) Local 835 for threatening to kill or otherwise harm workers who participated in efforts to decertify the union. The union’s hiring hall governs much of the convention and trade show industry in Central Florida.

After investigating unfair labor practice charges filed by James Zitis and Clay Wayman — who are represented by staff attorneys at the National Right to Work Foundation — NLRB investigators found that at least one union official had issued a death threat to prevent workers from signing a decertification petition which calls for an election on whether to disband the union hiring hall.

Hiring hall used to circumvent Right to Work Law

Even though Florida has a highly popular and effective Right to Work law that frees nonunion employees from paying membership dues to an unwanted union, a hiring hall is a scheme that Big Labor uses to force workers to pay money anyway in order to obtain certain jobs.

With this power, union bosses can control what jobs are given to workers, and can reward their most militant supporters with the better-paying, long term assignments. Workers who are concerned with working efficiently and who shun union activism always run the risk that they will be passed over for the more lucrative jobs.

“Even with a Right to Work law in place, the fundamental monopoly bargaining privilege awarded by federal law gives union bosses the power to force workers into union collectives,” stated Gleason. “Only when Big Labor is stripped



Foundation Vice President Stefan Gleason (right) and Ohio teacher Kathleen Klamut educate Bill O'Reilly on the abuses employees endure under compulsory unionism.

of this special privilege will workers truly be free from forced unionism.”

A long history of abusing workers

For a number of years, the Orlando

area union officials have bullied and harassed workers. In September 1999, IATSE union official Susan Wolfgang told Zitis and several other workers that the union could prevent them from working if they signed a decertification petition.

see UNION PROSECUTED, page 8

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.

Court Upholds Oklahoma's New Right to Work Law

Unions file appeal after judge slams down attack on employee freedom

MUSKOGEE, Okla. — In a stinging rebuke of Oklahoma's top union lawyers and their tortured legal reasoning, U.S. District Court Judge Frank H. Seay upheld the constitutionality of Oklahoma's new Right to Work Law, which frees employees laboring under compulsory unionism.

Judge Seay ruled on motions for summary judgment submitted by Governor Frank Keating's legal team and Foundation attorneys who represent several Oklahoma workers.

"This ruling is another victory for the workers and citizens of Oklahoma," said Stefan Gleason, Vice President of the National Right to Work Foundation. "No one should be forced to support a union just to get or keep a job."

The court held that the law clearly and constitutionally protects employees who work for private companies under the National Labor Relations Act (NLRA). A vast majority of employees in Oklahoma work for private companies under the NLRA and thus are protected by the Right to Work law.

Oklahoma pushes back Big Labor's legal attack

The Oklahoma AFL-CIO, six local unions, and a heavily unionized company filed the suit last November in the U.S. District Court for the Eastern District of Oklahoma to overturn the will of Oklahoma's voters, who enacted State Question 695 on September 25, 2001.

"Union officials despise the notion of allowing employees any measure of freedom," said Gleason. "Big Labor's trumped-up lawsuit was just another insult to the voters of Oklahoma, who rejected the unions' cynical campaign lies and tactics last fall."

The passage of the Right to Work constitutional amendment last fall made Oklahoma the newest of America's 22 Right to Work states.



AP/Wide World Photo

Now under appeal, Judge Seay's ruling upheld the will of Oklahoma's voters and the hard work of the National Right to Work Committee and leaders such as Gov. Frank Keating.

But within a week of the District Court's ruling upholding the law, the unions' lawyers filed a notice of appeal with the U.S. Court of Appeals for the Tenth Circuit.

Foundation attorneys defend Oklahoma workers

As part of the legal battle, Foundation attorneys helped three workers file as "defendant intervenors." By obtaining this status, the workers and Foundation attorneys were allowed to file briefs and make arguments in court defending the employees' interests in preserving the Right to Work amendment.

The three employees are Kent Duvall of United Parcel Service, Michelle McKenzie of Southwestern Bell Telephone Company, and Stephen Weese of Oklahoma Fixture Company. They argued that, if the union lawyers prevailed in voiding the statewide ban on forced unionism, employees would suffer direct financial harm as well as damage to their interests of free speech and free association.

True to form, union lawyers tried to prevent the workers from being able to speak in defense of the Right to Work law when the workers asked to join the suit.

Right to Work law helps create Oklahoma jobs

Since Oklahoma became the nation's 22nd Right to Work state, there has been a dramatic shift in the direction of the state's economy. According to the Bureau of Labor Statistics of the U.S. Department of Labor, Oklahoma has led the nation in the creation of jobs since the passage of Right to Work last September.

However, prior to becoming a Right to Work state, Oklahoma's economy endured a slowdown. From March 2001 through September 2001, Oklahoma's nonfarm job growth was less than half the national average.

"What we are seeing in Oklahoma is even more proof that Right to Work laws not only protect workers but they create jobs," said Reed Larson, President of the National Right to Work Foundation. "Numbers don't lie, and Oklahomans are just beginning to reap the rewards of living in a Right to Work state."

The boost Oklahoma's Right to Work law has given its economy is no anomaly. A study by Dr. William Wilson, released this summer by a Michigan-based think tank, shows that between 1977 and 1999 the average annual employment growth in Right to Work states was 2.9%, compared to only 2% in non-Right to Work states. †

NEA Ordered to End Hassles Over Religion

By Ellen Sorokin, The Washington Times; Reprinted with Permission

May 21, 2002, Tuesday, Front Page

WASHINGTON, D.C. — The Equal Employment Opportunity Commission has ordered the National Education Association and its state affiliates to stop violating the religious rights of members who disagree with the union's political causes.

In a ruling made public yesterday, the federal agency said it would sue the nation's largest teachers union if it did not stop forcing teachers who categorized themselves as "religious objectors" to undergo annual written procedures so their dues would not fund the union's political agenda.

Some objectors say the NEA's agenda promotes pro-abortion, pro-homosexuality positions and policies that interfere with parental rights.

"The evidence obtained during the investigation establishes a violation of a federal statute has occurred," Michael Fetzer, EEOC's district director, wrote in a May 13 letter to the NEA.

Under Title VII of the Civil Rights Act of 1964, union officials may not force any employee to financially support a union if doing so violates the employee's sincerely held religious beliefs. The law allows union members to donate their fees to charities of their choice if supporting the unions violates their religious beliefs.

The union's policy was designed to harass teachers of all faiths, attorneys representing the objectors said.

"The NEA union's illegal scheme is intended to force teachers of faith to shut up and pay up," said Stefan Gleason, vice president of the National Right to Work Legal Defense Foundation, a Virginia-based nonprofit group that represented the objectors. "The EEOC's action further underscores that the nation's largest teacher union is systematically persecuting people of faith," Mr. Gleason said.

NEA officials said yesterday they could not comment on the ruling because they had not seen a copy of it.

"We are awaiting the letter," said Kathleen Lyons, a spokeswoman for the NEA. "We will be able to comment on it after we receive it and review it."

In their complaint to the EEOC, the attorneys for the objecting teachers argued that the union's nationwide policy unlawfully placed an undue burden on teachers and that teachers should be able to file one-time objections to forced union dues.

The charges stemmed from a case in Ohio, where a high school teacher filed a complaint with the EEOC against the Ohio Education Association in 2000, after union officials there rebuffed the teacher's long-standing objection over his dues during the 1999-2000 school year.

Dennis Robey, a member of the Church of God, made his religious objections public to union officials in 1995 and said he wanted his dues to go to Habitat for Humanity. Dues in

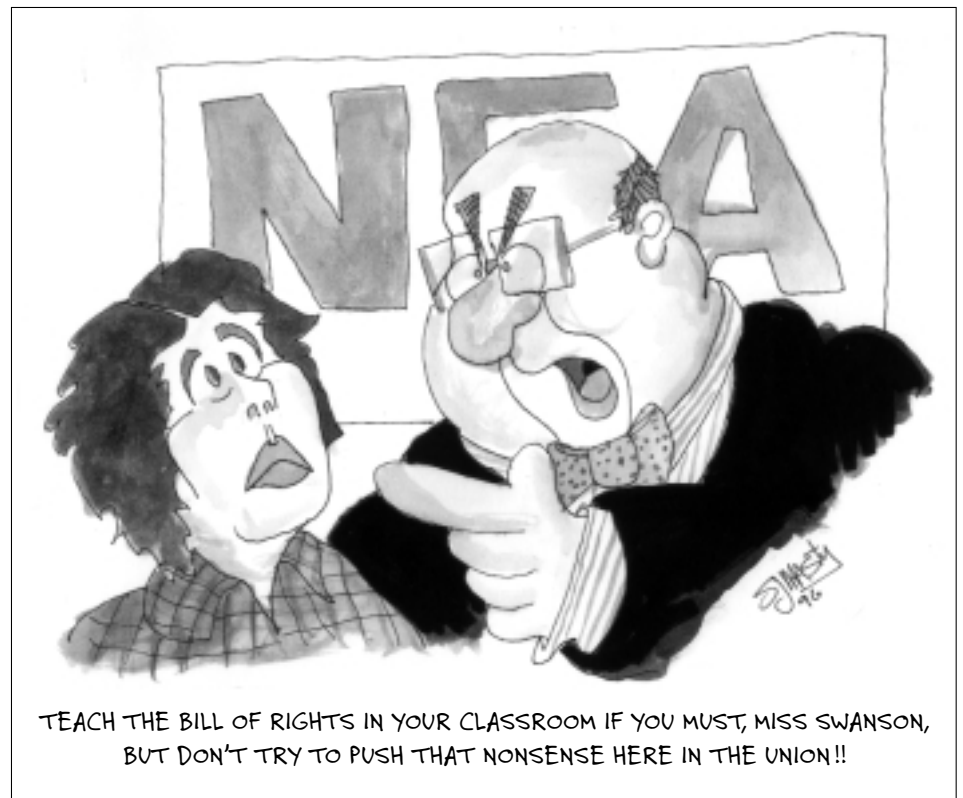
Ohio are about \$400.

After 1999, union officials began demanding that Mr. Robey fill out a lengthy form each year in which he must describe in detail his religious views.

On the form, union officials asked what Mr. Robey called "probing personal questions" about his relationship with God and his religious affiliation. They also required him to obtain a signature from a religious official attesting to the validity of his beliefs.

The EEOC said its investigation found an "unnecessary delay" in the Ohio Education Association's response to teachers who had asked that they be categorized as religious objectors early last year. The commission said that even though the Ohio Education Association complied with teachers' requests, it took the local union up to

see TEACHER UNION, page 6



Foundation Launches New Planned Giving Program

Supporters may achieve tax advantages and life-long income stream

SPRINGFIELD, Va. — The National Right to Work Legal Defense Foundation announced a bold new program to help supporters of the Right to Work movement in their gift planning through the Foundation's Charitable Gift Annuity Program.

The Foundation's Gift Annuity Program is an unprecedented step in the Foundation's strategic planning. Through this program, donors can provide the Foundation with the financial resources needed to conduct its strategic legal aid program, which defends employees against the abuses of compulsory unionism, while providing important tax benefits and life-long annuity payments for themselves at the same time.

A Charitable Gift Annuity is an income-generating gift planning tool that benefits the donor and the Foundation. Gift annuities allow Foundation supporters to make a gift that provides real financial return to the supporter, while helping ensure that the Foundation has the resources necessary to defend against union power grabs and to advance the Right to Work movement.

The Foundation also announced that it has retained the services of Comerica Charitable Services Group to administer this new program. Comerica brings years of gift planning experience and creates an opportunity for the Foundation and the donor to maximize the benefits this planned giving tool offers.

For more information on the Foundation's Gift Annuity Program, supporters should contact Foundation Vice President Alicia Auerswald at 800-336-3600, ext. 3304. ☎

As in all legal, tax, and financial matters, you should consult your own advisors.

Here's How a Gift Annuity Works

- ✓ You irrevocably contribute principal of \$5,000 or more in exchange for a Foundation Gift Annuity;
- ✓ The Foundation makes monthly, quarterly, or annual annuity payments to you **for the rest of your life**. The amount of the payment depends on your current age and the amount of your investment. Larger gift annuities give donors and the Foundation proportionately larger benefits. Once you have completed a gift annuity, the rate will never change;
- ✓ As an itemizing taxpayer, you can receive a charitable federal income tax deduction in the year you establish your Right to Work Foundation Gift Annuity. And a portion of the payment you receive from the Foundation would be tax free to you for a number of years;
- ✓ The National Right to Work Foundation retains your gift once you pass on. Your original gift (which may have even increased in value) is then available to support the Foundation's programs.

Sample Gift Annuity Rates of Return

Single Life

AGE	RATE
90+	12.0%
85	10.4%
80	8.9%
75	7.9%
70	7.2%
65	6.7%
60	6.4%
55	6.0%

Gift annuity rates are determined on the date of the gift according to the age of the person or persons who receive the payments and according to the type of asset given in some instances. The chart at left shows that rates are higher for older recipients and are subject to change.

"Strike or Die"

continued from cover

Foundation. "No one should live in fear simply for working for a living."

UNITE apparently supports violence against workers

Throughout the strike, UNITE officials backed Hernandez, despite his numerous prior arrests for strike-related violence. The union even provided financial support necessary to help Hernandez get out of jail and, in all likelihood, to obtain legal counsel.

"By encouraging and supporting Hernandez and his goons, UNITE itself is directly responsible for the bloodshed," stated Larson.

Law protects union violence

Unfortunately, Kahn's case is not an isolated incident. The National Institute for Labor Relations Research has recorded more than 10,000 media-reported incidents of union-related

violence since 1975, including 181 deaths. Experts on strike violence estimate that unreported acts of violence could swell that figure to 100,000 or more.

Federal laws grant Big Labor special privileges to avoid prosecution for union violence. In the 1973 case *United States v. Enmons*, the United States Supreme Court held that most union violence is exempted from the Hobbs Act, which makes it a federal crime to obstruct interstate commerce by robbery or extortion. As a result, thousands of incidents of violent assaults (directed mostly against workers) by union militants have gone unpunished. (This month, Foundation attorneys are filing a "friend of the court" brief with the U.S. Supreme Court urging it to overturn the federal exemption for prosecution of union violence.)

"The courts and federal law have effectively given Big Labor a get-out-of-jail-free card for violence against workers," said Ray LaJeunesse, Foundation Legal Director.

Many states, such as California, also restrict the authority of local law enforcement to enforce laws during strikes. ✚

Teacher Union Persecution Targeted

continued from page 4

nine months to process. "The amount of time it took the union to accommodate teachers was unreasonable," Mr. Fetzer wrote.

The agency also concluded that the union's requirement that objectors submit annual written statements was burdensome.

"The NEA union's illegal scheme is intended to force teachers of faith to shut up and pay up."

"Once an individual is on the record that he/she objects to paying fair share fee and has designated an agreed upon charity to which his/her portion of the fair share will be donated, he/she should not be required to reiterate the objection on an annual basis," Mr. Fetzer wrote.

The EEOC has given the NEA and its affiliates time to eliminate the annual procedure. If the NEA does not, the EEOC will seek to resolve the issue in court.

Daniel Cronin, director of the National Right to Work Legal Defense Foundation's legal information department, said the foundation receives about 100 reports each year from teachers who have complaints about the NEA's policies regarding religious objectors. He said the ruling should change that.

"This hopefully will make life easier for these teachers," Mr. Cronin said. ✚



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

California Union Bosses to Fork Over \$300,000

State employees refunded money seized for ballot initiatives

SACRAMENTO, Calif. — The United States District Court for the Eastern District of California has ordered the Professional Engineers in California Government (PECG) union to refund \$300,000 in illegally seized union dues. Meanwhile, a second legal action filed by Foundation attorneys has the potential to return hundreds of thousands of dollars more.

U.S. District Court Judge Garland E. Burrell, Jr., ruled that the union had illegally seized almost \$100 per employee over a seven-month period in 1999 and ordered the union to pay nominal and compensatory damages to 3,200 non-union employees who were illegally forced to fund union politicking.

The federal court challenge was originally brought by Foundation attorneys in September 1999 on behalf of Richard Wagner, an investigator for the California Air Resources Board in the Sacramento area, and Kristin Schwall, a water quality engineer from San Diego. In February 2002, the court certified the case as a class action for the 3,200 non-union employees.

“This is a simple issue of fairness. I have nothing against somebody joining the union if they want to, but it should be left up to each person to make their own decision,” said Richard Wagner. “If I choose not to join, then they should not be able to take money out of my paycheck to pay for politics.”

Gray Davis shows his true colors

Only months after being sworn into office, Governor Gray Davis signed a statewide memorandum of understanding (MOU) — also known as a collective bargaining agreement — which forced all workers under the agreement to pay illegally high dues to the PECG union. This action was one of several similar paybacks to union bosses for their support during

the 1998 gubernatorial campaign.

For example, Davis also signed a law that requires California State University (CSU) employees to pay union dues unless they are members of a state-approved religion. Under this law, state and union officials can exercise the power to pass judgment on the acceptability of the religious beliefs of CSU employees.

A political operation that merely dabbles in collective bargaining

The PECG is one of California’s most politically active unions. Union bosses have seized compulsory union dues and spent considerable amounts to fund ballot initiatives against popular reforms, such as privatization of some government services, and to support the California Democratic Party. According to the union’s own records, almost 60 percent of PECG’s \$3.4 million annual budget is now used for political activities.

“With full support of Governor Davis, the PECG has been ripping off California’s public employees and taxpayers to support its Big Government political agenda,” stated Dan Cronin, the Foundation’s Director of Legal Information.



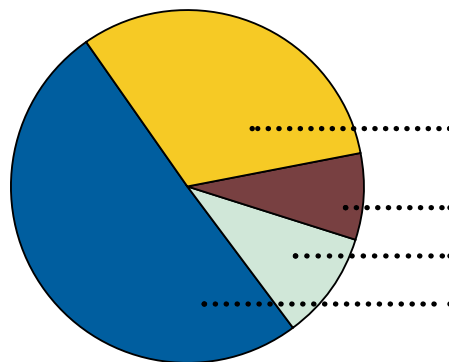
AP/Wide World Photo

Pay up or be fired!! For the last four years, union lapdogs like Gov. Gray Davis have forced countless more Californians to submit to compulsory unionism.

According to the U.S. Supreme Court decisions in the Foundation-won cases *Aboud v. Detroit Board of Education* and *Lehnert v. Ferris Faculty Association*, union officials in the public sector may not collect compulsory dues for activities unrelated to collective bargaining. Politics, lobbying, organizing, public relations, and other non-bargaining activities are explicitly non-chargeable to employees who have exercised their right to refrain from union membership.

In April, the non-member state engineers, represented by Foundation attorneys, filed another related class-action complaint seeking a refund of additional dues illegally seized since April 2001. ↗

Breakdown of Union Expenditures*



A large number of unions are nothing more than political organizations that dabble in bargaining on the side.

- Collective bargaining and contact administration: 32%
- Lobbying: 8%
- Other: 10%
- Ballot Initiatives: 51%

*Taken from PECG union’s disclosure forms

Union Prosecuted

continued from page 2

Then, during Spring 2000, Peter Merrifield, a IATSE union agent, allegedly threatened workers with the loss of job opportunities, their homes, and their possessions if they continued decertification efforts. According to findings by NLRB investigators, Merrifield also said he would have workers killed for those activities.

“Special privileges awarded under federal labor law have convinced union bosses that they can get away with anything to hold onto power,” said Stefan Gleason, Vice President of the National Right to Work Foundation.

This is not the first finding of unfair labor practices by the NLRB against IATSE Local 835. Earlier in the year, in response to action taken by Foundation attorneys for Zitis and Wayman with the NLRB, IATSE union officials were forced to post a notice alerting workers that they only had to pay fees equal to their share of the cost of running the hiring hall. The union had been forcing non-union members to pay fees as a condition of using the hiring hall’s referral service without explaining how the fee was calculated. ⚡

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.



Message from Reed Larson

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter:

Do you want the government to decide who gets your money?

That’s the question I ask Foundation supporters in an updated brochure on planned giving enclosed with this mailing. I hope you’ll take a look at it. You may be amazed to see how many different ways there are to support the vital work of the National Right to Work Foundation while enjoying significant tax advantages.

And we’re expanding the list of possibilities with innovative new options that provide major benefits to contributors as well as the Foundation. For example, we’ve launched our new charitable gift annuity program. (See page 7 of this issue for more details.)

As a supporter of the Right to Work movement, you know that fighting the tyranny of the union bosses plays an essential role in our battle for the free world we want to pass on to the next generation.

There is a sense of peace that comes from knowing that the people and causes we care about will be provided for after we are gone. That’s why I’m especially grateful when Right to Work supporters remember the Foundation through planned giving.

If you have already recognized the advantages of planned giving and have decided to include the Foundation in your plans, please let us know now so we can thank you.

We can also advise you on various ways you can structure your planned giving to achieve the maximum tax advantage for your estate. For more information, I urge you to call my assistant Alicia Auerswald at 1-800-336-3600.

I am honored that so many of the Foundation’s supporters have made provisions to advance the cause of freedom and the Right to Work movement, not only today but also into the future.

Sincerely,

Reed Larson