



# Foundation Action

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

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## Federal Court Blasts Union and US Airways for Firing Mechanics

*Union boss greed put  
workers on the street*

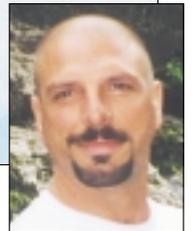
CHARLOTTE, N.C. – Blasting union bosses for their “downright arrogance,” the United States District Court ruled that US Airways and the International Association of Machinists (IAM) union are liable for ending the careers of two longtime airline mechanics after they refused to fund union political activities that they abhor.

Foundation attorneys filed the suit last year on behalf of John Masiello and Craig Sickler, airline mechanics with US Airways for more than 10 years, after IAM union bosses pressured the airline to fire the employees despite their good work records.

“These workers had their careers destroyed for simply exercising their First Amendment rights,” said Stefan Gleason, Vice President of the Foundation.

### Secretive union provided phony financial audit

The workers were not protected by North Carolina’s highly popular Right to Work law because they worked in the airline industry, but under numerous U.S. Supreme Court precedents — including the Foundation-won *Ellis v. Brotherhood of Railway, Airline and*



*Vicious union bosses had mechanic John Masiello fired from his job at US Airways for standing up for his constitutional rights.*

*Steamship Clerks, AFL-CIO* decision — workers may not be forced to join the union or pay full dues as a condition of employment. Instead, workers may refrain from formal union membership and can only be forced to pay dues attributable to collective bargaining, not politics.

Under the Foundation-won Supreme Court decision *Chicago Teachers Union v. Hudson*, it’s illegal for union officials to take any forced union dues from non-members without first providing independently audited financial disclosures to prove how much money is being spent on activities unrelated to collective bargaining, including politics.

Learning about their rights through the Foundation’s web site, Masiello and Sickler repeatedly asked officials of the IAM and Local 1725 to disclose union expenses. The union bosses refused.

Union officials then demanded that US Airways fire the two longtime employees, and weak-kneed US Airways management dutifully complied.

In a callous letter to the workers explaining the decision to end their US Air careers, US Air officials proclaimed that employees’ Foundation-won, constitutional rights were “not germane to the standards for discharge set forth in...the collective bargaining agreement.”

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# Laborers' Union Prosecuted for Shake-down Scheme

*Union officials threatened to get employees fired for refusing to pay political cash*



**Union militants told Charles Krimm that he was "sadly mistaken" if he thought the union wouldn't try to punish him.**

ANCHORAGE, Alaska — Foundation attorneys are turning back a mean-spirited union campaign of intimidation that would ruin the careers of employees at Alaska Regional Hospital who do not support a union.

Responding to charges filed on behalf of the nurses by Foundation attorneys, the National Labor Relations Board (NLRB) has found that Laborers' International Union of North America (LIUNA) Local 341 officials severely violated the rights of Charles Krimm and other hospital employees by threatening to have them fired for refusing to pay union dues for politics.

"Until now, LIUNA bosses in Alaska have been shaking down employees with impunity," said Randy Wanke, Foundation Director of Legal Information.

## Arrogant union bullies thumb noses at law

Krimm and other nurses are not members of the union, as is their right under numerous U.S. Supreme Court decisions including the Foundation-won *Communications Workers v. Beck* decision. Nevertheless, union officials illegally demanded that Krimm formally

join the union and pay full dues or be fired. As a result of those illegal threats, many employees were coerced into joining the union.

LIUNA Local 341 union officials never gave timely notices informing the workers of their right to remain non-members — or to pay only reduced financial core fees — as required by the U.S. Supreme Court. In fact, the union now admits that it has no procedure whatsoever in place to follow the Supreme Court's decade-old mandate.

"This case demonstrates Big Labor's supreme arrogance and contempt for the rights of working Americans," said Wanke.

Foundation attorneys intend to ensure that any resolution of the case by the NLRB results in full protection for all employees at the hospital, including full rebates of all dues illegally seized.

## Foundation wins extensive press coverage

When Foundation attorneys initially filed the federal charges, the local news media actively pursued the story, running

several news articles and television reports on the union's ham-handed tactics.

They focused their attention on a threatening letter that union bosses sent to hospital employees that stated, "I have written to you on two previous occasions ... If you think that by not responding we will forget or forgive your debt, you are sadly mistaken."

When confronted by a local news reporter about the harsh nature of the letter, the local union boss attempted to justify its content when he stammered, "I don't consider that threatening ... It's a tap on the shoulder."

When asked by a local TV station about union activities at the hospital, Krimm described a tense atmosphere, fueled by union boss intimidation and misinformation. "People have been pressured and people were pretty much afraid to not join the union," said Krimm. "A lot of people joined because they were scared."

The Foundation's public information operation is an important part of the overall battle against forced unionism abuse.

"The more we shine the bright glare of media attention on Big Labor's dirty operations, the more effective our fight for freedom becomes," said Wanke. ✚

## 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.

# Foundation Uses Internet to Expose Big Labor's Lies

## *Workers use Foundation information to battle union misinformation*

SPRINGFIELD, Va. — When it comes to telling America's workers the truth about their Right to Work, Big Labor has three strategies — lie, lie, and lie some more.

That's why, in 1996, the Foundation launched its web site, [www.nrtw.org](http://www.nrtw.org), to return truth to the workplace by providing union-abused workers with easy access to the information needed to battle zealous union bosses. The Foundation's World Wide Web site is the best source of information on the Internet for union-abused workers.

In its four years of existence, hundreds of thousands of workers, concerned citizens, and journalists have logged on to this outstanding source of information to uncover Big Labor's stranglehold on the American workplace.

And the Internet allows employees the ability to find help anonymously.

"Union bosses need lies, violence, and misinformation to keep the heels of their boots firmly planted on the necks of oppressed workers," said Randy Wanke, Foundation Director of Legal Information.

The Foundation's web site is a proven useful tool for employees looking for their rights.

For example, Foundation attorneys recently won a federal court victory on behalf of former US Airways mechanics John Masiello and Craig Sickler after union bosses had them fired for refusing to support union political activities (see *Foundation Action*, page 1). Both of these brave Americans first learned about their sacred rights through the Foundation's web site.

That's because the Foundation's Legal Information Department designed the web site to incorporate a variety of unique educational features to help union-abused workers exercise their rights.

## Employees learn to fight union bosses

The backbone is the "About Your Legal Rights" section. This easy-to-use,

interactive, question-and-answer section is tailored to each user, explaining step-by-step the process of exercising Foundation-won rights.

The "Cases and Law" section summarizes each important compulsory unionism case won by — or related to — the Foundation's legal aid program, and it makes available the complete text

One worker gave high praise to the power of the web site when he sent this message to Foundation attorneys, "Your web site is by far the most excellent resource available on the web for explaining worker rights regarding unions."

## Site educates the public and provides media exposure

Along with informing employees of their rights, the Legal Information Department designed the site to be a useful tool for Foundation supporters, concerned members of the public, and members of the media. The web site also allows individuals to subscribe to the Foundation's electronic mail news service, which keeps users up to date on important breaking news.

Internet users can also request free copies of the Foundation's printed publications, such as the newsletter *Foundation Action*, and booklets, such as *Government-Granted Coercive Power: How Big Labor Blocks the Freedom Agenda*, *Stranglehold*, and *Union Dues and Religious Do Nots*.

Foundation supporters can also lend their support to protecting workers' rights by making tax-deductible contributions to the Foundation directly through the web site.

"More than two-thirds of all Foundation-helped workers initially found us through the Internet," said Wanke.

Since one year ago, web site usage has increased more than 50 percent. The Foundation currently reaches more than 146,000 people each year — at virtually no cost — using this state-of-the-art technology.

"The amazing growth of the Foundation's web site is a testimony to the increasing strength of the Right to Work cause," added Wanke. 



## *The Foundation's World Wide Web site is a powerful tool for union-abused workers.*

of that decision. Users from Right to Work states can also view the full text of their state's Right to Work law.

It also provides employees with a direct link to Foundation attorneys through the "Request Legal Help" section. On average, 50 union-abused workers contact the Foundation through this feature each week and the numbers are growing.

"The Foundation's web site is Big Labor's worst nightmare," said Wanke. "Employees can find help without revealing their identities to a union operative."

# University Of California Employees Sue Governor Davis

*Cecil B. DeMille relative leads charge against union*



**Katherine DeMille (right) is following in the footsteps of her grandfather, Hollywood legend Cecil B. DeMille (left), by taking on a powerful California union.**

SANTA BARBARA, Calif. — In 1944, legendary director Cecil B. DeMille took on Hollywood's most powerful labor union in order to protect his freedom of speech. Fifty-six years later, DeMille's granddaughter-in-law is carrying forward that fight for freedom by filing a lawsuit against another powerful California union.

Katherine DeMille, along with 40 other University of California (UC) employees, filed a federal class-action lawsuit against California Governor Gray Davis, the Board of Regents, and three secretive labor unions for forcing more than 14,000 university employees to pay union dues for politics.

The civil rights lawsuit seeks an injunction against the enforcement of a law recently signed by Davis requiring UC employees to pay at least \$5.6 million in union dues annually, to pay for the union's unwanted "representation."

"Gray Davis is ripping off millions of dollars and pouring it into Big

Labor's political slush fund," said Stefan Gleason, Vice President of the Foundation.

DeMille works as a computer resource specialist at the University of California, Santa Barbara. Under the new California forced unionism law, the University Professional and Technical Employees union (UPTA) is forcing DeMille and her colleagues to pay \$35 a month in forced union dues.

"It's un-American. I don't get it. It's evil," DeMille told the *Associated Press* in a wire story that was reprinted in dozens of California newspapers.

## Cecil B. DeMille was a Right to Work pioneer

Cecil B. DeMille, known for directing great movie epics such as *The Ten Commandments*, *The King of Kings*, *The Sign of the Cross*, *Cleopatra*, and *Samson and Delilah*, was also at the forefront of the Right to Work movement.

During most of his life, DeMille belonged to two unions, the Screen Director's Guild (SDG) union and the American Federation of Radio Artists (AFRA) union. In 1944, AFRA union officials forced entertainment professionals in the Los Angeles area to contribute to a fund to fight a ballot initiative that would have abolished the closed shop in California and given every citizen the right to get and hold a job regardless of union membership.

DeMille knew his job was at stake, but since he so totally opposed the tyranny of forced unionism, he refused to fork over the money the union demanded. Because of his principled stand, union brass had him fired from his \$100,000 job with Lux Radio Theatre, which at that time had an audience of more than 20 million Americans every Monday evening. After that, he was banned permanently from radio and television.

Inspired by DeMille's brave sacrifice, thousands of patriotic Americans sent him money so he could fight the power that could cut off a man's livelihood

*(continued, next page)*

## 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.

if he refused to obey its dictates. DeMille used the money to create the DeMille Foundation for Political Freedom, which in many ways was the predecessor of today's National Right to Work Foundation.

"Cecil B. DeMille understood that no American is free so long as he is forced to pay political homage to union bosses," said Gleason.

Since the DeMille movie era, union officials have practically taken over Hollywood, using it as their very own propaganda machine to push their crackpot Big Government agenda.

## Union bosses maintain un-American practices

With free legal aid from the Foundation, UC employees carried Cecil B. DeMille's fight forward into the new century when they sued Davis and three of the state's most powerful unions for violating their rights.

In this class-action lawsuit Foundation attorneys are arguing that the State of California prohibits the blanket application of legislative mandates upon the University of California system, as the California state constitution grants the university significant autonomy, academic freedom, and freedom from political and sectarian influences. (The Board of Regents is also violating its own bylaws by implementing the forced union dues requirement without a majority vote of the board.)

UC employees also argue that Davis and the Board of Regents illegally handed over the forced-dues money to the secretive unions even though the union officials refused to provide a proper, independent audit of union expenditures. Under the Foundation-won U.S. Supreme Court *Chicago Teachers Union v. Hudson* decision, before seizing any dues whatsoever, union officials must provide employees with a full accounting of how the forced union dues are spent.

Along with a declaratory judgement that the law does not apply to the UC system, Foundation attorneys are seeking both a preliminary and permanent injunction to stop the seizure of forced union dues. †

# Appellate Court Overturns Illinois Union Scheme

## *Court compares compulsory dues rip-off scheme to hell*

CHICAGO, Ill. — Foundation attorneys have convinced the U.S. Court of Appeals for the Seventh Circuit to overturn a compulsory union dues scheme controlling a statewide unit of 80,000 State of Illinois educational employees.

Under the scheme, the unions have been seizing funds earmarked for politics from dissenting employees.

The decision reverses a lower court's ruling in a class-action federal lawsuit filed by Foundation attorneys on behalf of Bernadette Tavernor and several other University of Illinois employees against the Illinois Federation of Teachers union and the University Professionals of Illinois (UPI) Local 4100 union.

Comparing the "burdensome" union scheme to Greek mythology's depiction of hell, the court ruled that employees should be able immediately to reclaim the portion of their dues

used for union political activities and other non-collective bargaining activities.

"This scheme was clearly designed to prevent more employees from exercising their constitutional rights," said Rex Reed, Executive Vice President of the Foundation, himself an alumnus of the University of Illinois.

## Burdensome procedure excoriated by court

Even though the unions admitted that about \$100 of each employee's forced union dues were used for politics and other non-collective bargaining activities, they seized full union dues from the paychecks of employees and forced the employees to endure an unjustifiably long (close to two years)

see APPELLATE COURT, page 6



**A federal court compared the hell-like union scheme to the torture endured by Sisyphus from Greek mythology. Sisyphus had to eternally roll a rock up a hill, only to have it roll back down.**

# Foundation Thwarts Union Attack on Virginia's Right to Work Law

**Union bosses must pay worker \$135,000**



**The Virginia Supreme Court will not allow slick union lawyers to withhold Frederick Pusey's payment any longer.**

ACCOMAC, Va. — The Virginia Supreme Court has rejected another attempt by union lawyers to gut Virginia's highly popular Right to Work law.

By refusing to hear an appeal from union lawyers to throw out a lower court victory by Foundation attorneys, the state's highest court upheld a \$135,000 damage award to a man fired for refusing to support a union.

International Association of Machinists (IAM) union officials had forced the firing of employee Frederick Pusey claiming that Virginia's Right to Work law somehow did not apply to workers on NASA's Wallops Island facility. (Slick union lawyers argued that the federal government has exclusive jurisdiction on the island and therefore the employees were not protected by state law.)

In the earlier ruling, Foundation attorneys convinced Accomack County Circuit Judge Glen Tyler to reject the union's argument as "not credible." In December, a jury ordered the union to pay Pusey \$135,000 in damages and back pay.

"This case demonstrates Big Labor's intense hatred for state Right to Work laws," said Foundation Director of Legal Information, Randy Wanke. "Slippery union lawyers will devise just about any scheme imaginable to destroy employees' Right to Work."

In addition to affirming employees' rights to refrain from supporting an unwanted union, Virginia's Right to Work law has resulted in massive economic growth and the creation of high-paying jobs. ♣

## Appellate Court

(continued from page 5)

and burdensome process to get their money back.

In unusually colorful language, the court illustrated this point when it compared the process endured by employees to that of Sisyphus from Greek mythology. (Sisyphus spent an eternity in hell repeatedly pushing a rock up a hill, only to have it roll back down again.) The court wrote, "No sooner does the objector complete one round than, like Sisyphus with his rock, he must begin anew with another."

*"This scheme was clearly designed to prevent more employees from exercising their constitutional rights."*

"As the court pointed out, these unions have been putting employees through hell when they try to reclaim their compulsory dues used for union political activities," said Reed.

## Arrogant union bosses nickel and dime employees

Despite the court's ruling that union officials violated the U.S. Constitution's protection of employee rights, a UPI union boss tried to paint his organization as the victim. In a typical display of arrogance, during an interview with the *Champaign News Gazette*, the President of the UPI union accused the Foundation of "trying to nickel and dime" his powerful union.

"The \$900 million Big Labor spent on politics this year is more than just nickels and dimes," responded Reed. ♣



### 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.

# Federal Judge Halts Seizure of Teachers' Union Dues

*Union bosses thumb noses at federal court*

SAN FRANCISCO, Calif. — A U.S. District Court judge has once again taken the powerful California Teachers Association (CTA) union to task for violating the constitutional rights of thousands of dedicated teachers.

National Right to Work Foundation attorneys convinced the U.S. District Court to put a stop to the illegal seizure of compulsory union dues by eight local affiliates of the CTA union and eight school districts.

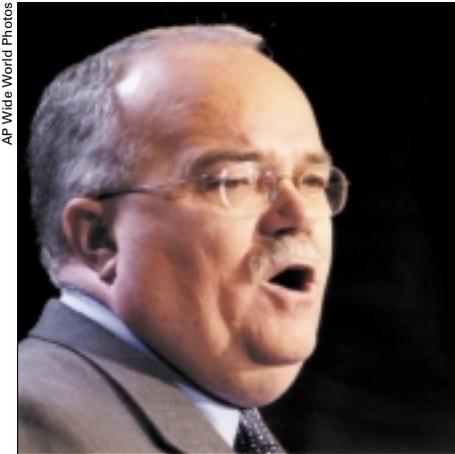
In a ruling from the bench, Federal District Court Judge Charles Legge ruled that the CTA union systematically violated the constitutional rights of teachers by refusing to provide verifiable disclosure of how teachers' forced union dues are spent — including no information about the union's vast political expenditures.

"These teachers are entitled to a full accounting of the union's expenditures before their paychecks are raided by the political operatives of the massive CTA union," said Stefan Gleason, Vice President of the Foundation.

The ruling could result in up to 10,000 teachers in 400 school districts throughout California reclaiming up to \$300 each in illegally seized compulsory union dues.

## Arrogant union bosses defy court

In this case on behalf of Kim Sheffield and his colleagues, as well as a previous Foundation case called *Foster v. CTA*, Legge rejected CTA union's use of the "local presumption" scheme. Under that scheme, affiliated local unions circumvented the constitutional requirements for audited disclosure outlined in the Foundation-won *Chicago Teachers Union v. Hudson* by arguing that smaller unions were somehow exempt from the audit requirement and that unaudited financial disclosure was sufficient. They further claimed that the percentage of the local union activities



**NEA labor union czar, Bob Chase, is pushing his far-left political agenda in America's public schools.**

that were chargeable could be arbitrarily presumed to be equivalent to the amount reported on the CTA union's financial disclosure.

Despite Legge's previous ruling, arrogant CTA officials continued to use their illegal scheme to violate the constitutional rights of California teachers.

"The CTA union bosses have no regard for the Constitution or employee rights," said Gleason.

## Teacher unions use dues money to stifle education reform

CTA union officials are fighting tooth and nail to keep using the so-called "local presumption" scheme to steal political dollars from the paychecks of California teachers.

That's because CTA union and National Education Association (NEA) union political bosses depend on that money to fund their well-oiled political machine.

"NEA and CTA union bosses run purely political organizations," said Gleason. "While America's school children struggle with basic math, union officials are busy adding up their political cash."

CTA and NEA union bosses use their forced union dues political war chest to block any real education reform, including school choice. During their national convention this year, NEA union militants voted to raise teachers' forced union dues by another \$5 per member per year — which increases their political coffers by \$6 million per year — in order to kill any attempts by poor and middle class families to remove their kids from failing public schools.

Union bosses also use forced union dues to push a far-left political agenda that is out of step with the beliefs of the vast majority of Americans.

A 1994-1995 NEA union resolution highlights their extreme political agenda.

*"The CTA union bosses have no regard for the Constitution or employee rights."*

Resolution B-46: Instruct children to support "international understanding" and to oppose the use of nuclear weapons; Resolution B-38: Promote Earth Day anti-capitalism activities; Resolution B-27: Advocate multiculturalism, denying any differences between cultures; Resolution B-22: Create for pregnant teenagers a positive self-image and self-esteem; Resolution H-5: Endorse government-run health care.

Whether or not these positions have merit, they have nothing to do with teaching kids basic skills in reading, writing, and arithmetic. ✚

## Federal Court

*continued from cover*

### Court clobbers union for “downright arrogance”

The court did not mince words when it blasted union and US Airways officials. In holding the airline and union liable, it ruled that the union had forced the firings on a “flimsy and indefensible basis,” and it excoriated the union for “woeful inadequacy and downright arrogance.”

The court ripped into the union for failing to provide the mechanics with independently audited financial disclosures to prove how much of their forced dues are being spent on activities unrelated to collective bargaining. Instead, the union fired the employees despite its “untimely, inadequate practices and procedures,” including the mere provision of “self-serving reports prepared by union members — with high school educations and no training in accounting — whom the Secretary-Treasurer has the singular power to dub ‘Grand Lodge Auditors.’”

“Thanks to this ruling, IAM bosses can no longer get away with their phony accounting methods to force workers to support their far-left politics,” said Gleason.

### US Airways does union’s dirty work

This case highlights the double whammy faced by workers when businesses do Big Labor’s dirty work.

By US Airways’ own account, Masiello and Sickler were exemplary employees. Despite that fact, US Airways management did not hesitate to put them on the street for exercising their constitutional rights. Even after the workers pleaded for their livelihoods, management supinely complied with the illegal demands of union bosses.

In a story printed in the *Charlotte Observer*, John Masiello expressed his excitement about the Foundation-won ruling. “I’m tickled pink ... They threatened us and we called their bluff.” ✚



### *Message from Reed Larson*

President  
National Right to Work  
Legal Defense Foundation

Dear Foundation Supporter:

Some naïve people claim that union bosses are somehow different than they used to be.

Tell it to John Masiello and Craig Sickler, whose dramatic story appears on the first page of this issue of **Foundation Action**.

They are the US Airways mechanics who demanded that the International Association of Machinists (IAM) union stop illegally seizing their compulsory dues for politics.

The union bosses didn’t like that show of independence one bit. Fearing that other employees would follow the two mechanics’ lead, the union bosses told US Airways to fire them despite their good work records.

In my book, these courageous workers are true American heroes. They put their livelihoods on the line to stand up for basic American principles, and they paid a stiff price.

Fortunately, Masiello and Sickler knew about their legal rights from reading the Foundation’s web site.

Now, Foundation attorneys have won a clear federal court victory for the two men, convincing the court to blast the union for its “downright arrogance.”

Even more importantly, this victory gave Foundation attorneys an opportunity to expose the malice and ruthlessness of IAM union officials.

The extensive press coverage this case received is educating and encouraging other workers to boldly assert their rights — not exactly what the vicious union bosses had in mind.

Sincerely,

Reed Larson