

Hotel Worker Takes On Forced Unionism Conspiracy

Sacramento politicians pushed for forced unionism at downtown luxury hotel

SACRAMENTO, Calif. — In a case that highlights a disturbing national trend, the Foundation is assisting a Sacramento waiter in his battles against a union's conspiracy with politicians and even business officials to forcibly unionize 250 employees at Sacramento's largest downtown luxury hotel.

Heath Langle has filed federal unfair labor practice charges against Local 49 of the notoriously corrupt Hotel Employees and Restaurant Employees (HERE) after the union's officials gained monopoly bargaining power at the downtown Sheraton Grand Hotel and demanded that employees sign union membership cards or pay a fine. The bully tactics were not entirely unexpected. After all, in the early 1990s, Sacramento's city officials had selected Sheraton to build the new downtown hotel because its management agreed to make it easier for union officials to unionize the hotel's employees.

"In effect, the Sheraton Grand Hotel debacle is a conspiracy to foist an unwanted union on hundreds of hotel workers," said Foundation President Reed Larson.

City's politicians help impose forced unionism

Like more and more development projects across America, Big Labor's efforts to take control of workers at the Sheraton Grand began long before the hotel was even built. According to local news reports, Sacramento's Democrat city officials wanted the proposed downtown hotel to be unionized to attract union and Democrat Party business and conventions.

In a *Sacramento News and Review* article, a local developer noted that Sheraton's willingness to allow the union officials to use a "card check" union recognition scheme gave the hotel chain the edge it needed to beat



Larry Dalton/Sacramento News & Review

Union bosses failed to intimidate hotel waiter Heath Langle.

out its competitors, such as Marriott, in the bid to build the new hotel. (The card check method enables union organizers to avoid a secret ballot election and instead push union cards into workers' hands and demand that they sign on the spot — often using pressure tactics, deception, and outright threats to obtain signatures.)

More and more, politicians are using public resources to dole out contracts based upon "union friendliness."

For example, earlier this year, San Francisco city officials passed an ordinance

requiring would-be San Francisco port developers and restaurateurs to sign an agreement with unions that they will use the highly abusive card check process.

Meanwhile, federal and state labor laws are so skewed in favor of union officials that employers often feel they have no choice but to buckle under and become complicit in the violation of employee rights.

"It's bad enough when union officials work hand in glove with government officials to systematically violate the rights of workers," said Larson. "Even worse, federal law helps bully employers to stand idly by."

Card check scheme coerces workers

In April, using the card check scheme, HERE Local 49 union officials obtained signatures from a majority of Sheraton Grand employees, and the

see SHERATON, page 6

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Distributed by the
National Right to Work Legal Defense Foundation, Inc.
8001 Braddock Road, Springfield, Virginia 22160
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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.

Auto Workers Hit UAW Union with Federal Charges

Employees told to join union or "join the unemployment line"



UAW union boss Stephen Yokich is named in federal charges.

FLINT, Mich. — Foundation attorneys hammered United Auto Workers (UAW) union officials with federal class-action charges for illegally ordering workers at a large automotive factory to join the union or “join the unemployment line.”

Erik Daly, an employee at the Brighton Interior Systems plant, which produces car door interiors for General Motors vehicles, filed unfair labor practice charges with the National Labor Relations Board (NLRB) against the UAW Local 599 union and the UAW International union on behalf of the hundreds of workers coerced into joining the union.

Stephen Yokich, the UAW International union’s president, was among the union officials served.

Union bosses shake down employees

In violation of the Foundation-won U.S. Supreme Court decision *Communications Workers v. Beck*, UAW officials demanded that all employees formally join the union and pay full union dues as a condition of employment. Under *Beck*, union officials may not compel workers to pay for politics and other activities unrelated to collective bargaining activities. The UAW union admits that at least 21

percent of each member’s union dues goes toward politics and similar activities.

“Union bosses shook down these employees for political money,” said Stefan Gleason, Vice President for the Foundation.

The union’s demands were blatantly unlawful under more than just *Beck*. Numerous precedents, including *Marquez v. Screen Actors Guild*, another U.S. Supreme Court case brought by Foundation attorneys, require unions to specifically inform employees of their right to refrain from formal, full dues-paying union membership before seizing any forced union dues.

Union memberships obtained through fraud

Federal charges filed by Foundation attorneys state that since the local and international unions’ monopoly bargaining contract at Brighton went into effect in July 2001, the unions have “engaged in a campaign of misrepresentations, coercions, and omissions” such that “not a single employee in this bargaining unit can be considered to be a voluntary member.”

UAW union organizers had launched an aggressive campaign last year to impose compulsory unionism on Brighton’s nearly 500 workers and on many hundreds of workers at other plants operated by Brighton’s parent company, Magna International, Inc. UAW czar Stephen Yokich ironically complained in a local newspaper about alleged “law-breaking tactics used by Magna” in opposition to the UAW’s coercive organizing campaign.

“Now it’s clear that the union’s officials are the real lawbreakers,” charged Gleason.

Foundation attorneys are asking the NLRB to issue a formal complaint against the UAW Local 599 and UAW International unions and declare all

union membership and dues deduction cards at Brighton to be null and void. They are also demanding that union officials provide retroactive refunds of all dues improperly collected and that they be prohibited from collecting any additional dues until they inform employees of their rights and halt the systematic violations of law.

UAW lawyers sue to block Bush order

On top of its long and disgraceful record of employee rights violations, the UAW union is now maneuvering in federal court to prevent workers from even learning about their rights. As reported in the last issue of **Foundation Action**, UAW lawyers are suing in federal court to stop the enforcement of an Executive Order issued by President George W. Bush that simply requires federal contractors to post a standard workplace notice informing employees of their *Beck* rights.

But Foundation attorneys have filed a “Friend of the Court” brief in the case to defend the President’s Executive Order against the union attack. “Foundation attorneys are working to ensure that Brighton workers and workers throughout the country are informed of their rights,” concluded Gleason. ✚

Free Newsletter

If you know others who would appreciate receiving

Foundation Action,

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They’ll begin receiving issues within weeks.

NLRB Forces Workers to Wear Union Propaganda

Board consisted of Clinton holdovers

WASHINGTON, D.C. — In a case that proves once again that the National Labor Relations Board (NLRB) itself wears the union label, a panel of three NLRB members, all holdovers from the Clinton Administration, ruled to force objecting employees to wear union propaganda on their uniforms as a condition of employment.

Grabbing national headlines, the NLRB ruled in late August on a case brought by BellSouth Communications technicians Gary Lee and Jim Amburn of Charlotte, North Carolina, against the Communications Workers of America (CWA) union. The employees brought the charges in 1996 after they were told that they must wear a union logo patch in order to keep their jobs.

“No worker should be forced to be a walking billboard for a union he or she doesn’t support,” said Foundation Vice President Stefan Gleason. “The Bush Administration is long overdue in cleaning up Clinton’s NLRB.”

NLRB uses tortured legal reasoning

More than four years ago, the NLRB’s General Counsel issued a complaint against the union for unfair labor practices, agreeing with Foundation attorneys’ arguments that forcing nonmembers to wear the CWA union logo violates their right to refrain from union activity and that it gave the false appearance that they belonged to or supported the union. (The employees exercised their right not to join or pay dues to the union under North

Carolina’s highly popular Right to Work law.)

But in a decision filled with tortured legal reasoning, the NLRB ruled that BellSouth’s uniform policy requiring the patch was a “special circumstance,” which trumped the right of workers to refrain from supporting the union.



Clinton NLRB still at large

The NLRB panel of three Democrat holdovers has consistently ruled against workers who object to supporting a union. President Bush currently has the ability to appoint four new members to the five-member NLRB.

Foundation attorneys file appeal

Meanwhile, Foundation attorneys have filed an appeal with the Fourth Circuit Court of Appeals.

The union-boss-puppet NLRB has a long and disgraceful record. For example, in 1997 the United States Court of Appeals for the District of Columbia overturned the NLRB’s anti-freedom decision in *Ferriso v. Electric Workers Union*, a ruling that thumbed its nose at U.S. Supreme Court precedent by permitting the union to “audit” its own calculations of the expenditures nonmember agency fee payers can lawfully be forced to subsidize. (Had Foundation attorneys not won on appeal, the NLRB’s ruling in *Ferriso* would have denied the 7.8 million American employees who work in compulsory union shops the verifica-

tion of those calculations by an independent auditor, as was mandated by the Supreme Court in another Foundation-won case, *Chicago Teachers Union v. Hudson*.)

Federal courts have repeatedly scolded the NLRB for its refusal to adhere to legal precedents. In *Ferriso*, the D.C. Circuit found “that the Board’s rejection of the ‘independent auditor’ requirement was not rational.” In another case, the Second Circuit Federal Court of Appeals even went as far as noting that the Board has a “decidedly pro-union bent.”

Because federal law is so skewed against the rights of individual workers, Gleason urged Foundation supporters to keep their eye on the Foundation’s ultimate goal. “Even if there is a less hostile NLRB in place, the degree to which union officials violate the rights of workers will diminish only slightly. Ultimately, we must seek to end compulsory unionism abuse altogether.” ✚

Newsclips Requested

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

Single Mom Sues Union After Mother's Day Firing

Union officials illegally ordered United Airlines clerk to join union or else

DES MOINES, Iowa — In an outrageously cold-hearted act, Machinists union officials had single mother Jean Green fired illegally last Mother's Day for exercising her right not to join the union.

With the assistance of Foundation attorneys, Green, a United Airlines customer service clerk at Des Moines International Airport, has filed a lawsuit against the International Association of Machinists and Aerospace Workers (IAM) union, United Airlines, and IAM Local 141 in the United States District Court for the Central District of Iowa, Central Division.

"IAM union officials forced this single mother of three off the job and into the unemployment line on Mother's Day," said Gleason.

Airline officials carry union's water

In violation of the Foundation-won U.S. Supreme Court decision *Ellis v. Railway Clerks*, IAM union officials repeatedly demanded that Green formally join the union and pay full union dues as a condition of employment. When Green balked at their repeated

illegal demands, they instructed United Airlines officials to fire her.

On May 13, 2001, Mother's Day, a United Airlines official called Green at home to tell her she was out of a job.

At no time did IAM officials inform Green of her rights under *Ellis* to abstain from union membership and pay reduced union dues. Under *Ellis*, employees cannot be forced to fund activities unrelated to bargaining, such as politics. (Federal law does not allow Iowa's highly popular Right to Work law, which frees most workers from forced union dues, to protect airline and railroad employees.)

Airline tried to block unemployment benefits

Moreover, when Green applied for unemployment assistance United officials challenged her claim, stating that she had been fired for "misconduct" — despite the fact that United officials twice recognized her outstanding workplace performance since she was



Stefan Gleason appeared on the Labor Day edition of C-SPAN's "Washington Journal." Free copies of this feature interview may be obtained by contacting Jean Griffith at 1-800-336-3600.

hired in 1999. Green was forced to provide for her children, two of which were still school-aged, without the job she had depended on.

Foundation attorneys are seeking compensatory damages in the amount of all lost wages and benefits, and for Green's emotional distress, mental anguish, damage to reputation, humiliation, and embarrassment. They are also seeking punitive damages.

Union bosses shamed publicly

After the Foundation's Legal Information Department briefed members of the media about the IAM union's despicable treatment of Green, reporters from the *Des Moines Register* newspaper and the *Associated Press* wire service contacted the union's officials. In typical fashion, IAM union bosses absolutely refused to comment publicly about their actions.

"This shows the true nature of Machinists union bosses," said Gleason. "They bullied a single mom when they thought no one was paying attention, but when their evil deeds were exposed, they scurried away with their tails between their legs." ⚡



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.

Sheraton Case Highlights Emerging Organizing Tactics

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hotel management eagerly negotiated a collective bargaining agreement with the union that bound all of the hotel's employees. Much to the employees' chagrin, the contract also included mandatory dues.

Management hung employees out to dry

So, union officials immediately ordered the employees to sign dues authorization cards or face punitive "initiation fees." In what appears to be a way to trick employees into joining the union formally, Local 49 union officials provided them with confusing dual union membership/dues deduction forms and told them they would be subject to "initiation fees" up to \$95 if they did not sign and return the forms.

These bully tactics struck Heath Langle as blatantly unjust. "I have a strong belief that I should be able to choose whether or not I participate in union activities," he said. He added that, after union officers demanded tribute from him and his coworkers, "something lit a fire under me."

Langle, who refused to sign a union card, sought to exercise his Foundation-won right under *CWA v. Beck* to refrain from formal union membership and to halt and reclaim union dues siphoned into politics and other activities unrelated to collective bargaining, but the union's officials have so far refused even to allow any employees to review verified financial records.

Langle contacted the Foundation after reading in his local newspaper about a similar case brought by Foundation attorneys.

Foundation attorneys discovered that the Local 49 union was carrying out policies established by its HERE international union parent. Thus, Foundation attorneys are demanding in their federal charges that the HERE international

union halt its illegal nationwide practice of discriminating against union objectors and provide proper, independently audited financial disclosure to all employees under its domain.

Employees seek to rid hotel of forced union dues

Meanwhile, Langle has gathered enough signatures from his fellow employees to hold a deauthorization election that would strip union officials of their power to force employees to support the union financially in the first place. Citing business considerations, Sheraton officials also circulated a memo tacitly discouraging employees from voting against the union and

even directing employees to speak to union officials if they had any questions about the election!

Unfortunately, union bosses have so far successfully exploited union-friendly NLRB procedures to delay that vote. Ironically, the union accomplished this by filing unfair labor practice charges against the Sheraton management, claiming it had rewarded Langle with a promotion because of his efforts to protect workers against compulsory unionism!

"The union's disingenuous claim that pro-union Sheraton officials are rewarding Langle for his fight against the hotel's bosom buddy is beyond laughable," said Larson.

"Individual employees like Heath Langle must not be left to fight alone against this conspiracy of compulsory unionism." ✚

Hotel Union Exposed as Cesspool of Corruption

The Hotel Employees and Restaurant Employees (HERE) union has long been described as a "mob-infested union" rife with corruption. Indeed, the troubled union recently came under federal monitoring after failing to clean its house of organized crime.

Back in 1986, President Ronald Reagan's Commission on Organized Crime uncovered shocking evidence that numerous HERE union bosses carried out fraud, money laundering, embezzlement, and racketeering schemes to enrich themselves and the Mafia dons who "eliminated" threats to their power.

Recent evidence suggests that little has changed in the way the HERE union operates today. HERE bosses continue to shake down hospitality industry workers throughout

the country, illegally compelling union memberships and using forced dues to pay for lavish union boss vacation homes and to bankroll the politicians who back them.

The list of prosecutions and other abuses is long. HERE officers in Pittsburgh face charges of coercion for exploiting a deal with the city government to force "representation" on hotel workers. Shameless hotel union bosses have even put staffers of adulterous race-baiter Jesse Jackson on the union payroll as a payoff for staging disruptive marches and protests during HERE strikes and organizing drives.

John Wilhelm, top boss of the HERE international union, is widely rumored to be heir to John Sweeney's throne as president of the giant AFL-CIO.

Court Upholds Ohio Ban on Union-Only Contracts

Foundation attorneys helped persuade appellate court to limit union abuse

CLEVELAND, Ohio — An Ohio court of appeals has upheld a cutting-edge Ohio law limiting costly and discriminatory union-only contracts, called project labor agreements (PLAs), on state-funded construction projects. National Right to Work Foundation attorneys filed a “Friend of the Court” brief in the case that provided the basis the court used to uphold the law.

The Eighth District of the Ohio Court of Appeals ruled in *Ohio State Building and Construction Trade Department v. Cuyahoga County Board of Commissioners* that Ohio’s HB 101, the Open Contracting Act, does not violate the National Labor Relations Act (NLRA). The court’s decision overturned a lower court’s ruling striking down the law passed by the Ohio legislature in 1999.

“PLAs are nothing more than raw extortion where union bosses promise not to disrupt public construction projects in exchange for a union-only

contract,” said Foundation Vice President Stefan Gleason. “This ruling is a victory for Ohio taxpayers, workers, and job providers.”

PLAs cost taxpayers billions nationwide

In a “Friend of the Court” brief, Foundation attorneys convinced the court that HB 101 is not preempted by the NLRA because the Act does not eliminate a state’s right to decide whether or not to contract with unions.

Under increasingly common PLAs, union-friendly politicians award contracts on government-funded construction projects only to contractors who agree to force compulsory unionism on their employees. PLAs usually require contractors to grant union officials monopoly bargaining privileges over all workers; force their employees

to pay union dues; use exclusive union hiring halls; and pay above-market prices resulting from wasteful work rules and featherbedding.

see TAXPAYER EXTORTION, page 8



Bob Newell/Pittsburgh Tribune-Review

Spotlight on...

Bruce N. Cameron
Staff Attorney



In 1976, Bruce Cameron came to the National Right to Work Foundation hoping to help employees whose religious beliefs barred them from joining or financially supporting unions.

Now, more than 25 years later, Cameron has helped thousands of employees completely cut off payments to unions whose radical social and political agendas clash with their sincerely-held religious beliefs. In the beginning, the courts only protected employees who were members of churches with specific doctrines on labor unions. Through Foundation-funded litigation, the courts have now extended protection to all sincere religious objectors regardless of their church affiliation or specific religious belief.

Cameron believes religious objectors draw on a “higher source” of help which has resulted in his never losing a basic religious accommodation case under civil rights law.

Cameron is the author of 16 published articles on employee rights and religion. His pamphlet “Union Dues and Religious Do Nots: An Employee’s Guide” is accessible through the Foundation’s web site.

Cameron earned his J.D. from Emory University School of Law in 1976. In addition to helping union-abused employees, Cameron devotes himself to his family and his church, where he is the lay pastor. Each week he writes a Bible study which is translated into Spanish and Portuguese and electronically distributed to 7,000 people.

Taxpayer Extortion

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Ohio first to ban PLAs

Ohio's Open Contracting Act was originally drafted by the National Right to Work Committee, which also lobbied for its passage. The Ohio state legislature passed HB 101 in 1999 after four union-only construction projects generated massive cost overruns. Since its passage, Utah and Montana have passed legislation modeled after the Ohio law.

Gleason noted that union lawyers will likely appeal the ruling to the Ohio Supreme Court and that the case could eventually make it to the U.S. Supreme Court. "Understanding that there is a growing grassroots push for states to end corrupt and costly PLAs, union bosses may well take this fight to the highest court in the land."

Meanwhile, the Foundation is fighting the AFL-CIO's federal suit against President George W. Bush's Executive Order prohibiting PLAs on federally funded construction projects (see September/October **Foundation Action**). ↗

Get your free copy of "Power Grab"

Free Copies of "Power Grab: How the National Education Association is Betraying our Children," are available to Foundation supporters.

G. Gregory Moo's book exposes how, by virtue of its government-granted forced unionism privileges, the NEA union today controls the nation's system of education, subverts local control of education, and uses its power to intimidate teachers who speak out against its ultra-liberal social agenda.

To receive a copy of Moo's damning look at the powerful NEA union, call Jean Griffith at 1-800-336-3600 or e-mail her at jmg@nrtw.org.



Message from Reed Larson

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter:

Big Labor is on the march.

While America ponders its security from terrorist threats, the union bosses are stealthily trying to force millions more Americans into the clutches of compulsory unionism through behind-the-scenes legislative maneuvers and card check organizing campaigns.

Even more outrageously, Big Labor's puppets on the Clinton-holdover National Labor Relations Board (NLRB) have decreed that all workers can be forced to wear union propaganda as a condition of employment — even if they have rejected union membership. (Foundation attorneys are working to overturn that ruling in federal court.)

The fact is that without your support, the Foundation would be unable to stand like a stone wall in defense of individual freedom.

Of course, the Right to Work cause is winning offensive victories, too. In Oklahoma, as a result of years of preparation by Right to Work supporters, voters recently made the Sooner State the 22nd state in the nation to have a Right to Work law.

Now, undoubtedly, the battle in Oklahoma will continue in the courts as well-paid union lawyers try to undermine or even reverse the voters' decision. You can be sure that the Foundation will protect Oklahoma's Right to Work law with all it has.

That is what your Foundation does, day in and day out.

But we must remain vigilant. The union bosses know that the best time to sneak compulsory unionism through is in the dark of night, when no one is looking.

Working together, you and I can ensure that Big Labor's opportunistic grabs for more power are exposed and defeated.

Sincerely,

Reed Larson