Government Regulation Has Not Stopped Union Abuse

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With President Bush in the White House, there have been increased calls by reform-minded individuals for more regulations to counter abusive union power. Some are pushing for increases in the union disclosure requirements of the Landrum-Griffin Act. Others are demanding federal so-called "paycheck protection" regulations.

Making such proposals ignores the folly of decades of failed "reforms" that attempted to regulate – rather than end – government-imposed compulsory unionism. History teaches that creating new bureaucracies to regulate union abuse of employee rights not only fails; it often backfires.

When President Franklin D. Roosevelt signed the National Labor Relations Act (NLRA) in 1935, union officials first gained the power to compel unwilling employees and private-sector employers into monopoly bargaining contracts and forced unionism arrangements. To this day, that draconian law (though supplemented with a number of other government-granted privileges and immunities) is the root of union power and abuse.

Big Labor's government-granted power – especially the power to get employees fired from their jobs for refusal to pay union dues – enables union bosses to shake down the very workers they claim to be representing for political cash to advance Big Labor's political and ideological agenda, an agenda frequently offensive to rank-and-file workers. For example, a recent Zogby poll revealed that more than 55 percent of union members support Bush's tax cut plan even though the AFL-CIO and its affiliate unions are going all out to defeat it.

Two major attempts to "reform" the NLRA have done nothing to solve the problems created by its compulsory unionism provisions.

In 1947, Congress passed the Taft-Hartley amendments to the NLRA, attempting to rein in the union abuses when Big Labor waged thousands of crippling work stoppages during World War II. Although Section 14(b) of Taft-Hartley reaffirmed the right of states to pass Right to Work laws to limit federally imposed forced unionism, the legislation increased union power to force workers to "accept" and pay for unwanted union representation in non-Right to Work states.

In 1959, following Senate hearings investigating widespread union corruption and violence, Congress added another layer of regulation by passing the Landrum-Griffin Act. Congress sought to root out corruption by trying to infuse democratic processes into unions through government force. Like Taft-Hartley, Landrum-Griffin failed miserably because it also turned a blind eye to the root cause of union abuse.

In the late 1980s, President Reagan's Commission on Organized Crime revealed that at least five major international unions were still mob-dominated. The recent Teamsters campaign finance scandal – involving a series of allegedly illegal money swaps between the union's former top boss, Ron Carey (who now faces prosecution), and the Democrat Party – is further evidence of Landrum-Griffin's failure to eliminate union corruption.

Today, many politicians somehow still believe that other regulatory Band-Aids will do that which previous attempts have consistently failed to do. So-called "paycheck protection" regulations, which seek to prevent union bosses from fleecing employees for political cash, have backfired embarrassingly in states like Washington and California. Under these schemes, which use the vehicle of campaign finance laws, clever union accountants figured out how to rearrange, reclassify, and rename political activity so that it would fall outside the laws' toothless "protections."

The fact is that under federal labor policy union bosses are like kings who exercise government-backed force that makes them effectively unaccountable to rank-and-file employees.

So no matter how many "reforms" are passed or how many union bosses are prosecuted, there will still be corruption as long as the government-created system of compulsory unionism remains intact. As the late Senator John L. McClellan (D-Ark.) said, "Compulsory unionism and corruption go hand in hand."

There is a simple solution, and it's supported by 80 percent of the American people. *End*, rather than "fix," compulsory unionism.

To that end, Foundation attorneys continue to rack up legal victories on behalf of hundreds of thousands of workers whose rights have been violated under the *CWA v. Beck* U.S. Supreme Court decision and related court victories. In *Beck*, the U.S. Supreme Court allowed employees to halt and reclaim all forced union dues not used for collective bargaining activity, like politics. By setting legal precedents like *Beck*, Foundation attorneys are rolling back the government-granted coercive union privileges, piece by piece.

Ultimately, Foundation attorneys are working to bring forward cases that have the potential for the U.S. Supreme Court to declare the forced-dues provisions of the NLRA unconstitutional, thereby restoring employees' right to choose whether or not to support a union. A National Right to Work Act would have the same effect, and President George W. Bush is the first president in history to promise to work with Congress to pass it.

Stripping union bosses of their government-granted coercive power is the only way to restore American workers' constitutional rights.

Stefan Gleason is Vice President of the National Right to Work Legal Defense Foundation, a non-profit, charitable organization that provides free legal aid to victims of

compulsory unionism abuse. Currently the Foundation is assisting almost 200,000 employees in nearly 500 legal-aid cases nationwide.