

**Federal Racketeering Suit Filed Over Daimler-Chrysler Subsidiary's Secret Agreement to Assist UAW Organizing in Return for Union Concessions in Future Bargaining Contracts: *Adcock v. Auto Workers* (W.D. N.C.)—Staff Attorney William Messenger.**

Freightliner LLC, a Daimler-Chrysler subsidiary, operates several production facilities in North and South Carolina. In 2002, it entered into “neutrality and card-check” agreements with the United Auto Workers (UAW). Freightliner agreed to prohibit negative comments by management personnel about the UAW or union representation, compel employees to attend “captive audience” meetings with Freightliner and UAW officials on company time and property to be solicited to sign union authorization cards, grant UAW organizers sweeping access to Freightliner’s facilities to solicit signatures, and recognize the UAW as bargaining representative without a secret-ballot election at any facility where a majority of workers signed union authorization cards.

Workers opposed to UAW representation at several of the Freightliner facilities asked Foundation attorneys for legal assistance after Freightliner and the UAW began implementing the neutrality and card-check agreements in the workers’ plants. While prosecuting unfair labor practice charges concerning the implementation of the neutrality and card-check agreements at Thomas Built Buses, a North Carolina subsidiary of Freightliner, Bill Messenger discovered secret side agreements in which, in return for the neutrality and card-check agreements, the UAW had agreed that it would freeze the wages of represented employees, increase their benefit costs, and make other concessions regarding severance pay, transfer rights, and overtime.

On January 24, 2006, Bill filed a cutting-edge suit against Freightliner and the UAW under the Racketeer Influenced and Corrupt Practice Act (RICO) for Ronnie Adcock and four other North Carolina Freightliner employees as representatives of a class of over 3000 employees at three Freightliner facilities covered by collective bargaining agreements with the UAW who have been damaged by the UAW’s concessions. The 39-page complaint ([http://www.nrtw.org/pdfs/20060124rico\\_complaint.pdf](http://www.nrtw.org/pdfs/20060124rico_complaint.pdf)) alleges that Freightliner’s and UAW’s conduct constituted a pattern of violations of the Taft-Hartley Act’s provision that prohibits employers from giving any “thing of value” to a union seeking to represent its employees and prohibits unions from accepting such things. The complaint also alleges that the secret agreements are an illegal scheme for Freightliner to acquire and maintain control over a “company union” in which the UAW participated to obtain union dues from workers in the affected facilities. On February 22, Freightliner moved to dismiss the case, and the UAW is expected to do the same on or before April 10, 2006. Bill then will have fourteen days in which to file an opposition to those motions.