

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

Vol. XXIII, No. 2

8001 Braddock Road • Springfield, Virginia 22160

www.nrtw.org

March/April 2003

Foundation Launches Attack on "Top-Down" Organizing

Employers increasingly bullied into corralling workers into unions

SPRINGFIELD, Va. — In an unprecedented employee challenge to an increasingly common union organizing device known as a "neutrality agreement," National Right to Work Foundation attorneys filed federal charges against Johnson Controls, Inc. (JCI) and the United Auto Workers (UAW) union for working in collusion to impose forced unionism on independent-minded employees at dozens of the company's facilities across America.

The so-called "neutrality agreement," aimed at corralling thousands of JCI auto parts workers in 26 factories around the country into union membership, went into effect after the UAW union hierarchy agreed to release JCI from several crippling strikes at its few unionized facilities.

"These cynical pacts amount to nothing more than an alliance between union bosses and weak-kneed employers to threaten and intimidate workers into union ranks," said Reed Larson, president of the Foundation.

Robert Walach, a non-union member, sought free legal aid from Foundation attorneys to file the unfair labor practice



By fouling up production at certain company facilities, UAW union bosses bullied Johnson Controls, Inc. into a company-wide agreement to hand its employees over to compulsory unionism.

charges with the National Labor Relations Board (NLRB), which will investigate the charges and decide whether to prosecute the defendants for unfair labor practices.

Union officials avoid employee elections

As union organizers have had less success in recent years persuading employees to vote in favor of unionization during secret ballot elections, union operatives have increasingly used these so-called "neutrality agreements" and other "top-down" organizing techniques in order to trump employee free will—instead using a variety of methods to bully employers into recognizing union officials as the exclusive representative of their employees without so much as a vote by the affected employees.

So-called "neutrality agreements" not only include a promise from employers that they will not counter union propaganda directed at employees, but these pacts also usually require employers to

give union organizers the names, home addresses and telephone numbers of all employees, as well as permission to come on company property during work hours to collect union authorization cards. These "card check" schemes deny employees any opportunity to reject unionization through a secret ballot election supervised by the National Labor Relations Board (NLRB).

Moreover, workers are often misled, harassed, or threatened into signing union authorization cards.

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Teamsters Union Charged For Accounting Shenanigans

Audits prepared by "Big Labor's Arthur Andersen" challenged

CLEVELAND, Ohio — A Clevelandarea worker has filed federal charges with the National Labor Relations Board (NLRB) against Teamsters Union Local 436 for using the corrupt audit firm Thomas Havey, LLP to justify the union's forced-dues demands.

The filing of unfair labor practice charges comes on the heels of multiple guilty pleas to federal criminal charges by senior Havey partners. The firm is the most widely used union audit firm in the country.

"None of the Havey firm's audits should be taken at face value," said Stefan Gleason, Vice President of the National Right to Work Foundation. "One of their top partners has admitted to deliberately falsifying audits and covering up the self-indulgence of Ironworkers union officials."

With the Foundation's help, Clifton Skaggs, an employee of R.W. Sidley Inc., hopes to vindicate his right to receive accurate financial disclosure from the union and reclaim a portion of his forced union dues. Under current law, union officials must provide objecting employees with independently audited disclosure of how forced union dues are spent so the employees can determine if they are subsidizing activities unrelated to collective bargaining, including electioneering and other political activity.

Teamsters union faces nationwide scandal

Skaggs is the second worker to file a legal challenge against the Teamsters union hierarchy for using the corrupt accounting firm to prepare its audits. In September, Foundation attorneys helped Mark Simpson, a Pittsburgharea worker, file federal charges against the union for using the Havey firm to justify its forced-dues demands.

Simpson gained public support from



Jimmy Hoffa's Teamsters union faces yet another round of federal charges for hiring the corrupt Thomas Havey accounting firm.

Congressman Charlie Norwood (R-GA), Chairman of the House Subcommittee on Workforce Protections. In addition to standing by Simpson's side at a press conference outside the Washington, DC, headquarters of the International Brotherhood of Teamsters, Norwood called upon NLRB General Counsel Arthur Rosenfeld to prosecute the union aggressively and heighten union financial disclosure requirements.

The Congressman's demands drew a rude and bureaucratic response from Rosenfeld, an appointee of President George W. Bush who has since angered many of those who supported his nomination in 2001. In a letter, Rosenfeld brushed off Congressman Norwood's serious concerns and passed the buck to his own deputies.

Last fall, Frank Massey, a top Havey partner, pleaded guilty to federal crimes after he aided the Ironworkers union in listing union officers' expenses for alcohol, floozies, expensive dining, and golfing trips as "Office and Administrative expenses" or "Education and Publicity," in flagrant violation of U.S. Department of Labor reporting rules.

"When union officials and their auditors falsify the minimal information that they must disclose, employees are left completely in the dark about how their hard-earned money is spent," said Mark Mix, Executive Vice President of the Foundation. "The answer is to eliminate the numerous union special privileges granted them by federal law in the first place." Φ

Foundation Action

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Distributed by the

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

www.nrtw.org • 1-800-336-3600

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.

Workers Win Uphill Battles Despite Hostile Labor Law

Foundation helps confront union/government stonewalling and bully tactics

SOMERSET, Ky. — As a part of a growing national trend in states without the freedom of Right to Work laws, employees of Charter Communications succeeded in an uphill battle to obtain and win a workplace election to prohibit a union hierarchy from getting workers fired for refusal to pay union dues of any kind.

Led by their colleague Sarah Lewis, the workers voted overwhelmingly in an election supervised by the National Labor Relations Board (NLRB) to toss out the mandatory union dues clause in their employer's collective bargaining agreement with International Brotherhood of Electrical Workers (IBEW) union Local 369. Lewis and her fellow employees sought the election, known as a deauthorization election, after union officials announced that the contract they negotiated had eliminated key benefits.

Thanks to the union hierarchy's so-called "representation" at the bargaining table, the workers lost matching funds in the 401(k) program, sick leave, and leave for family funerals. Lewis learned of her rights, and received free legal assistance, from attorneys with the National Right to Work Legal Defense Foundation.

Despite an intense propaganda campaign waged by union officials seeking to scare employees and to demonize Lewis and her employer, 75 percent of the 60 eligible employees voted to strip the union hierarchy of its special privilege to compel payment of union dues.

Because federal labor law is stacked against independent-minded workers, employees must gain an absolute majority of the entire bargaining unit in order to throw out the forced-dues clause—even if only a fraction of the employees actually vote.

"The employees of Charter Communications can now force the union hierarchy to be accountable to the interests of rank-and-file workers," said Ray LaJeunesse, Vice President and Legal Director of the National Right to Work Foundation. "Because workers in Kentucky do not enjoy the protections of a Right to Work law, the uphill battle of winning a deauthorization election is the only way they can break the grip of compulsory unionism."

Foundation helps 1,600 Bay State workers boot union

The deauthorization victory Sarah Lewis led comes on the heels of a successful decertification campaign in Massachusetts. In the Worcester-area battle, 1,600 Shaw's Supermarket workers threw out United Food and Commercial Workers (UFCW) union Local 1445 after becoming disgusted with the union hierarchy's arrogance.

While deauthorization elections allow workers to eliminate the so-called "union security clause" from a contract and thereby prevent the collection of mandatory dues from members of their bargaining unit, a decertification election eliminates the unwanted union from their workplace entirely. A successful decertification election requires a majority of those voting.

Crediting information obtained from the Foundation's Internet web site (www.nrtw.org), supermarket clerk Christine Scanlon decided to distribute decertification petitions to hundreds of coworkers at Shaw's 11 Worcester-area stores. She also contacted Foundation attorneys directly, who advised her of her right under the Foundation-won case Communications Workers v. Beck to resign her union membership and reclaim the portion of union dues spent on politics and other activities unrelated to collective bargaining.

"Not a day goes by," Scanlon told *The Worcester Telegram and Gazette*, that she doesn't hear someone saying, "'I hate this union. How can we get rid of it?'"

Much of the mass disenchantment



Even in Sen. Teddy Kennedy's home state of Massachusetts, thousands of workers are triumphing over arrogant union hierarchies.

with Local 1445 resulted from a unionendorsed health insurance plan touted by the union brass that, according to Shaw's, would have dramatically raised premiums beyond what many employees could afford. Because a vast majority of employees signed the decertification petitions, Shaw's management simply withdrew recognition of the union as the exclusive representative of employees.

Victory inspires others to fight

Meanwhile, directly inspired by the decertification victory launched in Worcester, a group of workers at the St. Gobain Abrasives plant in the neighboring town of Greendale have now formed a grassroots coalition for the purpose of decertifying the United Auto Workers (UAW) union Local 4069.

Citing information from the Foundation's website, the coalition's own internet website (*www.gcatu.org*) lists workers' grievances against the union hierarchy, including delaying contract negotiations and scheduled pay raises. The site also informs workers of their right to free themselves of unwanted union representation, and links them to the Foundation's website.

see WORKERS PREVAIL, page 8

Supreme Court Upholds Bush Ban on Union-Only PLAs

Court denies union attempt to overturn Foundation-supported executive order

WASHINGTON, D.C. — The U.S. Supreme Court struck down efforts by union lawyers to overturn the Bush Administration's Executive Order 13202, which bans government-mandated, discriminatory, union-only contracts, also known as project labor agreements (PLAs), on federally funded construction projects.

The High Court declined to review the union lawyers' appeal of a U.S. Court of Appeals decision in *AFL-CIO* et al., v. Allbaugh et al. The appellate

decision upheld the President's right to issue the executive order banning the practice of excluding non-union contractors and their employees from working on billions of dollars in federal contracts.

The National Right to Work Legal Defense Foundation filed a joint amicus curiae (Friend of the Court) brief with Associated Builders and Contractors and the U.S. Chamber of Commerce arguing that the executive order was not preempted by the congressionally enacted National Labor Relations Act (NLRA) and that President Bush acted within his constitutional authority.

"The Court's decision is a step toward protecting workers and taxpayers from higher costs and other abuses that flow from compulsory unionism," said National Right to Work Foundation Vice President Stefan Gleason. "However, the ultimate solution is to eliminate, not regulate, the government-granted special privilege of forced unionism."

Open Contracting rule protects workers and taxpayers

A PLA is a scheme that requires all contractors, whether they are unionized or not, to subject themselves and their employees to unionization as a condition of working on government-funded construction projects. PLAs usually require contractors to grant

union officials monopoly bargaining privileges over all workers; use exclusive union hiring halls; force workers to pay dues as a condition of employment; and pay above-market prices resulting from wasteful work rules and featherbedding.

To protect their ill-gotten power, coalition union officials filed suit after President Bush issued the execuorder February 2001 establishing a policy non-discrimination on federal contracting. More than 80 percent

of American contractors and their employees have chosen to refrain from union affiliation.

"PLAs are nothing more than a

"PLAs are nothing more than a shakedown—union officials use them to demand taxpayer handouts and government-granted special privileges in exchange for not ordering strikes or causing other disruptions of taxpayer-funded projects," said Gleason.



Meanwhile, after a lengthy legal battle, the Ohio Supreme Court thumbed its nose at the foregoing U.S. Court of Appeals decision when it tossed out Ohio's Open Contracting Act.

In the case of Ohio State Building & Construction Trades Council v. Cuyahoga County Board of Commissioners, the elected judges of the Ohio Supreme Court stated that the Ohio legislature's effort to protect non-union employees from discrimination is preempted by federal law. Foundation attorneys had argued that the state legislature had the right to withhold financing from a form of compulsory unionism with public construction funds.

Foundation attorneys seek High Court appeal

As Foundation Action goes to print, the National Right to Work Foundation and thousands of its Ohio supporters are calling on Ohio Attorney General Jim Petro to appeal the Ohio Supreme Court's decision to the U.S. Supreme Court. In light of the highest court's decision in favor of the Bush administration's executive order, the Foundation believes that the Supreme Court would take up the case and overturn the Ohio court's legally flawed decision.

"The Ohio Supreme Court has gone out on a limb and placed the power of union bosses ahead of Ohio's workers and taxpayers," said Gleason. "Citizens should be protected at the state level from this sort of Big Labor shakedown just as they are at the federal level."



Prodded by union lobbyists, Governor Bob Taft (R-OH) did not support an appeal of the Ohio Supreme Court's ruling allowing union-only project labor agreements.

Union Levied Illegal Fines in "Justice for Janitors" Strike

Independent-minded janitors forced to pay fines or perform slave labor

LOS ANGELES, Calif. — After two years of foot dragging, the National Labor Relations Board (NLRB) issued a complaint against one of California's most powerful unions for illegally coercing 43 janitors, 31 of whom have been fined up to \$500 each, for exercising their right to continue working during the so-called "Justice for Janitors" strike in April 2000.

With the help of attorneys from the National Right to Work Foundation, the

janitors, employed by American Building Maintenance Janitorial Services Company and two other janitorial services, filed unfair labor practice charges with the NLRB against Service Employees International Union (SEIU) Local 1877 for levying the illegal fines.

"SEIU union bosses have a perverse view of exactly what constitutes 'Justice for Janitors,'" said Dan Cronin, the Foundation Director of Legal Information. "There will be no such justice until this union's notoriously abusive officials cease their bully tactics."

Janitors harassed for putting family first

In July 2000, Local 1877 union officials levied the illegal fines and demanded that the janitors pay up or perform "community service," such as scrubbing floors at the union hall, after a "rolling" strike against various Southern California employers during contract negotiations. SEIU union officials tried to punish the janitors who chose to work rather than sacrifice crucial family income.

"My husband wasn't working because he had cancer, and I had to keep making house payments," worker Rose Lugo, a 12-year member of the SEIU union, told *EFE News Service*.



Union officials staged riots and other disruptions in order to make extortionate demands and to strong arm workers during "Justice for Janitors" campaign.

The intent of the union fines was to drive the janitors toward financial ruin in retaliation for defying union edicts, as starting janitors are paid only approximately \$7.00 per hour.

Union officials keep workers in the dark

In addition, the NLRB regional office has decided to prosecute SEIU union officials for failing to notify the janitors of their right to refrain from formal union membership and pay a reduced fee that covers only the costs of activities directly related to collective bargaining.

The government complaint states that the union committed unfair labor practices by failing to inform employees of their rights. The Foundation-won Supreme Court decision in *Communications Workers v. Beck* and subsequent NLRB rulings prohibit union officials from requiring formal union membership or the payment of full union dues as a condition of employment. Later Foundation court victories require union officials to truthfully inform employees of these fundamental rights.

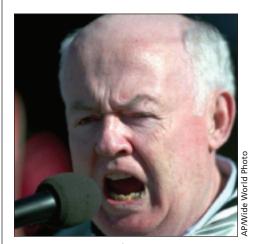
"These janitors were simply ordered to sign up, shut up, and pay up," said Cronin. "This is nothing new, however, Union bosses do not want workers to know what their rights are."

SEIU union has history of militancy

The April 2000 "Justice for Janitors" strike was not the first time SEIU union militants illegally retaliated against workers for staying on the job. In a similar 1997 case, SEIU Local 1877 sent threatening letters to janitors in Oakland, California, demanding that they pay illegally high forced dues, pay outrageous fines, or be fired from their jobs. Through similar legal action, Foundation attorneys forced the union to rescind the illegal fines.

John Sweeney, president of the militant SEIU union before his coronation as the AFL-CIO's top dog, instigated the massive, nationwide organizing campaign under the hypocritical "Justice for Janitors" banner. The in-your-face campaign is vividly remembered for obstructing rush-hour traffic in Washington, DC, and harassing businesses in metropolitan areas such as Oakland and Los Angeles.

SEIU officials—like those who attempted to drive the Los Angeles area janitors into poverty—proclaimed that only *they* could provide janitors with a decent livelihood.



Now-AFL-CIO-chief John Sweeney originally launched the SEIU's militant "Justice for Janitors" campaign.

"Top-Down" Organizing Methods Increasingly Common

continued from cover

Corporate campaigns— "Death by a thousand cuts"

In this case, Johnson Controls forced all workers to attend a company-paid "captive audience" speech where they were "presented" with their new union—the UAW—against a background of threats of plant closures unless the union were approved by the employees.

"These union organizing tactics amount to blackmail," said Larson.

Employers are often pressured into signing these "neutrality agreements" after a union runs a successful "corporate campaign" in which the goal is to paint the targeted company as a social outlaw. These campaigns involve massive public relations assaults where union activists put pressure on a company's suppliers and stockholders, and

utilization of elected officials as well as administrative agencies to embarrass the company and bog it down in costly litigation. Ultimately, the goal of a corporate campaign is to achieve unionization of the company's employees regardless of employees' views.

UPS contract undermines Right to Work laws

Similar charges filed by Douglas Ragone, a non-union member from North Carolina, challenge a national contract signed by United Parcel Services (UPS) and Teamsters union officials, which illegally requires company officials to pressure tens of thousands of truck drivers nationwide to join the union.

A provision of the contract explicitly requires UPS officials in Right to Work states to persuade new employees to become full dues-paying union members. With help from the National Right to Work Foundation, Ragone is challenging the agreement because federal law supposedly prohibits employers from supporting unions by coercing employees to waive their right to refrain from union activities.

In addition to running afoul of federal statutes, the UPS/Teamsters pact also violates the spirit of North Carolina's highly popular Right to Work law, which has been on the books since 1947. Employees laboring in America's 22 Right to Work states have the right to refrain from joining a union or from paying union dues without interference from officials of a union or an employer.

"Teamsters officials wrote this agreement as a direct assault on Right to Work laws around the country," stated Larson.

Foundation Answers... Facts you need about Right to Work issues

What is a Right to Work law?

Enacted in 22 states, a Right to Work law protects an employee's right to decide for himself whether to join or support a union. Thus, in unionized workplaces, employees cannot be fired for refusal to pay union dues, and union officials have no choice but to sell union membership on its merits.

Which states have passed a Right to Work law?

Right to Work states include: Alabama, Arizona, Arkansas, Kansas, Florida, Georgia, Idaho, Iowa, Louisiana, Mississippi, Nebraska, Nevada, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, and Wyoming.

What effect does a Right to Work law have on a state's standard of living? Right to Work states enjoy a higher standard of living than do non-Right to Work states. Families in Right to Work states, on average, have a \$2,800 greater after-tax income and purchasing power than do those families living in non-Right to Work states, independent studies reveal. Meanwhile, official U.S. Department of Labor statistics demonstrate that Right to Work states enjoy greater economic vitality, faster growth in manufacturing and nonagricultural jobs, lower unemployment rates, and fewer crippling work stoppages.

Foundation announces formation of task force

Because workers' freedoms are being trampled by the increasing frequency of collusion between employers and union officials to use these coercive "neutrality" and "card check" agreements, the Foundation has established its new Neutrality Task Force. Through this Foundation program, legal aid staff stand by to aid the growing number of employees who find themselves forced (or potentially forced) into unwanted union representation as a result of these coercive agreements.

"The Foundation is placing a high priority on bringing new cases that will challenge the legality of these emerging methods," added Larson. "Top-down organizing tactics stab at the heart of the principle of voluntarism for which the National Right to Work Foundation fights."

Foundation's New Planned Giving Program Gains Momentum

Supporters enjoy tax advantages while securing life-long income stream

The National Right to Work Foundation's Charitable Gift Annuity Program has entered its stride in recent months, as an increasing number of Foundation supporters have realized the benefits of supporting the Right to Work movement through planned giving. The partnership between the Foundation and Comerica Charitable Services Group has made a tremendous difference in helping the Foundation create an opportunity for its donors to maximize the benefits of this popular planned giving tool.

Since the program began late last year, scores of Foundation supporters have taken advantage of the free analysis available detailing the many benefits of a National Right to Work Charitable Gift Annuity, and they found the rate of return was excellent—as high as 11.5%. Given the low interest rates currently offered by other secure investment vehicles, the Foundation's Gift Annuity is one of the best ways to lock in a great interest rate in a difficult economy—while guaranteeing life-long annuity payments.

But most important, through this program, donors provide the Foundation with the financial resources needed to conduct its strategic legal aid program, which defends employees and the public against the abuses of compulsory unionism.

Right to Work supporters may obtain a free personal analysis or simply learn more about how a National Right to Work Gift Annuity can benefit them by contacting Foundation Vice President Alicia Auerswald at 800-336-3600, ext. 3304. (National Right to Work Foundation Charitable Gift Annuities are not available in all states.)

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

Sample Gift Annuity Rates

Single LifeEffective January 2003

AGE	RATE
90+	11.5%
85	9.7%
80	8.3%
75	7.3%
70	6.7%
65	6.3%
60	6.0%
55	5.8%

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. As this chart shows, rates are higher for older recipients.

Rates are subject to change.

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 substantial 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 back from the Foundation would be tax free to you for a number of years;
- The 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.

Workers Prevail

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"If workers in Teddy Kennedy's home state are beginning to stand up to Big Labor, it is a sign we are moving in the right direction," said LaJeunesse.

Biased NLRB fails to thwart Arizona workers

But make no mistake, workers encounter great legal hurdles when they try to free themselves from unwanted union representation or dues payments.

As though confronting union stonewalling and deception weren't challenge enough, the NLRB often comes to the aid of arrogant union officials. In Arizona,

the NLRB brushed

aside requests by
a l u m i n u m
workers at
the Pimalco
manufacturing plant in
Chandler to
hold a decertification election

of the United Steelworkers of America (USA) union.

The workers requested the election after the USA International union hierarchy failed to act on their behalf. However, when the broadly supported petition reached the regional NLRB office, the hostile agency initially browbeat the employees into withdrawing their petition. Fortunately, the Pimalco workers then contacted Foundation attorneys for assistance, and the workers re-filed their petition. The NLRB is finally now processing the petition.

"Informed workers are union bosses' worst nightmare, and their advocates within the bowels of the NLRB know it," stated Stefan Gleason, the Foundation's Vice President. "As the Foundation helps more workers become informed of their rights, union stooges like these will be less able to thwart employee free will with lies, delay tactics, and misinformation."



Message from Reed Larson

President National Right to Work Legal Defense Foundation

Dear Foundation Supporter:

The AFL-CIO hierarchy has thrown down the gauntlet.

By subjecting Labor Secretary Elaine Chao to a hostile—in fact, downright rude—reception at their recent pow-wow in Florida, the union bosses have made clear to the Administration, the Congress, and everyone else that they are going for the jugular.

In spite of the Administration's controversial strategy to make significant policy concessions to Big Labor over the past year, top union presidents publicly lambasted Chao for daring to propose even small improvements in the regulations governing union financial disclosure.

The Administration's policy of "sucking up" to Big Labor and hoping that union political support would flow to Republicans was doomed from the start. Despite the contrary sentiments of rank-and-file workers, union bosses have been moving hard left in recent years while devoting ever greater resources to electing pro-compulsory unionism candidates.

Now, as the crucial 2004 elections approach, Big Labor's political attack machine is moving into high gear. Union bosses are pouring tens of millions of dollars into a new political operation called "Partnership for America's Families" that will work to defeat President Bush and other Republicans.

The cash devoted to this partisan-driven get-out-the-vote operation—much of it from forced dues—formerly would have been "soft money" donations to the Democrat Party organization itself. However, because of changes in the campaign finance laws, union officials now intend to use the money to build, in effect, their own political party organization.

Meanwhile, the Teamsters union hierarchy, which White House officials have wooed with great ardor, has spit in their faces. Our inside sources revealed that Boss Jimmy Hoffa and his cronies intend to triple the resources amassed for the Teamsters political action committee (PAC) and use the funds to defeat "all GOP candidates" in the 2004 elections.

These recent developments further point up the impossibility of successfully appearing Big Labor. What's needed instead is unapologetic action to eliminate the special privileges of compulsory unionism, which give union bosses a gun to hold at the heads of our nation's elected leaders.

Sincerely

Reed Larson

Red Larson