



Foundation Action

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of the National Right to Work
Legal Defense Foundation, Inc.

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Senator Smith Joins Foundation Supporters to Encourage Bush

*Foundation attorneys
respond to unions' suit
against Bush order*

WASHINGTON, D.C. — Reed Larson and United States Senator Bob Smith (R-N.H.) joined with thousands of National Right to Work Foundation supporters to urge President George W. Bush to fight back aggressively against Big Labor's attempts to destroy his first initiatives to rein in coercive union power.

Early signs are encouraging that the White House will heed the calls of Right to Work supporters and not back down from defending against a United Auto Workers (UAW) union lawsuit to stop enforcement of Bush's Executive Order regarding forced union dues.

Executive Order 13201, issued last February, simply requires federal contractors to post a standard workplace notice informing employees of their rights under the U.S. Supreme Court's decision *Communications Workers v. Beck*, a Foundation-won case establishing that employees cannot be compelled to formally join a union or pay dues spent for politics or any other activities unrelated to collective bargaining.

But an informed worker is clearly a huge threat to Big Labor's power. That is why the UAW union, along with the UAW-Labor Employment and Training



AP/Wide World Photos

Senator Bob Smith (R-N.H.) is helping to lead the charge in defending President Bush's small first steps to rein in union abuse.

Corporation and two affiliates of the Office and Professional Employees International Union (OPEIU), quietly filed the suit in the U.S. District Court for the District of Columbia against several members of the Bush Administration to stop enforcement of the order — ironically complaining that it imposes “substantial administrative burdens” on businesses.

The hypocrisy of Big Labor's lawsuit against the Bush Administration also raised many eyebrows on Capitol Hill. Senator Smith wrote to the President, “It is outrageous and hypocritical that organizations that claim to be defenders of workplace rights are suing to prevent employees from learning about workplace rights.”

Bush's Executive Order is a small first step

Foundation supporters urged the President to “stand firm with the National Right to Work Foundation in

defending against Big Labor's lawsuits and personal attacks,” especially since a majority of union members support many of his proposals and since nearly 40

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Foundation Defends Bush Open Contracting Order

Big Labor sued to impose costly project labor agreements



Thanks in part to a union-only construction agreement, Boston's "Big Dig" has cost taxpayers more than \$2 billion in cost overruns.

WASHINGTON, D.C. — Earlier this year, the AFL-CIO sued the Bush Administration in order to protect a scheme that bilks taxpayers out of millions of dollars by jacking up costs on federally funded construction projects while forcing workers to accept compulsory unionism.

Foundation attorneys quickly responded by filing a legal brief defending the president's common-sense action.

In an initial setback, a federal judge issued a preliminary injunction blocking, only for the moment, the implementation of President George W. Bush's Executive Order 13202 outlawing project labor agreements (PLAs) on federal projects. PLAs prevent non-union contractors and employees from working on federal construction projects.

"PLAs amount to extortion," explained Stefan Gleason, Vice President of the Foundation. "Union bosses demand taxpayer handouts and government-granted special privileges as payment for not ordering strikes, violent protests, or other disruptions."

PLA cartels hurt workers and taxpayers

In their brief submitted to the United States District Court for the District of Columbia, Foundation attorneys argued that PLAs effectively block free competition by pointing to incon-

trovertible studies showing that PLAs lead to dramatic cost overruns and delays in construction projects. PLAs, which typically require contractors to agree to forced unionism arrangements, prevent lower bidders from more efficient open shop companies from winning the job.

PLAs allow union officials to run monopoly cartels and, except in Right to Work states, seize union dues from workers as a condition of employment. Because PLAs prohibit open competition, they give union kingpins incredible power over construction workers. Foundation attorneys noted that such monopolistic

systems inevitably lead to corruption and massive violations of employee rights.

Even in Right to Work states, PLAs keep independent workers from working, because they exclude nonunion contractors from participating in construction projects.

Foundation attorneys are urging the court to reject the AFL-CIO's complaint in its entirety and to uphold President Bush's pro-worker Executive Order, which could save taxpayers millions of dollars annually. A hearing on the AFL-CIO's lawsuit is scheduled for mid-September. †

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.

Violence Victims Win Settlement in UAW Suit

Reminiscent of "The Godfather," union goons dumped bloody cow's head on worker's car

WINCHESTER, Va. — In a case that attracted tremendous media coverage nationwide, Foundation attorneys have won a monetary settlement after United Auto Workers (UAW) union militants waged a vicious campaign of violence and harassment, involving even animal mutilations, against non-striking workers.

Bringing to a successful close the multiple civil conspiracy lawsuits filed by Foundation attorneys in the Circuit Court of the City of Winchester against UAW Local 149, the UAW international union, and individual union militants, the settlement requires the payment of an undisclosed amount. The terms of the settlement are otherwise confidential.

"A price has finally been paid for this bloody union campaign that left a massive trail of violence and vandalism in its wake," said Stefan Gleason, Foundation Vice President.

Vietnamese refugee terrorized by UAW assailants

Shucheng Huang, a Vietnamese immigrant, chose to work during the 1996 strike at Abex (now Federal-Mogul Friction Products, a General Motors brake supplier) because she felt she needed to provide for her four children.

As a gruesome "punishment" for exercising her Virginia-guaranteed Right to Work, UAW thugs locked her in a bathroom for hours, smashed her car windows, and placed a freshly severed, bloody cow's head on the hood of her car. The United Press International news syndicate rightly compared the grotesque act to scenes in the violent gangster movie, "The Godfather."

Union militants followed up by sending the terrified Huang a photograph of the cow's head on her hood, with her face superimposed on it. When Huang courageously refused to surrender to the threats and harassment and continued to



UAW thugs sent these grisly messages to non-striking workers.



work, they later plastered a poster at the brake factory featuring her picture under the headline "Wanted Dead or Alive."

Union thugs threatened workers' lives

Huang and other workers faced death threats communicated through public postings and "anonymous" letters and phone calls. Meanwhile, other non-striking workers had shots fired into their homes and cars. Even after the strike ended, union partisans threw tools and auto parts and dumped hazardous chemicals on them (sometimes from catwalks above the factory floor).

Workers who managed to escape the physical attacks were often subject to vandalism and other forms of harassment. Union goons smashed car windows and flattened tires with nails, threw eggs, stalked workers' families, and posted filthy, obscene, and pornographic signs attacking workers and their families.

Attacks were planned at union hall

Throughout the litigation, UAW union bosses denied any responsibility for the violence by claiming that individual union members (many of whom were found guilty of multiple counts of harassment and violence) somehow acted without

the union's support or encouragement. However, Foundation attorneys and a Special Grand Jury uncovered evidence showing that union militants met at the union hall to plan attacks, and that union officials distributed newsletters and made verbal statements encouraging retaliation against peaceful, non-striking workers.

Foundation attorneys also obtained a sworn statement from one of the assailants, Brent Powers, in which he confessed that he followed a UAW International representative's instructions "to make their [non-striking workers] lives miserable." In addition to fessing up to various acts of harassment, Powers admitted to bringing a pipe bomb to the union hall to discuss the possibility of using it to destroy the house of an individual who drove employees to work in her pickup truck.

Such shocking testimony, coupled with Foundation attorneys' powerful arguments, led a Winchester Circuit Court judge to warn, "the workplace is not a jungle in which coemployees may prey upon weaker coemployees."

Warning issued to union thugs

Vice President Gleason issued a firm warning to perpetrators of union violence. "The Foundation will continue to make those responsible pay a high price for encouraging and orchestrating vicious violence." ✠

Union Punishes Nurse for Standing by Her Patients

Foundation intervenes to halt union's harassment of non-striking nurse



Union militants harassed Barbara Williams for refusing to abandon her seriously ill patients.

STANFORD, Calif. — When a group of nurses at Stanford Hospital went on strike and forced nurses to abandon critically ill patients, intensive-care nurse Barbara Williams volunteered to handle the workload of several striking nurses. She believed it would be immoral not to do her job.

Yet, instead of honoring Williams' conscientious dedication, militant nursing union officials hit her with a \$2,500 fine for not walking off the job. Now, thanks to the efforts of Foundation attorneys, officials of the Committee for Recognition of Nursing Achievement (CRONA) union are facing the possibility of federal prosecution for unfair labor practices.

"This union harassment of a loyal nurse for standing by her patients is an outrage," said Randy Wanke, Director of Legal Information for the Foundation. "More and more Americans are realizing the horrifying consequences of forced unionism in the health care sector."

Union officials ordered nurses to abandon patients

Williams, who has worked at Stanford Hospital for more than 25 years and authored two books on organ transplantation, explained that her decision was a matter of medical ethics. "I am a professional and I cannot abandon

my patients," she stated. "I think it is wrong, morally and ethically."

Williams wasn't alone. Dozens of her colleagues also refused to put the lives of patients at risk by striking. In retaliation, CRONA union officials are demanding that many of these courageous nurses pay hefty fines or perform as much as 40 hours of "community service."

Since the strike, Williams has been subjected to threats and continual harassment from union militants who refuse to cooperate with her on the job — even when crucial job tasks require teamwork. Some have engaged in activities intended to humiliate and ostracize her, such as marching away when she is in their vicinity. Earlier this year, when Williams herself was admitted to the hospital's emergency room for surgery, hospital officials, fearing that something could go wrong if Williams was put under the care of any of these militant union nurses, arranged for non-union nurses to care for her.

Nurse challenges union's illegal fine

With the help of Foundation attorneys, Williams filed unfair labor practice charges with the National Labor Relations Board against the CRONA union. In the charges, Williams demands that union officials revoke the \$2,500

fine imposed on her for exercising her Right to Work during the union's June 2000 strike. As a nonmember of the union, she clearly cannot be subject to union fines or "discipline."

Williams' unfair labor practice charges also demand that union officials stop seizing full union dues from nonmembers and provide proper financial disclosure to employees, as is required by the Foundation-won *CWA v. Beck* decision.

Compulsory unionism hazardous to nurses and patients

Wanke noted that compulsory unionism has infected the nursing profession, leaving both conscientious nurses and patients at risk. "Union bosses have thumbed their noses at the most basic principles of medical ethics," he said. "They have brazenly seized the power to order our nation's care givers to desert their patients."

Union fatcats view America's rapidly growing health care industry, which now comprises approximately 16 percent of the economy, as a plentiful source of forced union dues. In June, the United American Nurses union joined up with the powerful AFL-CIO, which already collects dues from 1.2 million health care professionals and has vowed to devote large portions of this coercively collected cash to "organizing" even more nurses.

Even the notoriously violent Teamsters union has inserted itself into the medical profession. Other nursing unions are adopting the Teamsters-perfected tactics of threats, vandalism, and violence.

For instance, the Massachusetts Nurses Association union launched a strike last spring where a battalion of union militants terrorized employees who chose to continue doing their jobs. As part of the campaign of harassment, union goons littered employees' houses with eggs, stuffed rats, and "scab" signs. ⚡

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.

Mass Firing of 150 Berry Pickers Challenged

United Farm Workers union officials demanded money, union membership

OXNARD, Calif. — In an injustice that Foundation President Reed Larson called the “height of hypocrisy,” United Farm Workers (UFW) union bosses had California berry picker Francisco Alcazar and nearly 150 of his fellow employees fired for refusing to join a union which bills itself as a defender of “exploited farm workers.”

Foundation attorneys are providing free legal aid to jobless berry pickers and have filed state unfair labor practice charges against the UFW and the Coastal Berry Company, the world’s largest strawberry producer and an employer of approximately 750.

“Concerned only with their lust for total power over California’s world-class farming industry, union bosses put these hard-working laborers out on the street,” said Foundation Vice President Stefan Gleason.

Union bosses order illegal mass firing

Alcazar and several of his fellow employees actively opposed attempts by union officials to force unwanted union “representation” upon workers at Coastal Berry. Despite the opposition of those workers, California’s Agricultural Labor Relations Board (ALRB) ordered Coastal Berry and other farms to bargain with UFW union officials.

After many months of bargaining, Coastal Berry entered into a forced unionism agreement with the UFW union in March 2001. Accordingly, UFW officials demanded that all Coastal Berry workers join the union and sign payroll deduction cards that would have allowed union officials to seize full union dues from their paychecks. Significant portions of UFW union dues go directly into AFL-CIO czar John Sweeney’s political war chest.

More than 150 workers so despised



AP/ Wide World Photos

Cesar Chavez's legacy of coercion continues.

held that employees may refrain from joining a union and withhold the payment of union dues for politics and other activities unrelated to collective bargaining. And the California Agricultural Labor Relations Act explicitly applies NLRA precedents. UFW union officials also violated the rights of workers by failing to provide them with an independent audit of union expenditures as required by the Supreme Court’s *Chicago Teachers*

the union that they refused to join, and the company promptly fired them at the demand of UFW union bosses. By ordering the mass firing, UFW union bosses violated several Foundation-won U.S. Supreme Court decisions, including *CWA v. Beck* (a case brought under the National Labor Relations Act [NLRA]), which

Union v. Hudson decision.

Foundation attorneys filed the charges with the ALRB and are seeking to force Coastal Berry to rehire all the fired strawberry pickers, with back pay, and to force UFW union officials to post notices informing all Coastal Berry workers of their right to refrain from formal union membership and the payment of full union dues.

UFW chiefs “honor” Cesar Chavez’s legacy of compulsion

In viciously destroying the livelihoods of 150 laborers, many of whom now have no means to support their families, UFW union bosses drew upon the vicious bully tactics developed by UFW founder and longtime president, Cesar Chavez.

Investigative journalist Ralph de Toledano, who wrote a best-selling biography called “Little Cesar,” exposed what he termed “Cesar Chavez’s war on the grape pickers of California.” Chavez, who gained fame

see BERRY PICKERS, page 7



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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.

Senator Smith Helps to Lead the Charge

continued from cover

percent of union members voted for Bush. Smith added, "at the very least, the working men and women who voted for you deserve to know about their right not to pay for Big Labor's all-out assault on your reform agenda."

As reported in the last edition of **Foundation Action**, Big Labor has been

mobilizing its political machine to stop the President's reform agenda, and union bosses are hoping to build the momentum necessary to elect their hand-picked candidates in the 2002 elections.

While the Department of Justice has filed a response to the UAW union's lawsuit, Foundation President Reed Larson cautioned that UAW lawyers will not give up without a costly and protracted legal battle. "If need be, President Bush must be willing to go all the way to the nation's highest court in order to defend against Big Labor's assault," said Larson.

Foundation attorneys file response on behalf of workers

Speaking out on behalf of union-abused workers, Foundation attorneys have also filed a legal brief defending President Bush's Executive Order with the U.S. District Court for the District of Columbia, along with supporting evidence laying out the lies, misinformation,

and illegal demands heaped upon workers by union officials.

Foundation attorneys refuted union lawyers' argument that President Bush lacks the constitutional authority to issue an Executive Order regarding issues generally governed by the National Labor Relations Act (NLRA). Foundation attorneys point out that President Bush is not attempting unilaterally to make new law without congressional approval. *Beck* and employees' right to reclaim forced dues for politics are already the law of the land. Executive Order 13201 simply helps ensure that employees know about their rights. Contrary to union claims, there is nothing in Bush's Executive Order which trumps the NLRA or is in any way at odds with the policies of federal law.

"Thanks to encouragement from the Right to Work Foundation, Senator Smith, and thousands of Foundation supporters, President Bush is not backing down from this fight," concluded Reed Larson. "Winning this battle will lay the groundwork for even more substantive progress to fight compulsory unionism abuse." ✚

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

Spotlight on...

Milton L. Chappell
Staff Attorney



For more than 25 years, Milton Chappell has led the charge against the abuses of the nation's largest teacher union, the National Education Association (NEA) union, which is responsible for the disgraceful decline in the quality of public education across America.

Among other things, Chappell's battles on behalf of educational employees have resulted in the establishment of procedures that assist teachers in reclaiming their compulsory union fees spent on political activities they do not support.

Chappell has won numerous class-action victories, involving the return of large sums of money, against public-sector unions, including the NEA and

AFSCME government unions. His most recent victory occurred in May 2001 against a California affiliate of the AFSCME union (see July/August **Foundation Action**).

Chappell received his J.D. from Catholic University in 1976. In addition to the courtroom, Chappell communicates his expertise on government unionism through public speeches, press conferences, articles in legal journals, and testimony before state legislatures and labor boards. His legal accomplishments and expertise have been recognized by his inclusion in "Marquis Who's Who in American Law," "Marquis Who's Who in the World," and "Heritage Foundation Policy Experts 2000."

Berry Pickers

continued from page 5

in 1965 by orchestrating a crippling strike and nationwide boycott of grapes, believed that farm workers were too stupid to speak for themselves. Thus, he deployed supporters to “organize” farm workers and insert his union as their collective bargaining agent without even a vote of the workers themselves. He attempted to impose “closed shops” (outlawed in other industries by the Taft-Hartley Act of 1947) requiring workers to formally join the UFW union in order to work. Nonconforming workers suffered retaliation and were often fired from their jobs.

Of course, union chiefs continue to celebrate Chavez’s shameful legacy, and in several states his birthday has even been declared an official state holiday.

State senator weighs in on behalf of workers

California State Senator Tom McClintock (R-19th District), whose Ventura County constituents include Coastal Berry employees, also joined the fight against the UFW’s most recent atrocity. “The National Right to Work Foundation should be commended for representing the hard-working Californians that have been denied their jobs due to politics. Ironically, the UFW claims to be for workers, yet it turned more than 150 workers away from the fields where they have labored for years.”

In an ominous sign for freedom-loving farm workers throughout California, UFW union bosses also noted that the “Landmark [Coastal] agreement is the UFW’s first major stake in California’s \$600 million-a-year strawberry industry.” Since the UFW union bosses are on the march in California, Foundation attorneys will likely be called upon again and again to assist UFW union-abused workers. †



Message from Reed Larson

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter:

We must keep fighting back.

In the past month, many thousands of Foundation supporters have sent in their petitions urging President Bush to stand firm against union boss attacks. (See the full story on the front page of this issue.)

And we’re not alone. U.S. Senator Bob Smith (R-N.H.) has joined our cause with a letter to the President urging him not to surrender to the harassing lawsuits union lawyers filed against his common sense Executive Order, which merely lets some workers know about their Foundation-won right not to fund union politics.

It’s just a small step in the right direction, but the union bosses are fighting like it will put them out of business. To Big Labor, an informed worker is a dangerous worker.

Of course, you and I know that union bosses fight every battle like it was Armageddon, but we have deep experience in countering the spurious claims of union lawyers. That’s why Foundation attorneys have filed a legal brief in support of the President’s Executive Order.

Even though this is just a tiny step forward, it is important that we defend the President when he makes a good decision. That will encourage him to take on even tougher battles in the months and years ahead.

With your continued support, we will add one more victory to the Foundation’s record of achievement — and encourage others to join our army.

Sincerely,

Reed Larson