‘Majority Rule,’ Big Labor-Style
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862 Words

Imagine for a moment that George W. Bush has just proposed that, beginning this November, you and other voters will not be able to cast your federal election ballots in private. Instead, a Republican Party official will monitor you in the voting booth. Democrat Party officials will not be permitted to be present while you vote. And now imagine that Bush is claiming the critics of his proposal “have a problem with majority rule.”

Even the President’s most feverish foes might have trouble imagining that he would display such contempt for the liberties of American voters. But today top union officials like United Auto Workers (UAW) union President Ron Gettelfinger are exhibiting just such disdain for the liberties of American workers.

Under the National Labor Relations Act (NLRA), if a majority of employees in a federally determined “bargaining unit” vote to be represented by a union, it becomes the “exclusive” bargaining agent for all employees in the unit, including those who would prefer another union or would rather bargain for themselves. But fewer employees these days are interested in what union officials are selling, and fewer employees are petitioning for a union certification election in the first place.

That’s why union “organizing” drives have typically focused on putting financial, public relations, and political pressure on *employers* to make backroom agreements where the employer agrees to a gag rule or to actively support union organizing. In most cases, these pacts include an agreement to recognize the union on the basis of a so-called “card check” in which the union needs only pressure a bare majority to sign union authorization cards. The cards are considered “votes” in favor of unionization.

National AFL-CIO Organizing Director Stewart Acuff admitted this month that most of the 400,000 to 550,000 nonunion workers annually organized since the late nineties never had a chance to cast a secret ballot for or against a union.

When an employee signs (or refuses to sign) a card, he or she is not likely to be alone. Indeed, it is likely that this decision is made in the presence of one or more union organizers. This solicitation could occur during or immediately after a union mass meeting or a mandatory, company-paid captive audience speech. The employee’s decision is far from secret, since union organizers have a list of who has signed a card and who has not.

Meanwhile, a choice against signing a union authorization card does not end the decision-making process for an employee in the maw of "card check drive," but often represents only the beginning of harassment and intimidation for that employee. Workers have reported unsolicited "home visits," misrepresentations as to the purpose of the cards, or threats to their job security if they fail to sign. And employees are often prohibited from later revoking previously signed cards.

Thankfully, a large number of independent-minded employees, especially in the auto industry, are fighting back. Assisted by National Right to Work Legal Defense Foundation attorneys, employees at a Dana plant in Ohio, a Metaldyne factory in Pennsylvania, and a Cequent Towing Products facility in Indiana have just won an important incremental victory at the National Labor Relations Board (NLRB).

Last week, a narrowly divided NLRB voted to reconsider prior precedent that bars employees who find themselves unionized as a result of the coercive "card-check" process from demanding expedited secret-ballot elections to throw out the unwanted union. Acknowledging their qualms about the spread of card-check monopoly unionism, three of the five NLRB members cited the "superiority of Board supervised secret ballot elections and the importance of Section 7 rights of employees [to refrain from unionization]" as reasons for taking action.

Federal law specifies that, once a union is installed as a monopoly-bargaining agent through a secret-ballot election, workers who don't wish to be union-represented must wait a full year before seeking another vote. But employees like Dana's Clarice Atherholt don't believe this "election bar" makes any sense at all when there was never a secret-ballot election in the first place.

Appearing at a press conference on Capitol Hill in support of related legislation introduced by Congressman Charlie Norwood (R-GA), Atherholt explained "We're simply asking for a secret ballot vote so that we can have a say in our future without being intimidated or harassed."

It may be as long as a year before the NLRB issues a final decision. Meanwhile, Gettelfinger has audaciously claimed in the nation's papers, including the *Detroit News*, that the National Right to Work Foundation and the employees its staff attorneys represent somehow "have a problem with majority rule."

Since the term "card check" means nothing to most Americans, Gettelfinger may think he can get away with branding anyone who points out how abusive and unfair the card-check process is as an opponent of majority rule. But he can't possibly believe what he's saying.

As long as Big Labor insists on obtaining monopoly power to negotiate the contracts of union members and nonmembers alike, the workers affected should at least have the opportunity to cast their votes in private. That's the principle the Dana, Metaldyne and Cequent employees are determined to vindicate – whether or not the union bosses like it.

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