Right to Work Strikes a Blow for Union-Abused Firefighters

Government union bosses betray public trust

PHILADELPHIA, Penn. — National Right to Work Foundation attorneys are heading toward another victory against the abuse of employee rights resulting from the increasing coercion by public sector unions in local, state, and federal government.

A United States District Court judge has ruled that Foundation attorneys may represent a class comprising all current, former, and future non-union Philadelphia firefighters in a case against the union and the city, which are flagrantly violating the rights of the employees who have chosen to refrain from union membership. The case, Hunter v. City of Philadelphia, is part of the Foundation’s nationwide program to defend employees against the onslaught of compulsory unionism abuses in the government sector.

Public sector forced unionism threatens liberty

Government is the fastest growing sector of compulsory unionism not only in union membership numbers, but also in raw power.

As a result of the extensive privileges granted them under compulsory unionism laws, public sector union officials are able to exercise significant control over vital government services such as police, firefighters, public transportation, teachers, garbage collectors, and many more. This control allows union bosses to dictate to elected officials how these services will be run, not vice versa. For example, union bosses routinely featherbed government payrolls in order to line their pockets with more forced dues while taxpayers foot the bill.

"Taxpayers pay through the nose for these wasteful bureaucracies through higher taxes," said Reed Larson, President of the National Right to Work Foundation.

Another power which government union officials often exploit is their ability to call a strike (usually illegal, but rarely punished) by ordering employees off the job. The purpose is to paralyze vital government services—or even an entire city—until the union bosses’ demands are met. Since there is usually no private alternative to vital government services, union-ordered shutdowns often put the public in harm’s way.

Often, the mere threat of union bosses calling a strike of police officers or firefighters is enough for elected officials to surrender to the union’s demands. Few city officials want the public to suffer a strike such as the one in Dayton, Ohio, where striking firefighter union militants sat idly by while...

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AKRON, Oh. — Moving swiftly to save an Akron Beacon Journal rack manager from imminent firing for refusing union membership, Foundation attorneys filed suit against Teamsters bosses and company officials.

The charges, which Foundation attorneys filed at the National Labor Relations Board (NLRB), included a demand for a federal injunction to protect the employee's job. The charges stemmed from long-standing threats and harassment aimed at forcing Beacon Journal worker Roderic Paulk to join the Teamsters union as a full, formal member and pay full dues.

Union bosses flatten worker's rights

"Mr. Paulk is being railroaded for the crime of exercising his right to reject union politics," said Reed Larson, President of the Foundation, which is providing free legal aid to Paulk. "When union bosses and company officials make sweetheart deals to line the union's pockets, workers get sold down the river."

Under numerous U.S. Supreme Court precedents and NLRB decisions— including the Foundation-won CWA v. Beck decision—workers may not be forced to become formal, full-dues-paying members of the union as a condition of employment. Instead, they may refrain from formal union membership and pay dues only to cover the costs of collective bargaining.

Not only did the union and the

Beacon Journal threaten to fire Paulk for exercising these rights, but they also neglected ever to inform all employees about these rights—yet another legal violation.

After Paulk began working at the paper, union officials approached him and illegally demanded he sign the Teamsters membership application and formally join the union as a full member. Paulk protested that he had the right, under Beck, to refrain from doing so, but union officials rebuffed him and warned him he would be fired if he did not become a full member and pay full dues.

Foundation attorneys take swift action

Now, the union brass are facing costly and embarrassing litigation.

"By coercing and intimidating workers into forking over full union dues, union bosses are able to funnel hundreds of millions of dollars a year into their pet politicians' war chests," said Larson. "Foundation attorneys are working to shut down these forced-dues-funded political rackets."

Once the NLRB issues a formal complaint, it will be up to an NLRB administrative law judge to preside over a trial of the case and decide exactly how Teamsters and Beacon Journal officials violated federal labor law and Foundation-won Supreme Court precedents.

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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.
Foundation Attorneys Press Bill Clinton’s Scofflaw NLRB to Act

Oklahoma case directly attacks forced-dues funding of the AFL-CIO

WASHINGTON, D.C. — Relentless pressure from Foundation attorneys — and some tough questions from an influential Congressman — have forced the General Counsel of the National Labor Relations Board to begin to change course on a critical issue involving forced-dues funding of the giant AFL-CIO’s political machine.

Pretending he believes that workers should not be forced to support the AFL-CIO’s radical Big Government agenda — and to avoid further embarrassment and political repercussions — General Counsel Fred Feinstein has issued a formal complaint supporting the Foundation’s position in the case of Oklahoma shelf-maker Jack Bodenstein.

The case arose when Bodenstein contacted Foundation attorneys in 1993 after union bureaucrats at the AFL-CIO and Carpenters and Joiners Union, Local 943, refused to disclose where Bodenstein’s compulsory AFL-CIO dues are spent.

_De minimis becomes de maximus_

Despite the clearly illegal use of Bodenstein’s forced AFL-CIO dues for union-boss politics, General Counsel Feinstein had ruled that the dues were “de minimis” and thus not worth the Board’s time, slamming the door on Bodenstein’s charge. By dismissing Bodenstein’s case, Feinstein handed union officials the power to fire workers who withdraw financial support from the AFL-CIO’s political agenda.

While Bodenstein’s forced payments to the giant AFL-CIO may have amounted to less than $10 per year, the total annual take from the AFL-CIO’s 13 million members amounts to a “de minimus” $100 million or more — an enormous forced-dues windfall for AFL-CIO Boss John Sweeney’s in-your-face political spending machine.

Congressman joins Foundation’s fight

But early in the last Congress, Congressman Ernest Istook of Oklahoma had the always evasive General Counsel in his crosshairs during a congressional appropriations subcommittee hearing; he asked Feinstein point-blank whether he intended to let the AFL-CIO fully charge Bodenstein for its activities. Surprised that any one knew what he had done, Feinstein stammered that Bodenstein would have the opportunity to challenge the fees before having to pay them.

Right to Work attorneys then filed a new charge on Bodenstein’s behalf challenging the compulsory AFL-CIO fees. After Foundation attorneys filed the charges, Istook pounced on Feinstein with a letter demanding that he reverse his “erroneous” decision, pointing out that “it should be simple for the NLRB to recognize” that Jack Bodenstein has the right to pursue his case.

Clearly under duress, the General Counsel’s office has reversed course and ordered the Regional Director to issue a complaint so that there will be a hearing before an administrative law judge.

“This is a small step forward both for Jack Bodenstein and for all workers forced to contribute against their wishes to the AFL-CIO’s far-left political operations,” said Stefan Gieson, the Foundation’s Director of Legal Information. “Now, Foundation attorneys must carry Bodenstein’s cause all the way to a final victory.”

Teamsters Bosses Flout the Law — Even in Right to Work States

Foundation attorneys thwart illegal dues deductions

ODESSA, Tex. — Union bosses greedy for compulsory dues to fill their political war chests often use any means necessary to achieve their illegal goals. But the Foundation’s tenacious legal team doesn’t tolerate the union bosses’ run-arounds, and they work diligently to force them to obey the law.

That’s what happened when Teamsters Local 988 union bosses in Texas — a Right to Work state — decided out of the blue to start collecting dues from a large group of workers at United Parcel Service (UPS) who had resigned three or more years earlier. At the time of their resignations, the workers had also explicitly revoked their dues-deduction authorizations.

To make their actions even more farcical, the union officials started collecting dues from another group of workers who had never been members of the Teamsters union and never signed any dues-deduction authorization.

Union bosses despise Right to Work

All of these actions were in violation of
Foundation Strikes a Blow for Union-Abused Firefighters

(continued from cover)

fires destroyed homes throughout the city, spread to power lines, and cut off power to some 150 homes. Meanwhile, some union militants even harassed honest firemen and volunteers working to extinguish the blaze.

"Many urban politicians owe their political lives to government union bosses and therefore cannot say 'no' to them," said Larson. "Countless politicians depend on union bosses' contributions of manpower, cold cash, and 'in-kind' election help."

Meanwhile, government union demands go way beyond traditional employment issues, as union bosses continually push for increased government spending, higher taxes, and above all, more compulsory unionism privileges.

Foundation strikes at heart of compulsory unionism injustices

It is here, at the very root of the union's power over employees, that Foundation attorneys are helping workers fight govern- ment-sector compulsory unionism abuses.

For example, the Foundation's Hunter case challenges the City of Philadelphia and International Association of Firefighters Local 22 officials for attempting to enforce an agency shop agreement by forcing workers—including battalion chiefs and supervisors—to join the union and pay full, forced dues.

Furthemore, Local 22 officials have refused to provide financial disclosure into how the union spends workers' seized dues. This refusal is a slap in the face of employees whose rights are protected by the Foundation-won U.S. Supreme Court ruling in Hudson v. Chicago Teachers Union. Hudson specified that unions are required to provide full, independently audited financial disclosure to workers.

By granting the Foundation's request for class certification, the U.S. District Court has expanded the Foundation's case to cover all current, former, and future non-member firefighters in the city of Philadelphia.

"Class action cases such as Hunter are paving the way for further Foundation efforts to loosen the stranglehold public union bosses have on dedicated employees and vital government services," said Larson.

Foundation Representative Debates Union Lawyer

Right to Work spokesman focuses on truth and justice, union lawyer on politics and evasion

EAST LANSING, Mich. — Union lawyers rarely agree to publicly debate a National Right to Work representative — and with good reason. They don't want to be forced to justify union bosses' reliance on the abuses of compulsory unionism to maintain their power.

True to form, the union lawyer who recently debated Stefan Gleason, the Foundation's Director of Legal Information, avoided that issue like the plague, but he did admit — in fact, he boasted — that unions engage in aggressive, in-your-face campaigns of political action.

The United Auto Workers union lawyer was much more eager to talk about politics than about the cruel and odious injustices of compulsory unionism, and he was even more eager to make red herring attacks on the broad base of charitable Americans who are the precious lifeblood of the Foundation.

Can we talk about the law?

"Faced with the stark facts about union boss contempt for ordinary workers and exposed as a hypocrite, the union lawyer employed evasion and misdirection in an embarrassing attempt to change the subject," said Gleason after the debate.

The debate was sponsored by the Federalist Society, a national organization of lawyers and law students, and took place before a large audience at the Detroit College of Law at Michigan State University.

"I'm eager to hold many more such public debates, because when people see before their very eyes the devious, corrupt way in which union bosses actually operate, any pretense that they speak for workers is starkly exposed as a hollow lie," said Gleason.
Contemptuous NLRB Ruling Assaults the Rule of Law

Foundation immediately files appeal with U.S. Court of Appeals

WASHINGTON, D.C. — Foundation attorneys immediately filed an appeal after Bill Clinton’s National Labor Relations Board (NLRB) brazenly ruled to allow union officials to withhold from workers all financial information about how their local union’s dues are spent, including information about union political spending.

Even more egregiously, Clinton’s NLRB handed Big Labor a gift that they didn’t even have the audacity to ask for themselves.

Adding insult to injury, the NLRB issued the scofflaw ruling after sitting on radio talk show host Peter Weissbach’s case since early 1992. Only after the Foundation filed suit against the NLRB in the U.S. Court of Appeals for the District of Columbia did the Board decide Weissbach v. American Federation of Television and Radio Artists (AFTRA).

Peter Weissbach’s long wait for justice

Peter Weissbach is no stranger to the struggle for freedom. He has hosted radio talk shows in both Canada and the United States and has been a longtime advocate for individual liberty.

In 1989, he attempted to escape the chains of forced unionism by informing AFTRA bosses, “I am not willing to pay for the union’s other activities such as seeking to organize other employers’ employees, furthering the union’s political agenda, or in ‘social’ programs the union may put on.”

Union officials blocked his request by charging him a full initiation fee and refused to provide him with the financial documentation he was entitled to under the Foundation’s 1986 Supreme Court victory Chicago Teachers Union v. Hudson.

Weissbach filed charges with the NLRB calling for justice for himself and other similarly abused workers.

However, his cries for justice fell on deaf ears, as the NLRB sat on his case for ten years. With the recent ruling, the NLRB has turned Weissbach’s call for freedom into a cry of outrage as the NLRB decimated the very freedoms it is charged to protect. With the help of the Foundation’s free legal aid program, Peter Weissbach has already filed the critical appeal.

Ruling “subverts the principles of Beck”

In his dissent from the Board ruling, Board Member Robert Brame explained that the ruling “subverts the principles” of the landmark Foundation-won Supreme Court victory in Communications Workers v. Beck, which laid out the freedoms Foundation attorneys won for American workers to stop their compulsory union dues from being used for politics and other non-bargaining activities.

“This scofflaw ruling by NLRB Chairman Truesdell and his cronies proves once and for all that the NLRB has betrayed the workers of America,” said Stefan Gleason, Director of Legal Information for the Foundation. “Bill Clinton’s NLRB insists that workers pay for organized labor’s political activities or forfeit their jobs.”

Moreover, the Foundation-won Hudson case also requires that dissenting workers be supplied with an independently audited financial breakdown of the union’s expenditures.

Yet under the NLRB’s Weissbach ruling, union locals can now refuse to provide disclosure by mounting a so-called “local presumption,” based on the novel theory that the local’s disclosure would mirror the national union’s disclosure. Thus, the percentage of a local’s dues that is chargeable to non-member objectors is “presumed” to equal its national’s percentages, even though the two groups are involved in vastly different activities, according to the Clinton NLRB.

Foundation battles back with critical appeal

Immediately, Foundation attorneys filed an appeal in the United States Court of Appeals for the District of Columbia Circuit and also filed a motion for reconsideration with the NLRB.

In the motion, Foundation attorneys attacked the legality of the “local presumption” and pointed to numerous rulings where the courts have overturned its use as illegal and a violation of the

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Support your Foundation through Planned Giving

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
- ✔ Charitable Trusts
- ✔ Gifts of Appreciated Real Estate
- ✔ Gifts of Stocks/Bonds

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 Rich Clair or Jeanne Maynor.

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see CLINTON ADMINISTRATION, page 7
WASHINGTON, D.C. — While Washington insiders and members of the media were knee-deep in Bill Clinton’s salacious impeachment scandal, he anointed a new chairman of the National Labor Relations Board (NLRB). Intended to avoid the “trouble” of acquiring Senate approval, this cynical Clinton maneuver of exploiting the law for recess appointments fell well below the radar screens, despite the fact that the appointment will affect millions of American workers.

And it already has.

Just last month, Truesdale led a new assault against individual workers with the ruling in the Foundation’s Weisbach v. American Federation of Television and Radio Artists (see page 5) which allowed local union bosses to conceal from workers the true use of their forced dues.

New chairman no stranger to NLRB

New NLRB Chairman John C. Truesdale is no stranger to the bureaucratic morass that is the NLRB. In fact, he has served for nearly 50 years in the bowels of its bureaucracy. First hired by the NLRB in 1948 to serve as a field examiner in Buffalo, New York, he slowly moved up the bureaucratic ladder until he was hired as its chief administrative officer as NLRB Executive Secretary in 1972. Truesdale continued to serve as the chief administrator of compulsory unionism law until 1994 except during a three-year stint as a Jimmy Carter nominee to the five-member Board.

During the Clinton Presidency, Truesdale has been called on several times to aid the administration’s anti-worker agenda. Twice in 1994, Truesdale was given recess appointments to the Board to fill vacant seats while Clinton’s Big Labor extremist nominees were mired in the confirmation process in the U.S. Senate.

After his second stint on the Board during the Clinton Administration, Truesdale retired and removed himself from public life. Then, after union-lawyer and NLRB Chairman William Gould stepped down, President Clinton called Big Labor’s old war horse, Truesdale, to help his administration one more time by serving as NLRB Chairman with another recess appointment.

Truesdale’s record shows anti-worker bias

Truesdale’s affection for compulsory unionism has been evident throughout his career.

For example, during his term on the Board under President Jimmy Carter, Truesdale disagreed with a ruling by the other members that a company could not be forced to negotiate with a union official who, during negotiations, had lifted the company’s representative off the ground by his tie.

While serving as Executive Secretary, Truesdale responded to a letter by Foundation President Reed Larson which asked for the reasoning behind the Board’s vocal opposition to a hearing on a Foundation case before the U.S. Supreme Court. Truesdale responded by stating that NLRB members should not have to explain their actions.

Perhaps Truesdale’s most egregious action was his participation in the California Saw and Knife ruling in 1995 which attempted to weaken the rights spelled out by the U.S. Supreme Court in the National Right to Work Foundation’s Communications Workers v. Beck case. The landmark Beck ruling allowed workers to stop forced dues payments to union activities, like politics, not directly tied to collective bargaining. But Truesdale ensured that the NLRB’s California Saw ruling did not establish stringent standards for compliance by union bosses. Foundation attorneys are now battling back in the appellate courts.

“John Truesdale has consistently voted to strip American workers of the freedoms protected by the United States Supreme Court,” said Stefan Gleason, Director of Legal Information for the Foundation.

Clinton’s recess appointment sidesteps Congress

Truesdale was placed into the position of NLRB Chairman through the use of a recess appointment, which sidesteps the Senate’s Constitutional role. Unlike a regular Presidential nominee, a recess appointment is allowed to serve a one-year term without Congressional support.

“Knowing that Truesdale was unlikely to pass Congressional scrutiny, President Clinton used a ‘trick play’ to ensure that the NLRB remains firmly in Big Labor’s clutches,” said Gleason. “That’s why the Foundation must continue to convince the U.S. Courts of Appeals to overturn the NLRB’s routine scofflaw rulings.”

Free Newsletter

If you know people who would appreciate receiving Foundation Action, please provide us with their name and address. They’ll begin receiving issues within weeks.
Campaign Will Expose Union Control of Government Employees

Reed Larson pens book for nationwide distribution

SPRINGFIELD, Va. — In late April, the Foundation's friends and supporters will receive a complimentary copy of Foundation President Reed Larson's new book, Stranglehold. Then, the Foundation intends to launch a vigorous campaign to put the shocking book into the hands of millions of Americans.

In Stranglehold, Larson exposes the astonishing facts of how organized labor has acquired incredible, hidden power over most national, state, and local governments in America.

The results of this power grab include:

- Higher taxes on businesses and families
- Bloated bureaucracies increasingly obstructing the everyday lives of Americans and job-producing businesses
- Control of our schools by radical union chiefs rather than parents, taxpayers, and dedicated classroom teachers

An explosion in union power over the past several decades has shackled almost 45 percent of all government workers into involuntary servitude to union officials. All of these employees are forced to accept union "representation," and many are forced to pay dues just to keep their jobs. This cash is then dumped into the political campaigns of Big Labor's favorite politicians.

With millions of public employees—and thus vital government services—beholden to union officials' self-serving demands, Americans have lost control of their government.

Most importantly, Stranglehold lays out the National Right to Work Legal Defense Foundation's bold strategy to end abusive union control through aggressive legal action on behalf of thousands of government employees across the country. ✂

Clinton Administration Spits on Employee Freedom

(continued from page 5)

Supreme Court's Hudson decision.

Moreover, Foundation attorneys explained that the Board's implementation of the "local presumption" directly conflicts with the operating procedures of the agency. In instructions sent on August 17, 1998, to all Regional Directors and other NLRB personnel, Acting General Counsel Fred Pelnstein announced that workers must provide detailed and specific charges of how they believe union officials have flouted the disclosure requirement. However, with the "local presumption" in place, workers are unable to obtain the specific financial information needed to file those "specific charges" against local union officials.

In his dissent, Brame recognized the reckless conduct of his colleagues. He wrote that "in addressing the issue of local presumption in this case my colleagues overreach," and further that "my colleagues have reached well beyond the facts of this case, the record, and the issues raised to provide the [union] with an escape from the verification rule they themselves have imposed."

"The injection of 'local presumption' into this case by Bill Clinton's union-lackey NLRB had nothing to do with the facts of the case and everything to do with their desire to find an escape hatch for union officials to avoid revealing how they spend workers' money," said Gleason.

Foundation poised to move forward

Foundation attorneys are optimistic about the appeal. In the past, appellate courts have blasted the NLRB for a "warped interpretation of the facts," for a "flagrant disregard for legal precedent," and for "abusing its discretion."

Foundation attorneys and Peter Weissbach are prepared to fight for the freedom of workers across America. On his website, Weissbach reminds us that "the ultimate responsibility of any free people is to remain free. That takes a certain amount of involvement and vociferous action by a significant percentage of the population." ✂

Newsclip Appeal

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:

NRTWLF
Attention: Newsclip Appeal
8001 Braddock Road
Springfield, VA 22160
Union Run-arounds

(continued from page 3)

only of well-established, Foundation-won Supreme Court precedents, but also of state law, since Texas has a protective Right to Work law. Foundation attorneys immediately sprang into action, filing unfair labor practice charges and demanding that both the union and the employer cease and desist from their illegal actions.

Without a legal leg to stand on, union bosses quickly caved in and agreed to stop the illegal forced-dues deductions.

But the virus of illegal dues deductions apparently spread from Teamsters Local 988 to Teamsters Locals 657 and 577, which also force union "representation" on UPS employees in Texas. Foundation attorneys assisted a UPS employee who switched job sites from Harlingen to Odessa and decided in the process to exercise his right to resign from the Teamsters union.

Teamsters bosses play shell game with worker's dues

Local 657 officials issued the worker an "Honorable Withdrawal Card" stating that all Local 657 dues and demands were paid. Nevertheless, they continued to deduct dues from his paycheck and claimed the dues were being forwarded to Teamsters Local 577, which the employee had explicitly refused to join.

It's not clear which union local actually profited from this shell game, but it is clear that the entire procedure was a bizarre violation of the worker's rights.

Foundation attorneys pursued unfair labor practice charges against both the union bosses in Locals 657 and 577 and against the employer. As a result, the union locals stopped making the illegal deductions, and Local 577 issued a refund to the worker for $105.00.

"These cases show that union bosses try to get away with as much dishonest behavior as they can," said Rex Reed, the Foundation's Legal Director. "That's why the Foundation's legal aid program is so important." 12

Message from Reed Larson

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter:

It's no secret that the quality of American public education is taking a nose dive. What's surprising is how little is generally known about the real root of the problem.

You see, you and I know that the real cause of this decline is the entrenched teacher union bosses' death grip on America's schools.

But too many Americans associate teacher unions with the rank-and-file teachers they respect, not with the radical, hard-as-nails labor union bosses who've hijacked education.

Those union bosses are able to maintain their stranglehold on our children's future because of their two-pronged power to extract forced dues from unwilling teachers, and to force their "representation" upon every teacher in the school district.

Think about it — every time the union contract calls for a teacher "representative" on any committee affecting school policy, curriculum, and the like, the militant teacher union brass gets to make the choice. And every time a politician whispers the word "reform," buckets of forced-dues dollars wash him or her right out of office.

It's compulsory unionism powers that allow union officials to exercise sweeping control over virtually everything that takes place in schools -- like who's hired, who's fired, and what's taught.

When the concerned public raises its objections, the common response from the teacher union brass is, "The kids aren't in the contract."

That's why your Foundation attorneys are attacking the very root of teacher union boss power in the federal courts. We're battling in over 100 cases on behalf of thousands of courageous teachers from Alaska to California to Massachusetts, and many points in between.

But only with your continued support will teachers across America be able to take back their freedom — and their money.

Sincerely,

Reed Larson