Teacher Unions’ Compulsory Power Ruins Education

Foundation cases cut to the root of union coercive power

ANCHORAGE, AK — Right to Work attorneys have won an important ruling guaranteeing relief for over 500 union-abused teachers in a federal lawsuit against two affiliates of the National Education Association (NEA).

With free legal aid provided by the National Right to Work Foundation, a group of Anchorage teachers originally filed the suit against the Anchorage Education Association (AEA) nearly six years ago. AEA officials illegally demanded payment of union dues without providing the legally required notice and disclosures. When seven brave teachers refused to pay the compulsory fees, Anchorage School District (ASD) officials threatened to fire them.

Under the Foundation-won Supreme Court precedents Ahlert v. Detroit Board of Education and Lehnert v. Ferris Faculty Association, teachers have the right to refrain from formal union membership and may only be forced to pay the proven cost of collective bargaining. Another Foundation Supreme Court victory, Chicago Teachers Union v. Hudson, prohibits unions from seizing forced fees from teachers’ paychecks without providing adequate notice and procedures, including independently audited financial disclosure.

But union officials seem to respect the law as little as they respect individual teachers. “Legions of teachers nationwide are fed up with having their hard-earned pay seized and turned over to union officials’ pet politicians,” said Stefan Gleason, Vice President of the Foundation. “Many teachers also recognize the devastating effects of compulsory unionism abuses on public education.”

Compulsory unionism harms teachers and students alike

Not only have the injustices of compulsory unionism in public education quashed the freedom of countless dedicated teachers; they have also destroyed the performance of public schools.

Whenever NEA labor union lobbyists and their allies in Congress renew their calls for ever-growing heaps of tax dollars to pour into public education, they point to declining education standards to make their case.

But over the past several decades, per-pupil spending in public schools has nearly tripled. SAT scores—an objective measure of high school achievement—have declined scandalously even as education budgets have soared. Meanwhile, classroom discipline is replaced with chaos— even bombings and shootings.

That’s because the real cause of this decline is the entrenched teacher union bosses’ tightening death grip on America’s schools.

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Foundation Stops Vindictive Union Lawsuits Against Courthouse Bailiffs

Over a year of harassment halted for four Rockford men

Union bosses attempt to intimidate workers

Almost immediately, union bosses escalated their attempts to force the four men to pay full dues. Union lawyers sent a series of increasingly threatening letters to the four men, demanding payment. For over a year, the hostile letters continued to arrive, but then union bosses mailed the men drafts of sample civil lawsuits for filing in the Circuit Court of Cook County. The threat was clear: Start paying full, forced dues... or else!

Once again, the four men refused to pay tribute, and the union bosses filed the actual lawsuits demanding several hundred dollars each in back dues. In response to the lawsuits, the four men contacted Foundation attorneys.

Foundation’s strategy ends harassment

Foundation attorneys attacked the union scam by filing unfair labor prac-
tice charges with the National Labor Relations Board (NLRB). The NLRB charges demanded that the NLRB Regional Director stop Local 79 officials from forcing the four men to join the union against their will and also asked the NLRB to order the union bosses to drop their civil lawsuits against the workers.

Persuaded by the strength of the arguments and evidence presented by Foundation attorneys, the NLRB reacted by protecting the bailiffs from the union’s abuse. The NLRB Regional Director issued a complaint, as demanded by Foundation attorneys, against Local 79 for “restraining and coercing employees in the exercise of their rights” and demanded the dismissal of the union’s civil lawsuits.

“Not even the union-lackey NLRB could ignore these vicious attempts to trample and spit upon the bailiffs’ Foundation-won rights,” said Larson.

Only a week after the NLRB issued its complaint against them, Local 79 bosses capitulated and agreed to drop the civil lawsuits against the four bailiffs.

“This victory should be a signal to over-zealous union bosses nationwide that Foundation attorneys are prepared to make them pay for pillaging workers’ paychecks,” said Larson.
Right to Work Foils WEA’s Attempt to Censor Teachers

Ends union’s “infringement” lawsuit aimed at intimidating teachers into silence

OLYMPIA, Wash. — The National Right to Work Foundation’s legal team has forced the Washington Education Association (WEA) union to abandon its vicious campaign to punish two teachers who were instrumental in informing Washington teachers about their Foundation-won rights.

Middle school counselor Barbara Amidon and speech language pathologist Cindy Omlin founded a plaintiff support group known as the “WEA Challengers Network” to spread information to teachers involved in the Foundation’s statewide class-action suit Leer v. WEA, which diminished the WEA union’s program of illegally swiping millions in unauthorized dues from teachers.

To spread information, the group published a newsletter that accurately reported information concerning the WEA’s scandalous siphoning of teachers’ dues into the coffers of the union bosses’ pet political projects and also informed teachers of their rights to stand up to union officials.

**WEA bosses attempt to censor freedom-loving teachers**

Then, last spring, as the Leer case was reaching critical mass, Omlin and Amidon received a summons informing them that the WEA teacher union had filed suit against them in Thurston County Superior Court. The complaint included “trademark infringement” for using the labor union’s acronym in their newsletter’s masthead. Other bogus allegations in the WEA complaint included “tortious interference” with “business expectancy” and “unfair competition.” (The unions never claimed that anything in the newsletter was false!)

“If it weren’t for the tremendous resources required to defend against the union’s legal assault, this trumped-up union lawsuit would be laughable,” said Stefan Gleason, Vice President of the National Right to Work Foundation.

“WEA labor union bosses whined about ‘unfair competition’ as if these freedom-loving teachers wanted to form their own union! There should be no doubt that WEA chief’s intend to intimidate every teacher with a conscience into silence.”

**Driving teachers into bankruptcy is union’s goal**

From the start, Foundation attorneys recognized the vindictive motivations behind the WEA’s “infringement” charges. The teachers had used the “WEA Challengers” name for years, without a whisper of protest from WEA union bosses.

Then suddenly, just after teachers statewide filed the Leer case against the WEA, union bosses targeted Omlin and Amidon and the “WEA Challengers Network” with these charges.

“It was very clear from the start that these charges were nothing more than an attempt by teacher union bosses to silence, punish, and make examples of Cindy Omlin and Barbara Amidon,” said Gleason.

Moreover, although WEA union lawyers could have filed a federal suit on the “trademark infringement” allegations if they wished, they purposely filed the suit in state court so that it would not appear before the federal judge who was hearing the Foundation attorneys argue the teachers’ class-action lawsuit.

“These cowardly union lawyers were afraid the federal judge hearing the teachers’ claims would see firsthand what happens to teachers who have the courage to stand up to teacher union bosses,” said Gleason. “So rather than risk the wrath of the federal judge, WEA labor union bosses sneaked their attack dogs through the back door of state court.”

**Union bosses attempt to get membership list**

The National Right to Work Foundation immediately provided free legal aid to Omlin and Amidon. With that aid, the teachers filed a counterclaim of “frivolous litigation” with the state court which spelled out the ludicrous nature of the union’s charges.

As the case moved into pre-trial discovery, the union bosses took the opportunity to attempt to intimidate Omlin and Amidon once again.

Upon the start of discovery, union lawyers demanded that the teachers forfei a copy of the membership and mailing lists of the “WEA Challengers Network.” But Omlin and Amidon refused to allow union bosses to get their hands on the names of their members for fear that they also would become targets for harassment by the union.

“The union’s reason for obtaining the membership list was clearly two-fold,” said Gleason. “They wanted to intimidate teachers into silence, and they also wanted to frighten possible new ‘WEA Challengers’ members away.”

After hearing the teachers’ pleas, the judge blocked the union’s attempt to obtain the list, stating that the demand for the list violated the members’ First Amendment right of free and private association.

**Union bosses run out of options**

After defeating the attempts to get the lists, the teachers sought internal
Teacher Unions’ Compulsory Power Strangles Education

As a result of Foundation-supported litigation in states like Washington, Michigan, California, Pennsylvania, and Massachusetts, teachers can obtain refunds of $100 to $250 in dues every year because the unions spend millions on non-bargaining activities like politics. This year the Foundation’s legal team is litigating over 100 teacher union cases across America.

Foundation attorneys continue to fight in Alaska

And the recent ruling by Judge H. Russel Holland of the U.S. District Court for the District of Alaska in the Peterson v. Anchorage School District case brought Alaska teachers one step closer to freedom. The judge’s ruling pronounced that over 500 abused teachers are entitled to relief after the AEA bosses illegally swiped dues from their paychecks. However, the judge has not yet ruled on the extent of the relief the teachers would receive.

Foundation attorneys are now preparing to enter into discovery to uncover the full extent to which AEA officials abused these teachers’ rights. During that process, Foundation attorneys will attempt to crack open the AEA’s financial books and records for all to see.

“The Foundation is prepared to go all-out to ensure that these courageous teachers finally receive justice,” said Gleason.

Union Vendetta

Union documents and testimony of high-ranking WEA officials in connection with the teachers’ counterclaims.

“What started as a vindictive strike against these two teachers began to turn against the union and quickly turned into a situation where the union had much more to lose than gain from proceeding with its case,” said Gleason.

Recognizing that their case was collapsing around them, the union abandoned their lawsuit and agreed to drop the charges against Omlin and Amidon. In return, the teachers merely agreed to drop their counterclaims and not to use the “WEA” acronym in the newsletter’s masthead in the future — which was a moot point considering the organization had not published the newsletter or used the acronym for more than a year.

“The Foundation will not tolerate the harassment of freedom-loving teachers through bogus charges aimed at intimidating and silencing them from spreading the truth,” said Gleason.

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:

NRTWLD
Attention: Newsclip Appeal
8001 Braddock Road
Springfield, VA 22160
Worker Fined $32,500 by Bitter Union Bosses

Foundation forces federal prosecution of union malfeasance

COLUMBUS, Ohio — Foundation attorneys have forced the prosecution of a Columbus-area Painters union after its officials levied fines totaling $32,500 against a worker who merely exercised his right to resign from the union.

When construction worker James Ott was hired onto a new job site, he had no idea that a union would try to drive him into bankruptcy. You see, his new job was not under the “jurisdiction” of his former union, but rather under a collective bargaining agreement with the local Carpenters union. But since Ott knew that the Painters union and Carpenters union locals were engaged in a blood feud over contracts, he realized that to protect himself from retribution, he should immediately mail a letter of resignation to the International Brotherhood of Painters and Allied Trades Local 1275.

Union bosses refuse to let worker resign

Mr. Ott’s attempt to resign from formal union membership was blocked by arrogant Painters Local 1275 union officials who totally ignored his resignation. Instead, they threatened Ott with disciplinary fines if he didn’t continue to pay his full, forced dues.

Under the U.S. Supreme Court decision in the Foundation-won Communications Workers v. Beck case, workers may resign from formal union membership at any time immediately and without restrictions. Once a worker becomes a non-member, union officials have no legal basis for enforcing union “discipline.”

But after a few weeks at his new job, Ott was visited by several Painters union hotheads from his old workplace. They threatened him with disciplinary fines regardless of his resignation and offered the “opportunity” to return to the Painters union. Ott declined that so-called “opportunity.”

Union bosses hold sham trial to punish worker

Only days after that meeting, the Painters union hotheads filed internal charges against Ott and set the date for an internal trial. The outrageous charges were filled with cryptic phrases like: “Violation of the oath of membership,” “Disloyalty to the Brotherhood,” and “advocating or encouraging dual unionism or engaging in subversive activities.”

“The Painters union local has so little respect for honest workers like James Ott that they used him as a pawn in an inter-union power struggle,” said Rex Reed, Executive Vice President of the Foundation.

When Ott received a copy of the charges, he quickly mailed another letter to the union brass reminding them that he had already severed his ties over a month before and was thus not subject to their internal discipline.

Completely disregarding Ott’s letter reaffirming his resignation, the union’s so-called “Trial Board” ruled that Ott was “guilty” of the charges and fined him a total of $32,500. When he received news of the fine, Mr. Ott said, “I was amazed. I couldn’t understand why this was happening to me.”

Because the weight of fines would severely cripple his ability to provide for his family, Ott contacted the Foundation.

“Cases like this leave no doubt that Big Labor’s main concern is preserving at all costs the unchecked power it wields over workers,” said Reed. “This attempt to shake down a worker for more money than many people make in a year is totally despicable.”

Foundation files charges against ruthless union bosses

Arguing this vindictive union action violates Ott’s rights, Foundation attorneys immediately filed unfair labor practice charges at the National Labor Relations Board (NLRB).

Compelled to act by the Foundation’s tenacious legal experts, the NLRB had little choice but to file a formal complaint against Local 1275 officials. A hearing before an administrative law judge has been set for July 13 in Columbus where the judge will determine whether Local 1275 officials have violated Foundation-won precedents.

Mr. Ott has stated that he would be willing to drop the entire issue if Local 1275 officials would simply drop the fines and apologize for the incident which has placed tremendous strain on his family over the past several months.

Not surprisingly, Local 1275 officials have flatly refused to call off the dogs and apologize for their actions. But when the Foundation’s attorneys get through with them... they’ll be sorry!
SEIU Chieftain Wallows in Luxury

Workers’ forced dues are spent on marble and rosewood

NEW YORK, NY — Union bosses of the Service Employees International Union (SEIU) love to present themselves as champions of the underdog — defenders of some of society’s most neglected workers such as janitors and doormen and nurses.

But Foundation attorneys have shown time and again that it is SEIU bosses themselves, often operating at the local level, who oppress workers by seizing their dues for politics without consent or attempting to drive dissenting workers into bankruptcy.

Now comes yet more evidence of the hypocrisy of SEIU bosses. Newspapers had a field day recently reporting that SEIU boss Gus Bevona lived in luxury befitting a king while exercising dictatorial powers as president of SEIU Local 32BJ-321 in New York City. His “office” was a super-luxurious, 3,000-square-foot penthouse on the 23rd floor of union headquarters, with two terraces offering extraordinary views of Manhattan.

Union bosses get a free ride on workers’ backs

Bevona portrayed himself as a defender of workers, but his penthouse office was a paradise of marble and rosewood as well as high-tech extravagances. The floors were deep-green marble. White-and-gray flecked marble ran from floor to ceiling in the bathrooms, while black marble was used for counters in the dressing rooms and for tables in the conference rooms.

All of this was paid for with the forced dues of janitors and doormen earning an average salary of $27,500 a year. Meanwhile, free-riding SEIU union boss Bevona lived high on the hog, taking home an annual salary of more than $400,000 — more than enough to enable him to buy a palatial $800,000 estate in Babylon, Long Island.

“This is reprehensible,” said one of the workers who toured Bevona’s penthouse suite.

“Foundation attorneys take on the SEIU bosses

Foundation attorneys are currently prosecuting many cases defending ordinary workers suffering from the abuses of compulsory unionism at the hands of SEIU union bosses like Gus Bevona and John Sweeney, formerly the top SEIU boss and now the AFL-CIO czar.

Jerry Parsons of California is one such worker. With the help of Foundation attorneys, he is suing his SEIU local for failing to provide adequate and independently audited financial disclosure reports which properly justified the money deducted from his paycheck. The disclosure provided by union officials did not adequately break down what activities were chargeable to objectors under the Foundation-won Supreme Court decision Communications Workers v. Beck and which were not.

Also, SEIU union officials illegally charged Parsons (and other Beck objectors) for organizing expenses and nearly 100 percent of the union’s overhead costs.

Union attempts to drive janitors into bankruptcy

In another prominent SEIU case, Foundation attorneys forced the abject

see SEIU LUXURY, page 8

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
✓ 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 Rich Clair or Jeanne Maynor.
Render unto unions

By Kenneth Smith

"How often did you purchase pornographic literature?"

That’s not the kind of question that Fred Jones ever though someone would ask him. But then the Blacksburg, Va., man never thought he would try to drop his union membership either. He had, after all, been the union’s shop steward.

When, for religious reasons, he did try to leave the union, its leaders tried to smear him as a smut-reader, racist and hypocrite, dragged his pastor into court to challenge the basis of Mr. Jones’s beliefs and, he says, issued veiled threats against him and his family. But his case was strong enough that a federal judge in Roanoke ruled that the union and his employer discriminated against him on the basis of religion and violated his civil rights.

This month, Oil, Chemical and Atomic Workers International and its union local in Radford, Va., appealed the ruling and the $20,000 in damages the judge awarded Mr. Jones. The union has said previously that it does not believe Mr. Jones is sincere in his beliefs and that accommodating his religion by allowing him to contribute his union dues to charity is unduly burdensome.

Mr. Jones stands by his faith. "I do not believe that one penny of my (or should I say the Lord’s) money should go to any organization like the union that is doing wrong, or is supporting wrong things," he says.

Mr. Jones wasn’t always so intent on paying his dues to God. His religious "journey," as he calls it, began in ghastly fashion. He was working at the government-owned Radford Arsenal, producing munitions for training and combat, when there was an explosion at the plant that left him traumatized. Two of his coworkers were killed, one of them simply "vaporized," says Mr. Jones, leaving only his belt buckle. The following year, his wife suffered a disability that forced her to quit her job, putting greater financial pressures on the family. And in 1987, his father suffered a near-fatal heart attack.

About that time, a friend of his invited him to a local Baptist church, which, after some consideration, he eventually joined. He remained a union member at the time and even served as the union’s shop steward. But he had growing reservations about it. He noticed that an employee who had crossed a picket line was thrown out of the union, and despite the man’s pleas to rejoin, the union refused. If God could forgive his own sins, Mr. Jones says he thought, who was he (Mr. Jones) not to forgive others. In addition, Mr. Jones says he came to believe that in seeking the steward’s job to protect himself from layoffs, he was effectively trusting the union, not God, to take care of him. For these and other reasons, he decided to resign his union membership.

In the weeks and months that followed, he only became more convinced he had been right to leave. It seemed to him that "almost every candidate" the union backed believed in abortion or homosexuality, something he believed was "contrary to God." And he did not want to be part of a group that supported them.

The Oil Workers, however, still wanted his dues. Because he was working at a federal installation, Virginia’s right to work laws, which provide that employees do not have to pay union dues or fees as a condition of employment, did not protect him. When the Oil Workers refused to allow him to contribute his fees to a charity in lieu of the union, he complained to the Equal Employment Opportunity Commission (EEOC). After an investigation, the EEOC attempted to negotiate a solution to the problem and, when that failed, filed suit against the union and Mr. Jones’ employer in February 1998 on grounds that they had violated civil rights statutes barring discrimination based on one’s religious beliefs.

The union hit back hard in depositions designed to undermine his credibility, trying to portray him as a "bad" Christian. "How often did you purchase pornographic literature?" union interrogators asked him. "Did you ever watch dirty movies?" "How about prostitution, have you ever been involved in prostitution?" Mr. Jones acknowledged that prior to 1988 he had seen pornography, but, no, he had never been involved in prostitution.

They tried to portray him as a crazed right-winger: "Have you ever voted for a Democrat?" "Who did you vote for in the last presidential election?" They tried to set him up as a racist: "Do you ever refer to African-Americans as boys?" They charged he was a pawn of the National Right to Work Legal Defense Foundation, which is helping him in this case.

Union officials sent a private investigator to try to pry information out of Mr. Jones’ pastor. When the pastor wouldn’t cooperate, they dragged him in to depose him too: "How many blacks and whites in the congregation? Is there any effort to outreach or to increase the minority membership of the church?"

Smear tactics were not his biggest fear, though. He says one union official told him in the midst of the controversy that he, the official, feared for the Jones family. Mr. Jones asked him if he meant the family might be harmed. The official answered, "yes," Mr. Jones said.

Still, he kept the faith, and in the end, U.S. District Judge Jackson Kiser sided with him, ruling that the union had violated his civil rights and that allowing him to pay his dues to charity would not be a burden to the union. "It strains credulity to believe that there will be a mass movement of union members to withhold their dues and pay them over to charity," he wrote.

The case is not yet ended, given the union’s appeal. But what happened to Mr. Jones points up once again the frail fiction on which organized labor bases its appeals for popular support. Big Labor says it exists to keep Big Business in check. But business isn’t what worries the union. It’s workers like Mr. Jones, who try to leave the union and take their dues money with them. Rather than offering services that would encourage them to remain, Big Labor relies on threats, deposition intimidation and civil rights violations to deny workers that choice. Before Judge Kiser’s ruling, people like Fred Jones didn’t have a prayer. Now they do.

Kenneth Smith is deputy editor of the editorial page.
surrender of SEIU Local 1877 officials after an eight-month-long fight to lift excessive and illegal strike fines imposed on dozens of Oakland, California, janitors who exercised their Right to Work. Fearful of facing embarrassing Foundation litigation, the union officials rescinded the illegally imposed fines, which in some cases first totaled thousands of dollars.

Ironically, this victory for workers came as SEIU union bosses carried on a phony and hypocritical “Justice for Janitors” campaign. It turned out the only justice the Oakland janitors received was through the free legal aid provided by Foundation attorneys.

Justice for Nurses in Pennsylvania

In an important SEIU case from Pennsylvania, Foundation attorneys compelled the National Labor Relations Board to prosecute SEIU union local officials for forcing illegal “union shop” membership on Pennsylvania health care providers.

With the help of Foundation attorneys, Mary Burkholder, a nurse at Chambersburg Hospital, charged that the SEIU union local maintained an illegal union shop, ignored her resignation from the union, and stonewalled her objections to cut off forced dues withheld from her paycheck.

“SEIU union bosses from California to New York have shown a clear pattern of arrogance and abuse of the privileges they seize through compulsory unionism. Gus Bevona’s case is just the latest example,” said Foundation Vice President Stefan Gleason.

“It’s only with the generous financial support of freedom-loving Americans that Foundation attorneys are ready to defend ordinary workers from the abuses perpetrated by SEIU union bosses,” said Gleason.²

Free Newsletter

If you know someone who would appreciate receiving Foundation Action, please provide us with their name and address. They’ll begin receiving issues within weeks.

Message from Reed Larson

President
National Right to Work Legal Defense Foundation

Dear Foundation Supporter:

Apparently, half a billion dollars isn’t enough.

When the AFL-CIO bosses gathered in a Miami resort hotel to devise their plan for the 2000 elections, they vowed to DOUBLE what they’ve spent before.

That means about a BILLION DOLLARS in workers’ forced union dues will be used to elect union-puppet politicians to office in the 2000 elections.

The simple fact is that unless freedom-loving Americans redouble their efforts to cut off Big Labor’s forced-dues cash at the source, our democracy is at risk. Here’s just a sample of what the union bosses intend to do to sweep the 2000 elections:

• DOUBLE organized labor’s spending on militant political action, vicious TV ads, and boiler-room phone banks.

• Significantly bolster their army of full-time political operatives in every congressional district in America.

• Elect 2,000 union militants to public office.

Unless you and I work together to halt Big Labor’s compulsory unionism abuses, hard-working Americans will be forced to subsidize the AFL-CIO’s radical agenda that costs all of us in the form of bigger government and higher taxes.

Thanks for standing with me as Foundation attorneys battle back in the courts to defend the rights of workers. It’s your support that makes the fight for freedom possible.

Sincerely,

Reed Larson