



Foundation Action

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

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AFL-CIO Union Announces Most Intense Political Effort Ever

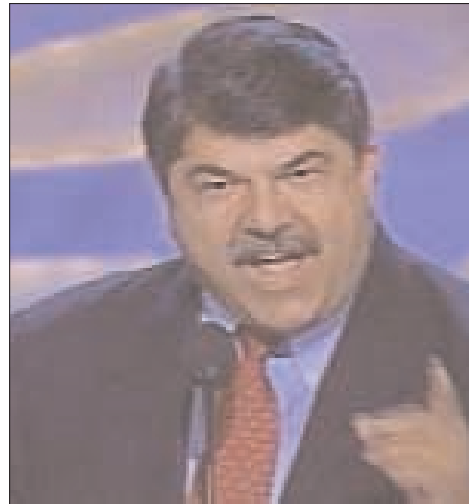
*Foundation steps up
legal response*

WASHINGTON, D.C. — In recent weeks, AFL-CIO union bosses unveiled their “most intense legislation/mobilization effort” to date, vowing to place thousands of union political operatives on the ground in an unparalleled assault on the pro-freedom agenda.

Political observers know that Big Labor’s political activism is never-ending; however, this latest announcement indicates that Big Labor plans to increase its political expenditures above levels observed during the 2000 election campaign in which it poured unprecedented amounts of workers’ forced-dues money into an intense “ground war” costing an estimated \$800 million.

“There’s no doubt that today’s AFL-CIO is more powerful than any political party, spending far more resources on electioneering than both the Democrat and Republican parties combined,” said Foundation Vice President Stefan Gleason.

Gleason pointed out that although Big Labor’s political power is very real, it is also illegitimate: “Big Labor’s political clout is fueled by union bosses’ inordinate ability to seize forced union dues from millions of hardworking Americans as a condition of employment.” He added, “Adding insult to injury, union kingpins are pushing a



AP/Wide World Photos

Now that Democrats control the Senate, AFL-CIO number two Richard Trumka (left) is charged with helping union stooges like Senate Labor Committee Chairman Ted Kennedy (right) spearhead attacks on the freedom agenda.

political agenda that’s out of step with the working men and women forced to foot the bill.”

Big Labor’s perpetual political campaign

The AFL-CIO Executive Committee decided to launch the latest leg of an ongoing legislative and mobilization campaign during a meeting in Boston on May 1. According to media reports, union officials will deploy as many as 100 operatives per congressional district to keep their supporters in line and opponents on the defensive.

In a May *Daily Labor Report* story, an AFL-CIO political operative declared that the political campaign is also a “roll up to the most massive political effort” ever — that’s planned for 2002.

AFL-CIO political operatives will

see **MOST INTENSE**, page 7

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Workers Testify Against Forced Unionism on Capitol Hill

Union officials' scorn for employees' political freedom exposed

WASHINGTON, D.C.— On May 10, Harry Beck joined several other union-abused workers to testify before the House Subcommittee on Workforce Protections regarding compulsory unionism abuses. Along with Foundation Vice President Raymond LaJeunesse, who was invited as an expert witness, they also testified about the National Labor Relations Board's (NLRB) failure to enforce the Foundation-won U.S. Supreme Court *CWA v. Beck* decision, in which Harry Beck was the lead plaintiff.

Below are some excerpts from their testimony:

"I tried, unsuccessfully, to get change within the system and was thwarted at every juncture, not by the rank and file, but by leadership that refused to address the issues. As a last resort, I turned to the National Right to Work Committee and Legal Defense Foundation for assistance. The courts became our only avenue for justice."

—Harry Beck

"My discharge from US Airways had a devastating impact on my life. My termination by the Machinists

*"My termination
by the Machinists
union and
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significant
emotional distress."*

—Craig Sickler

union and US Airways put me through significant emotional distress. ... I lost the ability to plan for my future. At the time of my termination I was 50 years old, only five years away from being eligible to retire from US Airways."

—Craig Sickler (Foundation attorneys recently won a cash settlement for Sickler and forced US Airways to rehire him.)

"I say to this Honorable House, that in a free country like America, employees should not have to run a decade-long legal gauntlet like this in order to protect their cherished right to refrain from supporting causes they oppose."

—Robert Penrod (Foundation attorneys helped Penrod fight a decade-long battle against the NLRB, which stonewalled his efforts to have his *Beck* rights protected.)

"The evil inherent in compelling objecting employees to subsidize a union's political and ideological activities is apparent. As President Thomas Jefferson put it so eloquently, 'to



Harry Beck along with other union-abused workers testified before Congress on the NLRB's failures.

compel a man to furnish contributions of money for the propagation of opinions which he disbelieves, is sinful and tyrannical."

—Foundation Vice President Raymond LaJeunesse

Full testimony from LaJeunesse is available at www.nrtw.org/b/rjltestimony.htm ☞

Foundation Action

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U.S. Supreme Court Halts Attack on Virginians' Right to Work

Union sought legal basis for having employees fired for not paying union dues



Frederick Pusey withstood union lawyers' attack on his Right to Work in Virginia.

WASHINGTON, D.C. — The United States Supreme Court has rejected an attempt by International Association of Machinists (IAM) union lawyers to gut Virginia's highly popular Right to Work law, a measure that prohibits forced unionism.

The ruling, won by Foundation attorneys, ensures broad application of Virginia's Right to Work law as well as the payment of \$135,000 in damages, plus interest, to 66-year-old Frederick Pusey of Salisbury, Maryland.

Pusey, who spent 22 years in the military as a communications specialist, retired at the rank of Sergeant Major in 1980. He moved on to become an electrical technician for H&H Inc., a private contractor for NASA on Wallops Island on Virginia's Eastern Shore. But he was fired from his job in 1994 for refusing to support the IAM union.

Union forces veteran to fend for himself

"For two years, I couldn't find a new job... it was very hard," Pusey recalled. At age 60, being unable to collect Social Security benefits, Pusey struggled to

make ends meet.

"Frederick Pusey's long legal nightmare is finally over, and Virginia's Right to Work law is again safe — for now," said Foundation Director of Legal Information Randy Wanke.

Pusey expressed relief over the Court's decision. "Union lawyers put my family through the wringer. Justice has finally been served," he said. "I could not have done anything [about it] if it had not been for the National Right to Work Foundation."

Worker endures grueling legal battle

The High Court rejected IAM union lawyers' petition for writ of *certiorari*, refusing to review a Foundation-won Virginia Supreme Court ruling in favor of Pusey.

IAM union officials had forced the firing of Pusey claiming that Virginia's Right to Work law did not apply to workers on NASA's Wallops Island facility.

"IAM union lawyers so despise employee freedom and Virginia's Right to Work law that they took their crusade all the way to the U.S. Supreme Court," said Wanke.

In some cases, federal property clearly is under exclusive federal jurisdiction, thereby precluding the application of state Right to Work laws. But in the *Pusey* case, union lawyers' claim of exclusive federal jurisdiction was based on a 1940 grant of such jurisdiction to build and operate an air base to defend Norfolk's naval facility during World War II.

Notwithstanding the fact that the U.S. Navy had abandoned the airfield and left the area in 1959, the union

lawyers argued that it remained an exclusive federal enclave. After Foundation attorneys sued both the IAM union and Pusey's employer, Accomack County Circuit Court Judge Glen Tyler rejected the union argument as "not credible," finding that any claim to exclusive federal jurisdiction had long since lapsed.

In December 1999, a jury ordered the union to pay Pusey \$135,000 in damages and back pay. Last year, by refusing to hear an appeal from union lawyers to throw out the lower court's ruling, the state's highest court upheld the damage award to Pusey. Union lawyers almost immediately appealed the case to the U.S. Supreme Court. As the union lawyers dragged out the appeal, interest accrued, eventually adding more than

\$15,000 to the damage award.

Wanke urged Foundation supporters to remain vigilant. "Big Labor will not rest until it has rid this nation of every state Right to Work law. That's why we must never let down our guard." ✚

*"For two years,
I couldn't
find a
new job...
it was
very hard."*

— Frederick Pusey

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.

Golden State Employees Score Pair of Court Victories

Union officials must return more than \$3 million in illegally seized dues



As payback for crucial election support, Governor Gray Davis (left) gave union bosses the power to extract millions from state workers.

SACRAMENTO, Calif. — Two recent court victories by Foundation attorneys require two powerful government unions to return more than \$3 million in illegally seized forced union dues to tens of thousands of state workers. In both class-action cases, the unions, the California State Employees Association (CSEA) and the American Federation of State, County, and Municipal Employees (AFSCME), had deliberately concealed their spending practices in order to fill their political coffers.

“Fearing that employees will learn how their dues are spent, union officials go to great lengths to hide the true extent of their political spending,” said Stefan Gleason, Vice President of the Foundation.

CSEA union hit with \$3 million judgment

In the first case, the United States District Court for the Eastern District of California found that CSEA union officials failed to provide proper, independently audited financial disclosure of union expenditures as required by the Foundation-won U.S. Supreme Court *Chicago Teachers Union v.*

Hudson decision and ordered the union to return more than \$3 million in forced union dues illegally seized from the paychecks of more than 37,000 employees throughout the state.

Christine Cummings of Sacramento, a health planning specialist for the Department of Corrections, and seven other state employees sought the help of Foundation attorneys after Governor Gray Davis, a Democrat, sold out droves of state employees by signing a “forced-share fee” contract in March, 1999. (Former governor Pete Wilson, a Republican, had refused for several years to knuckle under to union demands for this forced unionism provision.)

“As reward for their political support during his gubernatorial election, Gray Davis gave California union bosses millions of dollars with the stroke of a pen,” said Gleason. “But this shameful scheme did not prevent Californians from standing up for their rights.”

CSEA union officials must now return to all nonmembers in numerous statewide bargaining units 20 percent, plus interest, of all forced dues seized in the 1999 “fee-payer year.” Meanwhile, Foundation attorneys are appealing aspects of the court’s ruling that, if overturned, could result in an even larger rebate to the employees.

Powerful AFSCME affiliate forced to settle

At the same time, a different group of courageous California government employees scored a victory against a local affiliate of the powerful AFSCME union. Thanks to the vigilance of Robert Murray, a 16-year veteran of the California State Department of Rehabilitation, more than 1,500 state health and social service employees won a \$350,000 settlement against AFSCME Local 2620.

Foundation attorneys helped Murray

sue the union for similarly violating employees’ First and Fourteenth Amendment constitutional rights by failing to provide them with notice of their right to object to paying forced fees for the union’s political activities and by failing to reveal how those fees were being spent.

Under the terms of the Foundation-won settlement, officials of AFSCME Local 2620 must refund 75 percent of dues and fees illegally collected between July 1998 and September 1999, plus 100 percent of the dues and fees illegally collected during the first 12 days of March 2000, along with interest and attorneys’ fees. The total bill should exceed \$350,000, which breaks down to an average of at least \$233 returned to each employee.

Government unions build massive political empire

Government unions, which have in recent years grown tremendously in size and influence relative to private-sector unions, have also become increasingly political. The AFSCME union, one of the most politically powerful in the country, was ranked by the Center for Responsive Politics as the second largest overall soft money contributor in the 2000 election cycle. In addition to millions of dollars in in-kind contributions, the union donated \$6 million in reported soft money, nearly all of it going to Democrat Party coffers.

Gleason warned that government-sector unions pose a significant threat to the freedom agenda. “These union bosses have a vested interest in expanding the size and reach of government at all levels,” he said. “Bigger government means more government employees who can be forced to pay union dues.” †

Appellate Court Slams NLRB's Union Organizing Mandate

Bush appointment changes nothing at Clinton NLRB

SAN FRANCISCO, Calif. — Slapping down an indefensible ruling from the notoriously biased National Labor Relations Board (NLRB), the United States Court of Appeals for the Ninth Circuit banned union officials' practice of getting workers fired for refusing to fund union organizing drives.

Foundation attorneys convinced the unanimous appellate court panel to overturn the NLRB's decision in *Mulder* (which the Board issued after more than 10 years of inexplicable delay) on the basis that it violated clear U.S. Supreme Court precedent and thereby would have forced the 7.8 million American employees who work in compulsory union shops to pay union organizing expenses or lose their jobs.

"The scofflaw NLRB has again been caught red-handed fabricating its own vision for labor relations favoring union officials even when it violates clear Supreme Court precedent," said Stefan Gleason, Foundation Vice President.

Bush appointee has history of twisting laws

The NLRB, especially under President Clinton, has a long history of ruling against employees who choose not to join or support unions. Previous appellate court rulings in this area of law have chastised the Big Labor-beholden body for its "administrative arrogance" and labeled its decisions "not rational."

But the NLRB appears poised to carry forward its anti-worker tradition under the Bush Administration. The *Mulder* victory was handed down by the Ninth Circuit one day after President George W. Bush promoted Board member Peter Hurtgen to NLRB Chairman. Hurtgen signed the NLRB's anti-employee *Mulder* ruling, even in the face of a vigorous dissent from his colleague Robert Brame.

As a "Republican" member of the



"Republican" NLRB chairman Peter Hurtgen is a long-time ally of Big Labor.

NLRB, Hurtgen has helped Big Labor expand its political empire using forced union dues seized from workers. Hurtgen has a history of thumbing his nose at the U.S. Supreme Court's *Communications Workers v. Beck* decision, a case won in 1988 by Foundation attorneys.

Beck established that no worker can be compelled to fund union politicking and other activities unrelated to collective bargaining.

Despite Hurtgen's demonstrated scorn for this high principle, he is now in charge of the agency responsible for enforcing that precedent. Hurtgen's appointment runs counter to President Bush's campaign pledge to stand on the side of employees who face union abuse and intimidation.

"President Bush has a golden opportunity right now to appoint three individuals to fill current vacancies on the five-member Board, and Hurtgen should be shown the door when his term expires this August," said Gleason. "By taking swift and pru-

dent action, Bush can help ensure that the government is on the workers' side — not against them — when they have the courage to stand up to unions that violate their political freedom."

Unions spend billions in forced dues on organizing

In the Foundation-won precedents *Ellis v. Railway Clerks* and *Lehnert v. Ferris Faculty Association*, the U.S. Supreme Court determined that union organizing expenses were clearly unrelated to collective bargaining, and thus employees who are not members of the union could not be forced to financially support this type of advocacy intended to expand union power.

In *Mulder*, however, the Board chose to ignore the clear precedent by whitewashing the abuse of three grocery store employees — Phillip Mulder, Charles Buck, and Leon Gibbons — who originally filed the case (with the help of Foundation attorneys) against the United Food and Commercial Workers (UFCW) union in Michigan on behalf of employees nationwide.

Union officials expressed outrage in response to the Ninth Circuit's ruling overturning the NLRB. That's because organizing expenses often exceed 20 percent of a union's budget. Over the last few years union bosses have committed more and more forced union dues toward organizing. Big Labor's organizing campaigns are second in scope only to their political campaigns. In 1997, one union boss



Forced Dues Rebate May Reach \$70 Million

Court says 71,000 communications workers due refund



CWA union militants like the one pictured above must now cough up as much as \$70 million.

WASHINGTON, D.C. — Last month, approximately 71,000 communications workers nationwide received an opportunity to reclaim approximately \$70 million in forced union dues illegally seized over nine years by the Communications Workers of America (CWA) union.

The U.S. District Court for the District of Columbia forced CWA union officials to mail the rebate notice pursuant to the 1998 *Abrams v. CWA* ruling won by Foundation attorneys. In *Abrams*, the court found that union officials broke the law over the nine year period by failing to give workers lawful notice of their right to object to payment of full union dues, including dues spent for partisan political activities.

In the Foundation's landmark case *CWA v. Beck* (1988), the U.S. Supreme Court affirmed that no worker could be lawfully forced to become a formal,

full-dues-paying union member or pay for any activities unrelated to collective bargaining, contract administration, and grievance adjustment. Yet the union failed to give employees proper notice of these rights.

"CWA union officials never had the right to seize this money in the first place," said Foundation Director of Legal Information Randy Wanke. "Now they must return millions of dollars."

Union's activism causes employee backlash

Kenneth Abrams and three other workers at Bell Systems-affiliated companies from Maryland and New Jersey originally filed the class-action suit in

opposition to the union's financing of its political agenda.

Under the Foundation-won ruling and settlement, CWA union officials must allow workers 30 days to retroactively request refunds, plus interest, for all dues between 1987 and 1995 that were used for activities like politics.

The CWA union's disclosure over those years admitted that around 25 percent of dues was not used for collective bargaining. This portion amounts to — on average — about \$100 per worker, per year, before interest. Thus, many

of the affected workers may be eligible for rebates up to as much as \$900 (plus interest) for the full nine years. The court also ordered union officials to pay some 120,000 workers more than \$500,000 in other damages. †

"CWA union officials never had the right to seize this money in the first place. Now they must return millions of dollars."

— Randy Wanke



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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
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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.

Spotlight on...

Raymond J. LaJeunesse, Jr.
Senior Staff Attorney, Vice President



Raymond J. LaJeunesse, Jr., has successfully litigated on behalf of union-abused workers for over three decades. LaJeunesse, who became the Foundation's first staff attorney in 1971, has helped pioneer some of the Foundation's most important and far-reaching legal victories.

LaJeunesse received his LL.B. from Washington & Lee University in 1967. LaJeunesse communicates his expertise on employee rights through public speeches, articles in legal journals, and testimony before Congress (see page 2). His long-term record of accomplishment was recognized by his promotion to Vice President in April of this

year, and to Legal Director effective July 1, 2001.

According to LaJeunesse, his greatest accomplishment was winning the U.S. Supreme Court *Lehnert v. Ferris Faculty Association* decision, which held that public sector unions could not charge objecting nonmembers for most lobbying and public relations activities. LaJeunesse also helped win the landmark U.S. Supreme Court *Communications Workers v. Beck* decision.

(In upcoming issues of **Foundation Action**, additional members of the Foundation's nationally recognized legal team will be profiled.)

Most Intense Political Effort Ever

continued from cover

also mobilize their expansive network of work-site coordinators to distribute their political propaganda. AFL-CIO officials have already committed 20 full-time staff members to the mobilization and are "requesting" that their 64 affiliated unions each commit one full-time operative. An AFL-CIO spokesman pointed out that, in a year, the number of operatives will be "many times larger."

Meanwhile, AFL-CIO officials announced their intention to fire up their boiler room phone banks and direct mail operations to distribute political propaganda against major legislative initiatives of the Bush Administration.

"All of this is of course paid for with forced union dues," said Gleason. "Once again, union political bosses are sticking it to workers."

Forced dues used to bash Bush

Since the end of the last year's election, Big Labor has devoted the vast majority of its political resources to stop-

ping the initiatives put forth by President George W. Bush, even though almost 40 percent of union members voted for President Bush in the last election. Meanwhile, a recent Zogby poll shows that more than 55 percent of union members supported the Bush tax cut plan, and various polls indicate that the president's job approval ratings among union members are as high as 53 percent.

Despite that fact, Service Employees International Union (SEIU) officials launched TV ads this year inciting class warfare in an attack on President Bush's tax cut plan. (SEIU officials refused to divulge how much forced dues they spent on the ads.)

Foundation cuts into Big Labor's war chest

The Foundation is facing down Big Labor's forced union dues blitzkrieg by stepping up its efforts to protect workers against the abuses of forced unionism.

Foundation attorneys recently forced

huge refunds to employees who were forced to pay union dues for politics (see pages 4,6). They have also filed new class-action cases aimed at stemming the tide of Big Labor's assault on workers. ✚

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

Appellate Court

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told the liberal *Nation* magazine that Big Labor “will spend as much as \$1 billion on organizing over the next few years.”

Foundation attorneys block Board’s destructive path

Since the Bush NLRB so far appears to be a carbon-copy of the scofflaw Clinton NLRB, employees whose rights continue to be violated by union officials must seek relief through the federal courts, where Foundation attorneys stand ready to defend their rights.

The Foundation’s legal team has compiled an impressive record of victories against the NLRB.

Even though the appellate court overturned the NLRB, the Board may attempt to spurn the decision. Foundation attorneys will be carefully monitoring the Board’s actions to make sure it complies with the Ninth Circuit Court’s ruling. They are also bracing for UFCW lawyers’ almost certain appeal to the U.S. Supreme Court. †

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- View late-breaking news.
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Message from Reed Larson

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter:

With your help, we’re hitting the union bosses hard where it hurts the most — in their pocketbooks.

In recent months, Foundation attorneys have won an unprecedented number of large cash judgments against miscreant union bosses.

Topping the list is the class-action lawsuit *Abrams v. CWA*, in which 71,000 workers have an opportunity to reclaim about \$70 million in illegally seized forced dues. That’s big money! (See article on page 6 of this issue.)

We also report in this issue on *Murray v. AFSCME Local 2620* (\$350,000 judgment) and *Cummings v. California State Employees Association* (CSEA), where the CSEA union must return at least \$3 million in forced dues to more than 37,000 employees throughout California. (We’re shooting for \$11 million more on appeal!)

These big monetary victories are the latest fruits of the Foundation’s aggressive strategy of hitting Big Labor with class-action lawsuits to drain union coffers of illegally seized forced dues.

In previous issues of *Foundation Action*, we’ve also reported on other significant judgments or settlements in the cases of individual workers, including John Masiello and Craig Sickler (\$175,000), Fred Pusey (\$152,000), and stabbing victim Rod Carter (amount not disclosed under terms of settlement).

The bottom line is that you and I are making the union bosses pay a stiff price for illegally seizing forced dues from workers’ paychecks.

But far more must be done to rein in runaway union coercive power. That’s why we’re not resting on our laurels — far from it. As Ronald Reagan used to say, “You ain’t seen nothin’ yet!”

Sincerely,

Reed Larson