



Foundation Action

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

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Right to Work Defends Worker's Family from UAW Union Retaliation

***Union hotheads directed
to home of worker who
successfully challenged
unlawful union organizing***

HIGH POINT, NC – Responding to potentially violent threats against a Right to Work Foundation client who led a successful legal challenge to the United Auto Workers (UAW) union's forced unionization of the 1,100-worker Thomas Built Buses facility, the Foundation commissioned a 24-hour security detail at the employee's home.

The Foundation also called upon two local district attorneys and police chiefs to open an investigation into the UAW union's possible role in encouraging reprisals against workers opposing forced unionization.

The Foundation hired the security firm, CSI, Inc. which is staffed by former United States Army Delta Force counter-terrorism experts, after menacing flyers were circulated throughout the plant containing Jeff Ward's phone number and detailed driving directions to his personal residence. A call to arms on the flyer read "Jeff Ward lives here. Go tell him how you really feel about the union."



UAW Chief Ron Gettelfinger (left) and Daimler-Chrysler head Dieter Zetsche signed away the rights of thousands of employees nationwide in an illegal sweetheart deal.

In reaction to substantial media attention sparked by the incident, UAW Region 8 Director Gary Casteel then further fanned the flames of potential violence with remarks published in the local *High Point Enterprise* newspaper saying Ward "is not the most popular person" at the plant and "put himself in the limelight" by successfully asserting employees' legal rights.

Foundation plaintiff targeted for exercising his rights

The disturbing threats came as Ward successfully settled federal labor charges filed on behalf of his coworkers against the UAW union and Thomas Built's parent company, Freightliner, which federal labor prosecutors found had struck an unlawful sweetheart deal resulting in the coercing of employees into union ranks.

Meanwhile, in a formal letter, Ward's Foundation-provided staff attorney Bill Messenger called upon the district

attorneys and police chiefs in the cities and counties where Ward's home and plant are located to investigate the harassment in order to protect Ward and his wife and infant son, who were already receiving harassing late-night phone calls.

Referencing the flyer, Messenger urged, "This map constitutes a threat. It is an inducement for individuals to harass or do violence to Mr. Ward's person, family, and/or property, based on his legal cause of action against the UAW. I urge that a thorough investigation be conducted as to the origin of this unlawful threat, and that the perpetrators of this action be prosecuted to the fullest extent of the law."

Meanwhile, Foundation President Mark Mix called upon UAW Chief Ron Gettelfinger and other UAW union officials, to "discipline or remove Mr. Casteel for his inflammatory comments; and pay for the 24-hour security that has

see **UAW TERROR**, page 6

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Union Forced Out of Sheraton Four Points Hotel

Officials back down as Foundation sparks prosecution for coercive organizing

SANTA MONICA, CA – The Four Points by Sheraton has been forced to withdraw recognition of a hotel union after National Right to Work Foundation attorneys spurred a federal prosecution for coercion of employees into unwanted unionization.

Bucking an ominous trend of coercive organizing in the hotel business, a group of workers claimed the hotel illegally recognized Hotel Employees and Restaurant Employees (HERE) Union Local 11 as the monopoly bargaining representative of the Hotel's staff despite a lack of majority support.

Foundation attorneys assisted six employees at the Four Points by Sheraton Hotel by filing federal unfair labor practice charges to challenge a so-called "card check" unionization drive in which employees were coerced by union organizers into signing cards that were counted as "votes" in favor of unionization.

When a regional office of the National Labor Relations Board (NLRB) dismissed the original charges in February 2004, Foundation attorneys



Union bosses working for UNITE HERE Chief Bruce Raynor were caught red-handed for actions during a coercive organizing drive at the Sheraton Four Points.

appealed and successfully persuaded the NLRB General Counsel's office that there was not a clear majority of workers who favored the union. The typically recalcitrant NLRB General Counsel's office then ordered prosecution of the hotel and the union for collusion.

Foundation attorneys right, "coercive pacts trample worker freedoms"

Under "card check" or so-called "neutrality agreements," employers are induced to waive their employees' rights and agree to provide other assistance to union organizers in pressuring

employees to unionize. These pacts often include unlawful pre-arrangements over substantive terms and conditions of employment, such as compulsory union dues. Typically the union will also agree to limit wage and benefit demands in exchange for company help in coercing workers to unionize.

The six employees disputed HERE officials' claims that a majority of the workers actually support the union, because many Four Points workers felt harassed into signing union "authorization" cards and many also revoked previously signed cards. The workers asked the NLRB to bar HERE officials from bargaining on their behalf.

Rather than face prosecution, the hotel and union agreed to void the union's monopoly representation status. In withdrawing recognition of the HERE union, hotel officials also agreed not to recognize the union in future organizing attempts unless it demonstrates majority support through the less abusive government-supervised secret ballot election process. Hotel workers will also now be free to bargain directly with their employer over their own wages and working conditions.

"While this is a meaningful victory for these workers, these top-down organizing schemes are being implemented in hundreds of workplaces across America," said Stefan Gleason, Vice President of the National Right to Work Foundation. "That's why the Foundation's national program to curb these tactics is so important." 

Foundation Action

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Firefighters Win \$45,000 for Violations of Rights

Foundation aids first responders in suit against forced-dues rip-off scheme

BRIDGEPORT, CT — A U.S. District Court Judge has approved settlement of a class-action lawsuit brought by National Right to Work Foundation attorneys for six firefighters against the City of Bridgeport, a local union, and top city officials, for unlawfully seizing compulsory union dues.

Receiving free legal aid from Foundation attorneys, the firefighters forced International Association of Fire Fighters (IAFF) union Local 834 officials to return roughly \$45,000 in union dues unlawfully seized between June 2002 and October 2004.

The suit—brought by a group of members of the International Association of Black Professional Fire Fighters (BPF) in protest of the union's discriminatory practices—began when union officials acted in concert with the City of Bridgeport to seize compulsory dues from the non-member firefighters without first providing an adequate independent audit of the union's expenditures. In addition to charging union officials, the suit also named Bridgeport Mayor John Michael Fabrizi, among other top city officials, for their complicity in the unconstitutional acts.

"IAFF union officials simply want nonunion firefighters to shut up and pay up," said Stefan Gleason, Vice President of the National Right to Work Foundation. "As the IAFF union hierarchy has used its monopoly power to shut out minority firefighters from the profession, it has experienced an increasing backlash."

Firefighters' settlement refunds unlawfully seized dues to all non-members

As a result of the case's class-action status, the settlement provides restitution for all firefighters in the bargaining



AP Photo

IAFF union bosses used forced dues to back abortive presidential wannabe John Kerry over the objections of many first responders.

unit who are not formal members of IAFF Local 834 of virtually all forced dues collected before October 2004. At the same time, the settlement forced IAFF union officials to agree to cease deducting dues from those who are not members until the city and union comply with all of the constitutional requirements to collect dues.

Under the Foundation-won U.S. Supreme Court decision *Chicago Teachers Union v. Hudson*, before collecting any forced dues, union officials must first provide an audited disclosure of the union's expenses. Such audits are intended to provide a measure of protection to ensure that forced union dues

seized from nonunion employees do not fund activities unrelated to collective bargaining, such as politics.

Minority firefighters are allies in battle against compulsory unionism

Among those filing the lawsuit against the IAFF union was Donald Day, a retired city fire captain and director of the Northeast Region of the BPF. Day stepped forward to stop union officials from seizing compulsory dues money to spend on union political causes undermining the civil rights of black firefighters. "You're not going to take my money and use it to stop a black man from being a firefighter anywhere," Day told the *Connecticut Post*.

The Foundation has assisted black firefighters in other class-action suits against the IAFF union—such as a pending case in Cincinnati, Ohio where IAFF union officials committed similar violations [See *Foundation Action*, Sept/Oct 2004, Page 3]. Foundation attorneys are pressing the U.S. District Court for the Southern District of Ohio to issue a ruling in that case. 📌



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 Stocks/Bonds
- ✓ 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 Elisa Sumanski.

Anchorage School Bus Drivers Fire Teamsters Union

Workers successfully vote out union in second consecutive decertification victory

ANCHORAGE, AK – It's the story of union officials that just won't go away.

Workers have once again voted to remove Teamsters Local 959 as the "exclusive bargaining representative" of more than 200 Anchorage-area school bus drivers and attendants. The employees voted 109-78 to kick out the unwanted union.

The new election result comes on the heels of a December 2004 election in which workers voted to decertify the union 105-83. This new election was held after union officials filed objections to the results of the December 2004 vote.



AP Photo

Jimmy Hoffa's Teamsters union officials were twice given the boot by Anchorage school bus drivers.

After losing the December 2004 vote, union officials filed nitpicking objections to the decertification elec-

tion, claiming they were "barred" from using employee mailboxes on the company facility to distribute pro-union literature. Teamsters officials filed the objections even though they had decided to take a "low key" approach to the vote and not to campaign, which should have made access to the mailboxes a moot point.

An NLRB Regional official nonetheless sided with union officials and ordered a third decertification election. Larrassey and Foundation attorneys, believing employees should not be further delayed in determining who represents them, did not appeal the ruling, allowing the new election to take place.

Workers reject union hierarchy by wider margin

First Student employees have now rejected Teamsters union affiliation by an even wider margin than before, despite the union officials' desperate attempt to prevent this decision. These election results are now final, and First Student employees are free to negotiate their own terms and conditions of employment and be rewarded on their individual merit. Under the law, Teamsters union officials will now have to wait at least a year before again

attempting to corral First Student bus drivers and attendants into union ranks.

"Despite the best efforts of Teamsters officials to stifle dissent, First Student bus drivers will be able to determine their own future in an atmosphere free from coercion," said Raymond LaJeunesse, Vice President and Legal Director of the National Right to Work Foundation.

Workers triumph over company discrimination

First Student officials' discriminatory policy of silencing dissent during the May 2004 decertification election stemmed from a private conversation between First Student manager Deborah Daniels and Teamsters union shop steward Brooks Gaines. According to testimony, the company official informed Gaines that no literature would be allowed to be distributed during the decertification campaign.

Not knowing of the policy change, Larrassey placed flyers on cars in the company parking lot, consistent with the company's long-standing written policy, the verbal advice of a former company contract manager, and her recollection of literature distribution practices during previous union drives.

Shortly after Larrassey left on her morning bus route, union activists quickly seized the flyers from the vehicles and turned them over to union steward Gaines, who then reported the incident to Daniels.

As she returned from her route, Larrassey noticed that all of the cars had been stripped of the flyers. Daniels immediately called Larrassey into her office and ordered her not to distribute

see **BUS DRIVERS**, page 8

Teamsters officials stonewalled workers' decision

The dispute began when school bus driver Jayne Larrassey filed objections to an unsuccessful decertification election held in May 2004 in which the Teamsters local narrowly maintained its status as the workers' monopoly representative after First Student, Inc., supervisors stifled her freedom of speech. A hearing officer of the NLRB set aside that election. A three-member panel of the full NLRB affirmed the ruling, agreeing with Foundation attorneys' arguments that the election had been tainted, and ordered a new election.

In its ruling, the Board affirmed findings of "serious and extensive" company interference, because the company had enforced an "overly broad rule" limiting employees' rights to distribute pro-decertification literature in the campaign leading up to the election.

Foundation Answers... *Facts you need about Right to Work*

While the Right to Work is fundamentally about individual freedom, Right to Work states continually perform better economically than those states with pervasive conditions of forced unionism. A recent study published by the National Institute for Labor Relations Research shows how Right to Work states lead the nation in creation of jobs and opportunity.

Percentage Growth in Non-Farm Private Sector Employees (1993-2003)

Right to Work States	24.1%
Forced-Unionism States	14.2%
National Average	17.7%

Source: Department of Labor, Bureau of Labor Statistics (BLS)

Percentage Growth in Real Personal Income (1993-2003)

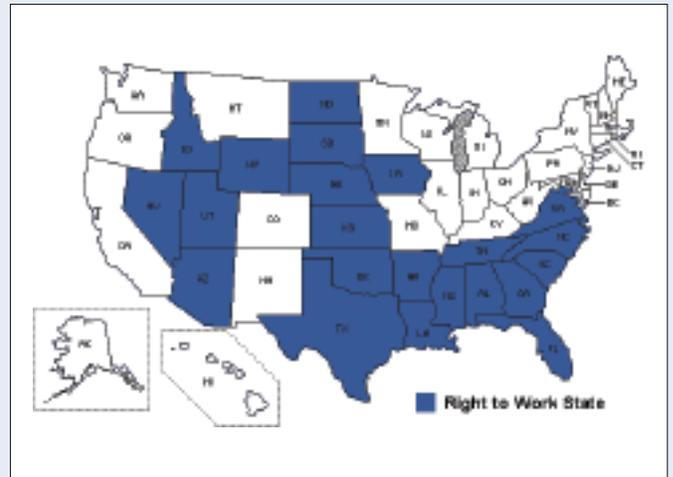
Right to Work States	37%
Forced-Unionism States	26%
National Average	29%

Source: Department of Commerce, Bureau of Economic Analysis; BLS

Percentage Growth in Manufacturing Establishments (1982-2001)

Right to Work States	+7.0%
Forced-Unionism States	- 4.9%
National Average	- 1.5%

Source: Bureau of Census (BOC)



Percentage Growth of People Covered by Private Health Insurance (1993-2003)

Right to Work States	13.6%
Forced-Unionism States	5.9%
National Average	8.5%

Source: Bureau of Census (BOC)

Percentage Growth in Real Value Added Per Production Worker (1991-2001)

Right to Work States	17.1%
Forced-Unionism States	8.4%
National Average	11.1%

Source: BLS, BOC

The complete study may be obtained by visiting www.nilrr.org or calling 703-321-9606.

UAW Terror Again Rears its Ugly Head

continued from cover

been commissioned to protect Jeff and his family.”

Not surprisingly, no response or reimbursement check has been received.

“Given the documented role of UAW militants in union violence, it’d be unwise to take chances when it comes to the safety of Jeff Ward, his wife, and his children,” said Foundation President Mark Mix. “Union violence is a harsh reality, and Mr. Ward and his family should not have to live in fear simply because he came forward to assert his rights and the rights of his fellow employees.”

UAW union terror tactics in a recent violence case in Winchester, VA, included shootings and the placing of severed, bloody cows’ heads on non-striking workers’ property. Several militants were indicted and convicted of multiple crimes against non-striking workers, and the employee victims received an undisclosed monetary settlement in response to the civil suit brought by Foundation attorneys on behalf of victims.

The *High Point Enterprise* also condemned the UAW hierarchy for comments justifying retaliation against



UAW boss Gary Casteel justified threats against a worker who asserted his rights by publicly stating that Ward “put himself in the limelight.”

Ward and his family. Referencing Casteel, the editors stated: “That comment gives the impression that the UAW would blame Ward for any actions targeting him. The UAW should be more forceful in advising its supporters to forgo such tactics.” The editorial concluded, “A fair, secret-ballot vote should settle this matter, not threats or violence.”

Settlement forces cancellation of “sweetheart deal”

The most recent developments in Ward’s case—which has received national media attention in multiple national AP wire stories and the *Wall Street Journal*, among others—began when, facing prosecution by the National Labor Relations Board (NLRB), union and Freightliner officials agreed to cancel outright a company-wide sweetheart deal. As part of the secret deal uncovered by Foundation investigators, union officials succeeded in garnering Freightliner’s active assistance in coercing workers to unionize.

The recalcitrant NLRB’s General Counsel, presented with compelling evidence, had no choice but to find that Freightliner officials at Thomas Built provided unlawful assistance to the union and held unlawful “captive audience” speeches jointly with union officials to coerce employees to sign union authorization cards that were treated as “votes” in favor

of unionization.

Even more significantly, the General Counsel’s office agreed to issue an unfair labor practice complaint challenging a secret agreement between Freightliner and the UAW union titled “Agreement on Preconditions to a Card Check Procedure.” The sweetheart deal constituted unlawful “premature bargaining” over substantive terms and conditions of employment when the union lacked majority support among the employees.

The unlawful agreement spelled out what provisions would be contained in future collective bargaining agreements and would ensure a compliant company union in return for hundreds of thousands of dollars in new union dues receipts.

UAW union booted from plant

The settlement voids the union’s recognition at the Thomas Built Buses plant and forces the union to win uncoerced majority support through the less abusive secret ballot election process conducted by the NLRB before declaring itself the employees’ monopoly representative.

“Jeff Ward’s principled stance in the face of a shameless UAW hierarchy has won relief for countless thousands of Freightliner employees,” said Foundation Vice President Stefan Gleason. “The UAW hierarchy initially tried to cut its losses at Thomas Built in the hopes of keeping their illegal agreement alive at other Freightliner facilities. They have now been forced to cease and desist company wide.”

“The sweetheart deal shows how eager union officials are to sell out the employees’ interests simply to get more union-dues-paying members.” ✚



The Foundation worked to prevent yet another campaign of union terror such as the shootings and severed cows’ heads visited upon workers in Winchester, Virginia, in the late 1990’s.

Spotlight on...

James Plunkett
Staff Attorney



The most recent addition to the National Right to Work Foundation's expert legal team, James J. Plunkett, will help build on the Foundation's successful litigation record on behalf of union-abused workers. As the eleventh attorney on staff, Plunkett has jumped right into the cutting-edge battle being waged by the Foundation against coercive "card-check" and "top-down" union organizing schemes.

A long-held interest in organized labor abuses coupled with experience in employment law make employment at the Foundation a perfect fit for Plunkett. He has already taken on several exciting cases.

"James Plunkett brings to National Right to Work a real commitment to the cause of freedom and individual rights,"

said Ray LaJeunesse, the Foundation Vice President and Legal Director.

Plunkett, who currently lives in Washington, DC, is a member of the Illinois State Bar and a 2004 graduate of the Boston College School of Law. Before joining the Foundation, he served at the U.S. Department of Interior Office of the Solicitor in Newton, Massachusetts, where he dealt with issues of employment law.

Between 1999–2001, Plunkett was a Coordinating Editor for Lexis Law Publishing in Charlottesville, Virginia. He has also served as Vice President of the Federalist Society Boston College Chapter. He holds a Bachelor of Arts degree in History from James Madison University, where he graduated *magna cum laude*.

Another Way to Support Right to Work

Charitable Lead Trusts

Many people are worried about what will happen to their estates after they pass away. They may like to leave their estate to their children, but want to avoid or reduce the possibility of high estate taxes. Often, setting up a private foundation to benefit their charitable interests seems to be the only way to avoid the potentially onerous taxes that may be facing their estates.

There is, however, an alternative that allows people to leave a substantial gift to charity and the remainder to their children or other heirs. The option is often overlooked, but is in many ways superior to a private foundation. This option is called the Charitable Lead Trust.

A Charitable Lead Trust is a tool that exists to transfer wealth free of estate taxes, and simultaneously benefit your favorite charities, such as the National Right to Work Foundation. You can fund such a trust during your lifetime or upon your death through your will. The original assets are either held, or sold and

reinvested, depending on the tax consequences and investment considerations.

The trust will make payments to your charities for a designated number of years or someone's lifetime. The payments may be set up as a fixed amount, or a percentage of the trust. They are generally made annually, but can be quarterly or monthly. Depending on how you have the trust set up, at the end of its term the assets of the trust are returned to your heirs—or to you if you are still living.

This type of trust is subject to income tax, but gets a generous charitable income tax deduction for the payments to charity.

There are many different ways of making a charitable lead trust work for you. If you would like more information on charitable lead trusts, please contact Elisa Sumanski at (800) 336-3600. We can provide you with a free booklet titled "Giving Through Charitable Lead Trusts" that explains them in detail.

Bus Drivers

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campaign materials on company property. Additionally, Daniels told Larrassey that this was her “verbal warning,” and any further action designed to circulate pro-worker literature was subject to discipline.

Larrassey was reprimanded a second time on the day of the election simply for standing in a non-work area and reminding people to vote. The union steward saw her approach voters and recommended to Daniels that she stop the activity. Larrassey was subsequently relegated to campaigning in a less conspicuous place.

Foundation gives hope to intimidated workers

Larrassey says that, before the May 2004 election, union officials used a variety of scare tactics, including personal confrontations from a particularly intimidating union official, and threats that wages would be cut unless union officials maintained their monopoly bargaining status to discourage employees from throwing out the union.

“People were afraid to stand up to the intimidation of the union—and some of these officials were very intimidating—but the National Right to Work Foundation gave employees the confidence they needed to have an election where they could vote their hearts,” said Larrassey.

Then, when company officials prevented a fair election in May 2004, Larrassey says that employees were reassured that the Foundation attorneys could help them obtain a new election and beat back union officials’ frivolous objections to the positive result.

“Without the Right to Work Foundation, our rights were unlikely to be vindicated,” Larrassey said. †



Message from Mark Mix

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter:

Fear, terror, and intimidation.

These are the weapons that union bosses often resort to when courageous workers get in the way of a union power grab.

Courageous workers like Jeff Ward, an employee at Thomas Built Buses in North Carolina, who stood up to UAW union bosses. The UAW hierarchy had made a sweetheart deal with Freightliner, Thomas’s parent company, to push Ward and thousands of his co-workers into compulsory unionism.

Ward objected and, with the help of Foundation attorneys, he forced UAW union officials to back down and cancel the deal. That’s when the retaliation started. An anonymous flyer circulated with driving directions to Ward’s home and the menacing directive, “Go tell him how you really feel about the union.”

You can read more about this story on the first page of this newsletter, but the point I want to make here is very simple: Jeff Ward and many other Foundation clients like him are heroes.

Jeff Ward didn’t set out to be a hero. He didn’t know that his defiance of the union would lead to the posting of 24-hour security on his home to protect himself, his wife, and their infant son.

But even when he learned the despicable lengths to which union bosses will go to expand their power, he stood firm. That’s why I call him one of freedom’s heroes.

What this story highlights once again is the cruel injustice of compulsory unionism and the violent methods union bosses will resort to whenever freedom-loving workers stand up to their bullying tactics.

Jeff Ward stood up to the union bosses, but because of your ongoing support of the Foundation, he wasn’t standing alone. That’s really why your partnership with us is so important. You make it possible for workers like Jeff Ward to be heroes and live to tell the tale.

Sincerely,

Mark Mix