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High Court Ponders Compulsory Union Dues

Judges and Legislators Have Duty to Protect Employees' Free Speech

Today roughly 20 states have laws on the books explicitly requiring all or some front-line public workers to pay dues or fees to a union they may not want as a condition of employment.

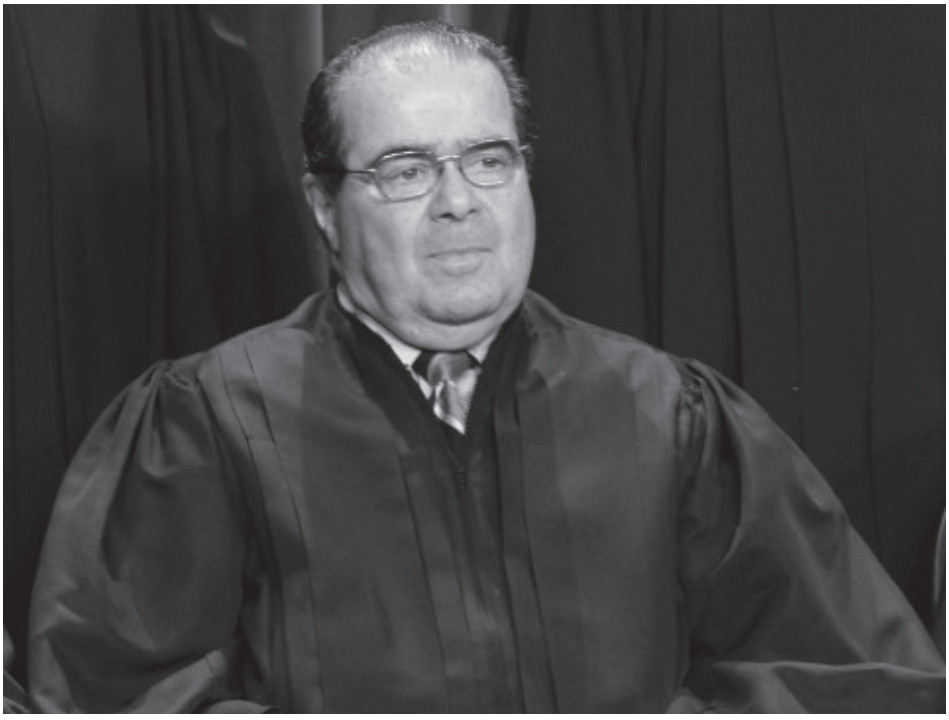
And the vast majority of unionized government employees in the U.S. reside in these Big Labor-dominated states.

However, last month the U.S. Supreme Court heard, for the first time in more than three decades, a case that directly challenges the constitutionality of compulsory financial support for government unions (often euphemistically labeled as the "agency shop").

The plaintiffs in *Harris v. Quinn*, heard by the High Court on January 21, are a group of independent-minded home care providers who have been redefined by Illinois elected officials as public employees solely for purposes of unionization.

Granting a 'Private Entity' Taxation Power Over Public Workers 'Undeniably Unusual'

They contend that executive orders, laws and legislation aimed at requiring them to pay forced fees to a union they never asked for violate their First Amendment rights.



CREDIT: PABLO MARTINEZ MONSIVAIS/AP/CORBIS

As Justice Antonin Scalia put it in a 2007 U.S. Supreme Court majority opinion, public policy in many states gives "private entities," i.e. labor unions, "the power, in essence, to tax government employees."

The *Harris* plaintiffs are being represented free of charge by a National Right to Work Legal Defense Foundation attorney.

Federal courts have repeatedly conceded over the years that public-sector forced union dues and fees are constitutionally problematic.

For example, Justice Antonin Scalia admitted in the 2007 majority opinion for the Foundation-won *Davenport* case that it is "undeniably unusual for a government agency to give a private entity the power, in essence, to tax government employees."

Abood Gave Union Bosses License to 'Interfere' With Employees' Free Association

It was in another Foundation case, 1977's *Abood*, that the Supreme Court originally sanctioned this "undeniably unusual" privilege for government union bosses.

Abood gave a judicial nod to forced financial support for government unions' bargaining-related activities in jurisdictions where union officials are legally empowered to represent in the workplace employees who don't want a union, along with those who do.

If legislators grant union officials the latter privilege, theorized Justice Potter Stewart while writing for a six-justice majority, legislators must also have the option to empower union bosses to force unwilling workers to pay union dues or fees as a condition of employment.

Justice Stewart all the same admitted that compulsory payments to unions may well "interfere in some way with an employee's freedom to associate for the advancement of ideas, or to refrain from

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Untenable Excuse For Compulsion

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doing so, as he sees fit."

Up to now, federal courts have swallowed Big Labor's monopoly-bargaining excuse for public-sector forced union dues, even though it has left a bad taste in the mouths of many jurists. But this excuse never made any sense whatsoever to Pamela Harris, the Illinois homemaker who is the lead plaintiff in *Harris*.

'I Kept Asking, "What's The Benefit to Me?" I Could Never Get an Answer'

As Sean Higgins of the Washington *Examiner* explained in a January 6 profile of Ms. Harris, her main job is to take care of her developmentally disabled son, Joshua. In order to be able to do this, she gets "financial help from a state program funded through Medicaid."

Mr. Higgins continued:

"Technically, the subsidy goes to Joshua, who 'employs' his mother as a home health care worker. Because of this arrangement, Illinois has decided that not only is she a state employee, but that it has a compelling interest that she join a union."

Ms. Harris doesn't believe that the unionization of herself and of other similarly situated Illinoisans would behoove care providers, the disabled, or the public as a whole.

She told Mr. Higgins: "I kept asking, 'What's the benefit to me?' I could never get an answer."

Of course, from the time union organizers first appeared at her front door more than four years ago, having been given her home address by the state without her knowledge, they have been making gauzy promises.

"They said they could get me extra money, but I know the program is capped," Ms. Harris recalled.

Union Bosses Advised 'Not To Take Nonmembers For an Involuntary Ride'

Thanks largely to the opposition mobilized on a shoestring budget by Ms. Harris and a few other parents, home care providers in Illinois's developmental disabilities program haven't yet been corralled into a union or forced to pay union dues or fees to continue receiving financial assistance from the state. However, the threat remains.

That's why Ms. Harris, along with seven other home care providers, including some in another state program who are already being forced to bankroll a union in order to receive government support, is suing Big Labor Democratic Gov. Pat Quinn and union officials to vindicate her First Amendment rights.

In briefs to the Supreme Court as well as in oral arguments last month, Foundation attorney Bill Messenger has made a compelling and multifaceted case against Big Labor's monopoly-bargaining excuse for "interfering" with the First Amendment freedom of the *Harris* plaintiffs and millions of other citizens.

For example, in a written reply last month to various claims of Quinn and Service Employees International Union (SEIU) attorneys, Mr. Messenger and his associates pointedly observed:

"[I]t is not [the SEIU Healthcare union] that is being forced to represent nonmember providers against its will, but nonmember providers who are being forced to accept [SEIU Healthcare union] representation against their will. . . .

"The least restrictive solution to any free-rider problem here is not compulsory fees, but for the union not to take nonmembers for an involuntary ride."

"Freedom-loving Americans from coast to coast are hoping the High Court will take the opportunity it has in *Harris v. Quinn* to correct the grave error it made 37 years ago in *Abood*," said National Right to Work Committee President Mark Mix.

"But it's not only courts that have a duty to uphold the U.S. Constitution."

'I Will Support, Obey and Defend the Constitution Of the United States'

Mr. Mix continued:

"In all 50 states, including the states that currently have laws on the books authorizing government union bosses to trample public employees' free speech by forcing them to pay union dues or fees as a job condition, elected officials take an oath to defend the federal Constitution.

"For example, in Pennsylvania, the governor, legislators and other public officials solemnly swear or affirm as they are installed: 'I will support, obey and defend the Constitution of the United States . . . .'

"Right to Work supporters believe that elected officials in states like Pennsylvania thus have an obligation to fight for repeal of their statutes empowering union bosses to get public servants fired for refusal to pay union dues or fees.

"That's why they are turning up the heat on politicians like Keystone State GOP Gov. Tom Corbett to protect employees' First Amendment freedom by repealing government union bosses' forced-dues privileges."

CREDIT: AP PHOTO/MATT ROURKE

Grass-roots citizens are turning up the pressure on GOP Gov. Tom Corbett to carry out his duty to protect Pennsylvania employees' First Amendment freedom by repealing Big Labor's forced-dues privileges.

Union Dons Avoid a 'Big Loss in [Forced] Dues'

Employees' Best Interests a Secondary Concern For IAM Dons

In December 2013 and early January 2014, a number of mainstream media reports focused public attention on a dispute between the Washington, D.C. area-based hierarchy of the International Association of Machinists (IAM/AFL-CIO) union and officers of IAM Union District Lodge 751, based in Seattle, Wash.

International President Tom Buffenbarger and other IAM bigwigs at the union's headquarters in Upper Marlboro, Md., contended that rank-and-file union members in Washington State's Puget Sound area should ratify a slightly revised version of an eight-year Boeing contract offer they had rejected back on November 13.

Seattle-Based IAM Chieftain Fiercely Denounced 'Takeaways' In Proposed Contract

Union District 751 President Tom Wroblewski, who has since announced his retirement, vociferously disagreed.

"Because of the massive takeaways [in the offer]," he announced in a message to Puget Sound-area Boeing workers, "the union is adamantly recommending members reject the offer."

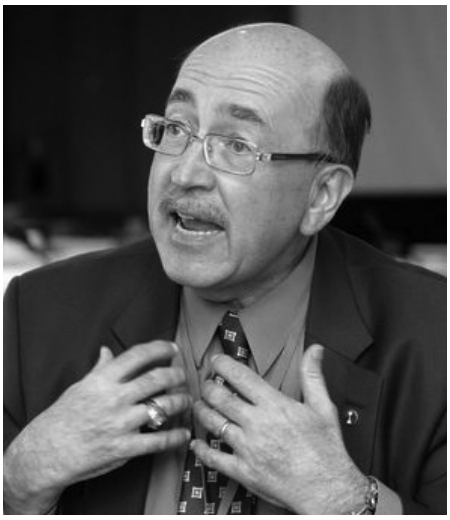
After Mr. Wroblewski and other District 751 officers refused even to bring Boeing's revised contract extension up for a member ballot, the IAM union's top brass took the extraordinary step of overriding them and scheduling a ratification vote for January 3.

Did Mr. Buffenbarger and co. opt to push so hard for a "yes" vote because they believed ratification was in the best interest of unionized workers in Washington State?

That's hardly the impression one gets from a January 2 article on the "rift in the machinists' union" by Steven Greenhouse of the New York *Times*.

Union Brass Feared the 'Loss' Of Roughly 10,000 Jobs 'To a Right-to-Work State'

According to Mr. Greenhouse, international IAM bosses were deeply concerned about the possibility that, if the revised Boeing contract went down to defeat, the company would move final assembly of its new 777X aircraft, as well as fabrication of its wings, to one of the 24 states that prohibit forced union dues.



CREDIT: GREG GILBERT/SEATTLE TIMES

The New York *Times* has confirmed: Where forced dues are, there IAM czar Tom Buffenbarger's heart will be.

The total investment to build the 777X could reach $10 billion.

In his story published the day before the ratification vote, Mr. Greenhouse, who is normally a Big Labor apologist, was quite blunt about IAM bigwigs' mode of thought.

The international union brass didn't focus on extracting the highest wages and benefits possible out of a company that "has surging profits and record plane orders," as Mr. Greenhouse reminded his readers.

Instead, international union chieftains worried about "the possibility of losing a large manufacturing center to a right-to-work state" where securing monopoly-bargaining privileges might be difficult for union organizers.

Mr. Greenhouse continued: "And that could mean a big loss in [forced union] dues – [the tens of thousands of front-line] Boeing workers in the Puget Sound area paid $25.5 million in dues to the international union in 2012."

Dispute Was About 'the Best Way' to Keep Forced Dues 'Flowing Into IAM Coffers'

In the end, international union bosses got their way, and the contract was narrowly approved.

National Right to Work Committee Vice President Greg Mourad commented:

"Rank-and-file union members in Washington State may reasonably differ about the merits of the new contract.

"It includes modest raises, a $10,000 signing bonus, and a commitment that final assembly and wing build for the 777X will occur in the Puget Sound region.

"It also switches employees from a defined-benefit to a defined-contribution pension plan and requires them to pay a somewhat higher share of their health-care costs.

"But for Tom Buffenbarger and Local 751 union bosses alike, the main issue wasn't the impact of the contract on union members in the Evergreen State.

"Their fundamental dispute was about what's the best way to keep forced union dues and fees flowing into IAM coffers. What's good for employees is for union bosses, at best, a secondary matter."

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Job Growth Surges in Right to Work Indiana

'Largest One-Month Increase in the Hoosier State on Record'

In the fall of 2011, just a couple of months before Indiana shocked Big Labor and media pundits by becoming the 23rd state to prohibit forced union dues and fees as a condition of employment, *Forbes* magazine issued its annual rankings of the 50 states for careers and business -- and the Hoosier State didn't fare well.

In the *Forbes* survey just a little more than two years ago, Indiana came in 34th overall, and an abysmal 49th for "growth prospects." The state was expected to continue adding jobs far more slowly than the national average despite the fact that then-Gov. Mitch Daniels (R) was widely regarded as "pro-business."

It was also in the fall of 2011 that Mr. Daniels and GOP House Speaker Brian Bosma (Indianapolis), who both had up to that time opposed consideration of Right to Work measures in the General Assembly, heeded the persistent pleas of grass-roots Right to Work activists and changed their position.

After that, Right to Work's Indiana victory came quickly. Mr. Daniels signed a measure protecting employees from termination for refusal to bankroll an unwanted union on February 1, 2012.

None of the Five Midwestern Forced-Unionism States Has Matched Indiana's Job Growth

Since Indiana instituted its Right to Work Law in February 2012, seasonally adjusted private-sector payroll employment in the state has increased by 82,000, or 3.3%.

That greatly exceeds the average 2.1% gain for Illinois, Minnesota, Missouri, Ohio and Wisconsin, the five remaining forced-unionism states in the Midwest.

Not one of these states had a private-sector payroll job gain as great as Indiana's.

In the U.S. Bureau of Labor Statistics (BLS) report on monthly state employment and unemployment issued December 20, the most recent available as this month's Newsletter goes to press, Indiana reported an especially strong gain of 25,300 private-sector payroll jobs for November alone.

According to the Indiana Department of Workforce Development, this was "the largest one-month increase in the Hoosier State on record." The state's November 2013 employment gains were substantial in an array of sectors, including manufacturing, trade, transportation and utilities, construction, and professional and business services.

Right to Work Laws' Primary Purpose Is to Protect Employees' Personal Freedom

"The primary purpose of Right to Work laws is to protect the personal freedom of each employee to choose whether or not to bankroll a union," said National Right to Work Committee Vice President Matthew Leen.

"However, decades of experience show that Right to Work laws also foster job and compensation growth.

"For example, in the 22 states that had Right to Work laws throughout the 10 years from 2002 to 2012, private-sector, nonfarm employment as reported by the U.S. Bureau of Economic Analysis [BEA] grew by 15.3% for the decade.

"That's more than double the average for states that lacked Right to Work laws for the whole decade, and nearly half again as much as the national average."

(Unlike the establishment jobs data reported by the BLS, BEA data track self-employment and contractual employment as well as payroll jobs.)

Late 2013 Job Growth Report Simply Adds to A Mountain of Evidence

Mr. Leen continued:

"The December 20 BLS report showing a record monthly gain for private-sector employment in Indiana simply adds to a mountain of evidence.

"Moreover, according to Indiana Economic Development Corporation chief of staff Chad Pittman, 64 companies who recently made job-creating investments in Indiana have expressly told him they wouldn't have even considered Indiana were it not for the Right to Work Law.

"These 64 deals have brought a total of 8000 jobs and $2.5 billion in capital investment to Indiana."

Right to Work States Generate More Jobs, 2002-2012

Top 10		Bottom 10	
North Dakota	+34.8%	West Virginia	+5.7%
Texas	+25.8%	New Hampshire	+5.6%
Utah	+24.9%	Illinois	+4.9%
Wyoming	+19.9%	Vermont	+4.6%
Nevada	+18.3%	Wisconsin	+4.4%
Arizona	+18.2%	Missouri	+4.3%
Alaska	+15.7%	Rhode Island	+2.8%
Florida	+15.4%	Maine	+2.2%
South Dakota	+15.3%	Ohio	+0.8%
Idaho	+15.2%	Michigan	-2.6%

Right to Work States Compulsory-Unionism States

Indiana, which became Right to Work in 2012, is excluded. Michigan, which became a Right to Work in 2013, is regarded as compulsory-unionism.

Source: U.S. Department of Commerce, Bureau of Economic Analysis

Nine of the 10 top-ranking states for 2002-2012 job creation protect employees' Right to Work. Overall, Right to Work states' job growth was eight percentage points greater than that of forced-unionism states.

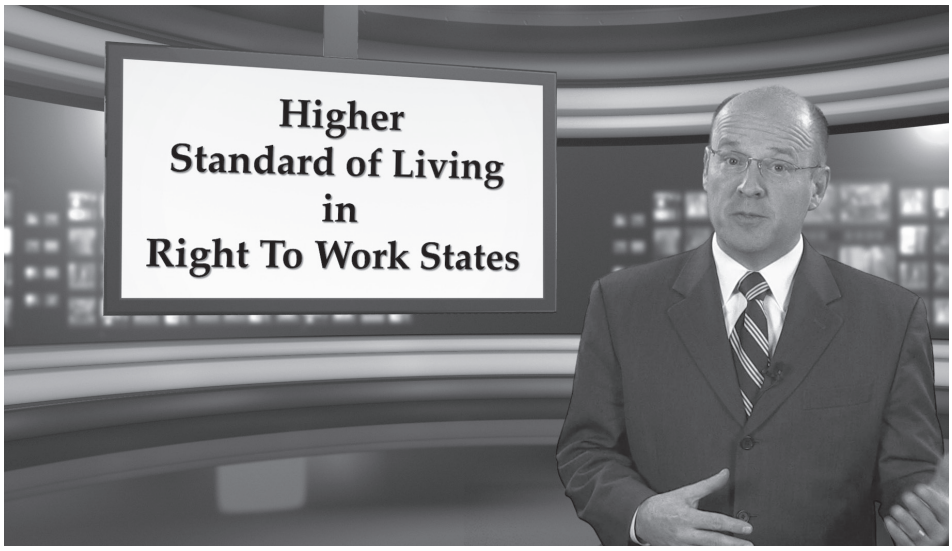
Right to Work Southeast Adds Good Jobs

Firms Are 'Looking to Expand' in States That Prohibit Forced Dues

Area Development, one of America's leading publications focusing on site-selection issues, recently surveyed the states of the South Atlantic region, and found that Florida, Georgia, North Carolina, South Carolina and Virginia are benefiting enormously from their Right to Work laws.

Based on her interviews with top consultants in the business-location field and her analysis of relevant data, reporter Beth Mattson-Teig concluded labor-relations policy is a key reason why the Southeast is growing faster than the U.S. as a whole.

"One of the contributing factors" driving growth in the South Atlantic region, wrote Ms. Mattson-Teig in her wrap-up of the regional survey, "is a shift in activity from union states to non-union or right-to-work states . . . ."



Committee President Mark Mix: When interstate differences in cost of living are taken into account, Right to Work states' average disposable income per capita is higher than that of forced-unionism states.

Auto Manufacturers 'Can Get An Ample, Willing and Qualified Work Force'

On this point, she quoted Kathy Mussio, a managing partner at the southeastern Pennsylvania-based site-selection firm Atlas Insight:

"[W]hen you look at the growth trend over the last 10 years, the growth has really been, for the most part, in those non-union [e.g., Right to Work] states where businesses are looking to expand."

Ms. Mussio singled out the automotive sector as one in which southeastern Right to Work states have been especially successful in adding good jobs:

"What you have seen is [that] auto OEMs [original equipment manufacturers], and even the auto manufacturers themselves, [are] doing more of the expansions in the Southeast because they can get an ample, willing, and qualified work force -- and still have the added benefit of expanding in a right-to-work state."

Outside of mature manufacturing sectors like motor vehicles, the South Atlantic region, in which six of the nine states, and all the fastest-growing ones, have Right to Work laws, is also "gaining momentum in new manufacturing businesses" and "'going up the pyramid' to attract new industries," wrote Ms. Mattson-Teig.

Citing Andy Mace, managing director of Global Business Consulting, Supply Chain Solutions at Cushman & Wakefield in York, Pa., she identified life sciences, aerospace, and more advanced manufacturing as industries the predominantly Right to Work Southeast is attracting.

Mild Winters Can't Account For Right to Work States' Economic Success

National Right to Work Committee President Mark Mix commended *Area Development*'s reporting and analysis, but added that Right to Work states located in all regions of the country, and not just in the Southeast, are benefiting from superior long-term growth.

"Not just Right to Work states with mild winters, but even several with unusually harsh ones, regularly outpace the national average in job and income gains," Mr. Mix said.

"And now there is evidence that the Right to Work law which took effect less than a year ago in Michigan is helping a state that had long been in the cellar for economic performance to begin climbing out of its malaise.

"For example, in the United Van Lines [UVL] annual migration study of the company's customers, Michigan experienced substantial net out-migration every year from 1997 through 2012, and from 2006 to 2009 the 'inbound' share of its moves was smaller than that of any other state.

"But over the course of 2013, during which the Right to Work law was in effect for the last nine-and-a-half months, 'migration out of Michigan . . . slowed to a virtual halt,' as the AP reported after analyzing the latest UVL survey.

"It now seems very likely that, in 2014, the first full calendar year Michigan's Right to Work law will have been in effect, the UVL study will show it to be a net recipient of people from other states."

Employees and Firms Both Benefit From Right to Work States' Low Cost of Living

One point seemingly overlooked by Ms. Mattson-Teig and the experts she cited is that, when interstate differences in the cost of living are taken into account, the mainly Right to Work Southeast's average disposable income per capita is superior to those of the Big Labor-dominated Northeast and Pacific Coast.

"In Right to Work states from coast to coast, employees and businesses alike benefit from the relatively low cost of living," Mr. Mix noted.

"On average, the cost of living is roughly 20% higher in forced-unionism states."

‘There Is Little Discretion at the Local Level’

Big Labor State Politicians at Fault For Municipal Fiscal Woes

New York City, Los Angeles and Chicago, the three largest cities in the U.S., are all located in states that lack Right to Work laws protecting employees from termination for refusal to pay dues or fees to an unwanted union.

And politicians in New York State, California and Illinois have done far more for Big Labor than protect compulsory unionism in the private sector.

All three states have laws on the books authorizing and promoting union monopoly bargaining and forced union dues and fees in government workplaces.

‘Over the Past 12 Years Our Pension Costs Have Gone From $1.5 Billion to $8.2 Billion’

Pro-union monopoly labor statutes enacted by state legislators and signed into law by governors in Albany, Sacramento and Springfield over the years are, the evidence strongly indicates, principal causes of the dire fiscal futures that New York City, Los Angeles and Chicago are now facing.

For example, in the Big Apple government union bosses have exploited both their monopoly-bargaining privileges and their forced dues-generated clout garnered from Albany to foist on hard-working taxpayers a bloated government retirement system they can’t possibly afford.

Shortly before he left office December 31, New York City Mayor Michael Bloomberg devoted a speech to his jurisdiction’s “out-of-control pension costs,” which he identified as a “barrier to growth” that is “especially dangerous to ignore.”

Mr. Bloomberg noted: “Here in New York City, over the past 12 years our pension costs have gone from $1.5 billion to $8.2 billion. That’s almost a 500% increase -- when inflation totaled only 35% . . . .”

It Could Take a 35% Tax Hike for Chicago to Make Required Pension Payments

The Los Angeles City Council struck a similar chord January 8 when it released “A Time For Truth,” a report it had commissioned focusing on the prospects for municipal growth and fiscal stability:

CREDIT: ROGER SCHILLERSTROM/PENSIONS & INVESTMENTS

Pro-union monopoly labor statutes enacted at the state level are, the evidence strongly indicates, principal causes of the dire fiscal futures that New York City, Los Angeles and Chicago are now facing.

“Pension costs accounted for 3% of the city’s budget a decade ago, and 18% (in 2013). The cost of covering further increases will continue to cut into the city’s ability to supply services . . . . ”

Meanwhile, according to a recent analysis for the trade journal *Pensions & Investments*, Chicago under state law “must raise pension contributions by $590 million in 2015, to $1.4 billion, almost 30% of the city’s operating budget after mandatory interest payments.”

According to Fitch Ratings, it would require a 35% property tax hike or an equivalent cut in all other spending for all the local governments in the Chicago area to make their required pension contributions.

National Right to Work Committee Vice President Mary King said that, while the plights of New York City, Los Angeles and Chicago are not yet hopeless, local elected officials will need plenty of help from their state capitals to pull their cities back from the brink:

“As Cate Long, a Reuters contributor who specializes in the municipal bond market, correctly observed last fall with regard to pension contributions and benefits for unionized government employees, ‘There is little discretion at the local level on these issues.’”

‘Mayors Can at Least Lay The Groundwork For Changes By Their State Assembly’

“However, mayors can at least lay the groundwork for changes by their state assembly,” Ms. King continued.

“One important thing mayors can do is to press hard and publicly for reforms, even knowing government union kingpins will never agree to them. State lawmakers can then give local governments the power to circumvent obstructionist government union bosses.

“One important way states like New York, California and Illinois can rescue their cities, if they have the will, is to roll back government union bosses’ monopoly-bargaining privileges, as Wisconsin did in 2011 in key provisions of Act 10.

“As a wide range of nonpartisan observers now recognize, Act 10 has enabled municipalities across the Badger State to save billions of taxpayer dollars while only rarely resorting to blunt instruments like layoffs.”

Enmons Shields Union Thuggery

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intimidation can be permissible under federal law."

Mr. Fairbanks was referring, above all, to the controversial 1973 *Enmons* decision, in which a divided U.S. Supreme Court exempted threats, vandalism and violence perpetrated to secure "legitimate" union objectives from federal prosecution under the Hobbs Anti-Extortion Act.

In the Local 17 case, union lawyers tacitly concede that any business owner who engaged in conduct similar to what their clients are accused of as a means of scaring off potential competitors could be charged with criminal extortion as defined by the Hobbs Act.

At the same time, Big Labor's legal strategists insist former Local 17 officials and toughs cannot licitly be prosecuted under the same law -- even if all of the charges in the indictment can be proven in court.

Rochester union lawyer Michael Harren, who is not personally involved in the case, summed up the Local 17 defense team's thinking for Mr. Fairbanks:

"If you're looking at an illegal means and an illegal end, you're going to be in trouble. . . . But if you're looking at an illegal means and a legal end, you'll be OK."

Big Labor Violence Has Deprived Western New York Of Vibrant Economic Growth

Today it is widely understood in western New York that union boss-orchestrated thuggery has deprived the region of vibrant economic growth by frightening away all kinds of job-creating businesses. That's why many residents of the Buffalo area are relieved that Mark Kirsch and his goons are finally being tried in court.

Mr. Fairbanks quoted Buffalo business attorney Robert Doren:

"It's shocking so little was done for so long. . . . It's about time."

National Right to Work Committee President Mark Mix commented: "Unfortunately, as long as the *Enmons* decision stands, the people of western New York and other regions plagued by union violence can expect only incremental relief at best. And the Local 17 case could ultimately makes things even worse.

He explained: "There is no question that *Enmons* exempts thuggish union bosses from federal prosecution for violence and threats to extract from unionized employers privileges over which the employers are legally required to negotiate, such as forced union dues.

"Union lawyers are now contending that *Enmons* must be applied even to extortionate violence committed against nonunion businesses whose owners and managers aren't legally required to negotiate with union bosses over anything.

"So far, the judge who is now presiding over the Local 17 racketeering case has rejected this brazen bid to widen the *Enmons* loophole. But if union lawyers fail to get Mark Kirsch off the hook for extortion in this winter's trial, they are expected to file an *Enmons*-based appeal!"

Freedom From Union Violence Act Would Close *Enmons* Loophole

Mr. Mix continued: "One positive aspect of the trial of Mark Kirsch et al is that it is helping raise public awareness about the 'license to extort' granted union scofflaws by *Enmons*.

"Fortunately, since *Enmons* was a matter of statutory, rather than constitutional, interpretation, Congress retains the power to overturn it and hold union bosses who orchestrate threats and violence accountable under the Hobbs Act.

"Pending legislation popularly referred to as the Freedom from Union Violence Act would do precisely that.

"Congressman Paul Broun [R-Ga.] introduced the Freedom from Union Violence Act in the U.S. House as H.R.2021 in May 2013.

"National Right to Work leaders, members and supporters are now calling on Congressman Bob Goodlatte [R-Va.], chairman of the House Judiciary Committee, to allow a hearing on H.R.2021.

"The silver lining of the outrageous legal strategy being employed now by union lawyers in federal court to enable alleged union racketeers to get off scot-free is that it highlights the need for Congress to close the *Enmons* loophole.

"But without a House hearing on H.R.2021 soon it will be almost impossible for us to take advantage of this opportunity. That's why the Committee is urging members nationwide to call Mr. Goodlatte at 202-225-5431 and ask him to hold a hearing on this important reform."

CREDIT TO: AP/J. SCOTT APPLEWHITE

Attorneys working for AFL-CIO czar Richard Trumka have publicly worried that trying IUOE Local 17 kingpins and their agents for violent extortion "could have a chilling impact on legitimate union activity."

‘It’s Shocking So Little Was Done For So Long’

Union ‘Criminal Enterprise’ Bullied Buffalo Hardhats For a Decade

In a federal trial beginning last month, former bosses of Local 17 of the International Union of Operating Engineers (IUOE/AFL-CIO) and several of their henchmen are accused of using death threats, assaults and vandalism to build and maintain a construction industry empire in western New York State.

The racketeering case against what federal prosecutors call the “Local 17 criminal enterprise” furnishes clear evidence of how, all too often, Big Labor plans and executes violence and sabotage to secure forced-unionism privileges.

As a January 5 Buffalo *News* account of the then-looming trial by reporter Phil Fairbanks noted, federal prosecutors contend that the Big Labor criminal conduct “involved some of the region’s biggest construction projects, including Roswell Park Cancer Institute and Ralph Wilson Stadium.”

Moreover, the lawbreaking “often added millions of dollars to the cost” of the targeted projects.

CREDIT: FROM “THE PUBLIC ENEMY”/WARNER BROTHERS

Why have employees and owners of small construction firms in Buffalo often felt like they were living in a James Cagney movie? A court-created loophole in federal anti-extortion law is a key reason.

Shortly Before Trial Began, Four Union Felons Entered Guilty Pleas

In late December, three of the defendants in the Buffalo racketeering case pleaded guilty before U.S. District Judge William Skretny to violations of the federal Hobbs Anti-Extortion Act and “agreed to testify in the upcoming trial of their seven co-defendants,” according to an FBI press release.

Yet another defendant pleaded guilty January 13.

The FBI’s Buffalo Division briefly explained the significance of the December pleas:

“[E]ach of the defendants admitted that he [had] participated in a campaign of threats, violence and property destruction” against nonunion contractors “in an effort to force those contractors to enter into a collective bargaining agreement with Local 17.”

Former union organizer Carl Larson specifically admitted “to trying to force” an Orchard Park, N.Y.-based construction firm and its owner “to sign with Local 17 by threatening the owner personally” after the owner had been “stabbed by another Local 17 member,” according to the FBI.

Mr. Larson also admitted that, in February 2003, the firm’s owner had asked him, “What are the positives [to signing with the union]? You guys slash my tires, stab me in the neck, try to beat me up in a bar. What are the positives to signing?”

And Mr. Larson confessed to responding to the owner that “the positives are that the negatives you are complaining about would go away.”

Union militant Michael Eddy pleaded guilty to participating in a “campaign of violence and intimidation” against a Latham, N.Y., firm that was removing soil contaminated with coal tar from under a school in downtown Buffalo.

During this campaign, one Local 17 organizer “obtained the project manager’s home address and his wife’s name” and sent the latter a letter stating, ‘We would like for the job to run as smoothly as your wedding day did at [your wedding venue] . . . .’”

Union fanatic George DeWald pleaded guilty to being part of a band of Big Labor thugs who “went to a landfill “under the cover of darkness, where they put sand used for sandblasting into the engines and hydraulic lines of nine separate pieces” of heavy equipment.

This caused “significant delays” in an expansion of the landfill then underway “and over $240,000 in damage to the equipment.”

‘[I]f You’re Looking at An Illegal Means and a Legal End, You’ll Be OK’

Finally, union henchman Jeffrey Lennon admitted in January to trying to damage truck tires by placing sharp medal objects called “stars” at the entrance of a Buffalo construction site.

Given that roughly 100 witnesses, including the erstwhile defendants mentioned above, are poised to testify against former IUOE Local 17 President Mark Kirsch and his cohorts before the trial is over, readers may reasonably wonder how Mr. Kirsch and co. expect to be acquitted.

But as Mr. Fairbanks explained for the Buffalo *News*, despite the seemingly iron-clad evidence of racketeering by Mr. Kirsch et al, this is no “slam-dunk” case, largely because “courts have a long history of suggesting that a union’s reliance on violence, threats and

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