



**NATIONAL RIGHT TO  
WORK COMMITTEE**

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## **National Worker Rights Advocate Calls on Bush to Withdraw Controversial Solicitor of Labor Nomination**

*Acting Solicitor betrayed President's goal of reforming union financial disclosure  
rules*

**Washington, D.C. (October 16, 2003)** – In response to the inexplicable, last-minute gutting of federal union financial disclosure requirements, National Right to Work Committee President Mark Mix today called on President Bush to withdraw the pending nomination of Howard Radzely for Solicitor of Labor.

In his letter to President Bush, Mix described how Acting Solicitor of Labor Radzely not only “betrayed [the President’s] goal to provide meaningful financial disclosure to unionized employees, but [how Radzely] has also betrayed [the President’s] commitment to enforcement of the Beck decision.” In Beck, the U.S. Supreme Court established that employees cannot be forced to subsidize union activities unrelated to collective bargaining.

The Department of Labor recently released the new union financial disclosure regulations under the Labor-Management Reporting and Disclosure Act – the final result of a two-year process originally intended to result in meaningful transparency into how union officials spend employees’ forced union dues.

Radzely’s last-minute rewriting of the now-final regulations – most likely under pressure from union officials – has betrayed the President’s goal of achieving union transparency by 1) making it impossible for workers to learn how much of their forced-dues money is spent on organizing and politics; 2) raising the itemization threshold to \$5,000, allowing the concealment of the vast majority of union expenditures; and 3) refusing to require any kind of independent audit.

Radzely's nomination is currently pending before the U.S. Senate.

To request a copy of the letter, please call Daniel Cronin at 703-770-3317, or scroll down.

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***Founded in 1955 in opposition to compulsory unionism, the 2.2 million member National Right to Work Committee works at the state and federal levels to protect the fundamental right of American workers to decide for themselves to join or support a union.***



**NATIONAL RIGHT TO WORK COMMITTEE**  
8001 BRADDOCK ROAD, SUITE 500  
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October 16, 2003

President George W. Bush  
The White House  
Washington, DC 20500

Re: Withdrawal of Howard Radzely's nomination to post of Solicitor of Labor

Dear Mr. President:

We support your stated goal of helping employees learn how their compulsory union dues are spent. That's why we were encouraged last year when your administration announced that the Department of Labor planned to reform the annual financial forms unions must file under the Labor-Management Reporting and Disclosure Act.

However, it seems your effort to improve union transparency has been betrayed by operatives within your administration. To begin to correct this problem – and to head off further undermining of your stated commitment to defend the rights of employees who labor under compulsory unionism – I urge you on behalf of the National Right to Work Committee's 2.2 million members to withdraw your pending nomination of Howard Radzely to the position of Solicitor of Labor.

Currently holding the post of Acting Solicitor while his nomination is pending in the Senate, Mr. Radzely oversaw the inexplicable, last-minute gutting of the final LM-2 regulations that were formally released about two weeks ago. The changes made on Mr. Radzely's watch have greatly undermined your stated goal of helping employees learn how union officials spend their money.

For example, the threshold for itemization of expenditures was raised to \$5,000 from an originally proposed level of \$250 (and later \$2,000), thereby allowing union officials to hide the vast majority of their disbursements.

In addition, the new disclosure requirements fail to mandate an independent audit or verification of any kind – an exemption that companies and non-profit organizations do not enjoy. The statute clearly authorizes the Department of Labor to establish such a requirement.

Letter to President George W. Bush  
October 16, 2003  
Page 2

With so many high-profile examples of union corruption in recent years, there is an urgent need to require review of union accounting by an independent third party.

The greatest betrayal of the goal of union transparency the final regulations embody is the last-minute decision to combine distinct categories of union expenditures. The most egregious of these combinations is allowing expenditures for union organizing activity – activity on which some unions now spend a majority of workers’ forced dues – to be dumped into the unrelated "representational activities" category. This will hide from employees how much of their dues are actually spent representing them in collective bargaining and contract administration.

This particular change from the proposed regulations greatly undermines the rights workers have won under Supreme Court cases such as *Communications Workers of America v. Beck*, *Lehnert v. Ferris Faculty Association*, and *Ellis v. Railway Clerks*.

As you know, these cases established the bedrock principle that non-union workers cannot be forced to subsidize union organizing activities, because, as the Supreme Court concluded in *Ellis*, those activities have only an “attenuated connection with collective bargaining” and are “roughly comparable” to political activities. With no indication of how much union officials are spending on recruiting new members to their private ideological and political causes (rather than on merely negotiating and administering labor contracts), employees will have little basis upon which to decide whether to assert their rights under these Supreme Court decisions.

To put it plainly, this last-minute gutting of the LM-2 regulations has not only betrayed your goal to provide meaningful financial disclosure to unionized employees, but it has also betrayed your commitment to enforcement of the *Beck* decision.

However, there is action you can take right now to head off further compromises of your pro-employee rights agenda apparently made by certain personnel at Labor. Accordingly, we urge you to immediately withdraw the nomination of Howard Radzely for Solicitor of the Department of Labor.

Sincerely,

Mark Mix  
President

cc: The Honorable Elaine Chao, Secretary of Labor