

Forced-Unionism Abuses Exposed

The facts Big Labor bosses would rather you didn't hear about.

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Compulsory unionism breeds corruption. In each issue of "Exposed," the National Right to Work Committee will highlight yet another example of union-boss abuse spawned and perpetuated by Big Labor's government-granted privilege to force workers to pay union dues, or be fired.

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Judge: Autoworkers in Pontiac, Mich., Should Have Known It Was 'Futile' To Seek a Remedy For Union Corruption Through the Grievance Process

It's been roughly three years since more than 140 autoworkers joined a \$550 million civil class-action suit against Detroit-area United Autoworkers union bosses and General Motors.

It alleged that a 1997 UAW strike against GM's truck plant in Pontiac, Mich., was prolonged because union officers demanded bogus "overtime" pay for themselves and jobs for relatives and cronies as conditions for ending the strike.

The suit, filed against UAW Local 594, the international UAW and GM, claimed that the Pontiac plant's nearly 6000 employees lost a total of \$50 million in wages while being kept out on strike to secure UAW bosses' illegal strike demands.

In addition to \$50 million in compensatory damages, the suit sought \$500 million in punitive damages from the UAW hierarchy.

After UAW and GM lawyers' original bid to squelch the suit was rejected in early 2001, plaintiffs' attorney Harold Dunne obtained through discovery motions at least 90 pages of documents that he claims prove that UAW officers grossly abused their federally-granted power to act as workers' "exclusive" (monopoly) bargaining agents.

Under the National Labor Relations Act, a union may be certified as the "exclusive" bargaining agent of all employees – including employees who would prefer another union or would rather negotiate for themselves – in a "bargaining unit" established by federal bureaucrats.

The NLRA also holds that independent-minded workers employed in non-Right to Work states like Michigan may be fired for refusal to fork over compulsory union dues or "fees" to an unwanted union monopoly-bargaining agent.

In Pontiac, according to Dunne, UAW bosses wielded their monopoly-bargaining privileges to keep truck plant employees out on strike until GM agreed to hire two new

journeymen – Gordon Campbell, son of shop committee Chairman William Campbell, and Todd Fante, the son of a crony of UAW representative Donny Douglas – who were manifestly not qualified for the jobs.

In two of the internal GM memos released to reporters last month by Dunne, GM managers admitted that “Cambell and Fante were not qualified,” that neither held journeyman’s cards or enough experience to qualify for them, and that the UAW “union’s demand to hire the . . . outside individuals . . . [was] a requirement for any local settlement”

After being confronted with “smoking gun” documents such as these, lawyers for an organization enjoying fewer special privileges than the UAW union might well decide to settle.

Unfortunately for the forced dues-paying truck plant employees in Pontiac, however, the rules are different for union bigwigs. Last September, a federal judge in Flint, Mich., dismissed the workers’ suit against UAW officers and GM on a technicality, claiming it was not filed within the statute of limitations.

The fact is, workers entered a grievance about a month after the controversial hirings of Campbell and Fante, and civil suits filed by workers against union bosses while grievances are still pending are regularly dismissed on the grounds that they are not yet timely.

Concocting a classic “Catch 22” formula that in effect protects UAW officers from any accountability for their actions, Judge Paul Gadola claimed the plaintiffs in this particular case “should have known that the grievance process was ‘futile’ and filed suit” sooner, according to the *Daily Labor Report*’s account of his remarks.

Dunne, a onetime autoworker and union whistleblower himself, is reportedly seeking to revive the case in a federal appeals court. And federal prosecutors may appeal the recent dismissal, also on technical grounds, of related criminal indictments of three UAW officers made in September 2002.

But however the civil and criminal cases emanating from the Pontiac strike that was launched more than six years ago play out in the future, they’re already a compelling example of current federal law’s failure to deal adequately with union corruption.

The monopoly-bargaining and forced-dues provisions of the NLRA serve as corrupt union officials’ “silent partner.” Because of federally-imposed forced unionism, dissenting workers can be fully aware that crooked union officials are ripping them off, but powerless to get out from the union monopoly or even withhold their dues money.

It’s largely in order to provide honest workers with an expeditious and effective means of combating union corruption that the National Right to Work Committee is determined to pass the National Right to Work Act (H.R. 391/S. 1765).

This measure would repeal all federal labor law provisions that authorize and promote the payment of forced union dues and “fees” as a condition of getting or keeping a job. Only when such legislation is enacted will workers across America have real power to punish union officers for self-dealing and corruption.

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