



National Right to Work Committee®

Fact Sheet

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A COALITION OF EMPLOYEES AND EMPLOYERS

109th Congress

Subject: Freedom from Union Violence Act **Status: Introduced in U.S. House of Representatives**

On January 4, 2005, Congressman Joe Wilson (R-S.C.) reintroduced the Freedom from Union Violence Act (H.R. 239) in the 109th U. S. Congress. This bill (known as H.R.1870/S.2159 in the 108th Congress) addresses the widespread and continuing problem of union violence, which is encouraged by deficient federal law.

The Freedom from Union Violence Act closes a loophole in the federal Hobbs Anti-Extortion Act, eliminating the special judicially-created exemption in this law for union-related violence and extortion and holding union officials to the same legal standards as other Americans.

This legislation would establish that the 1946 Hobbs Act applies to all Americans, including union officials seeking to advance so-called "legitimate union objectives." Present law offers this unique exemption for union officials.

At Least 203 Americans Killed Since 1975

According to the National Institute for Labor Relations Research (NILRR), more than 10,000 incidents of union violence have been reported in America's newspapers, and on television and radio, since 1975.

But media-reported union violence constitutes only the tip of the iceberg. Samplings of police and company records collected by NILRR and other scholars indicate that 80-90% of violent union incidents are never reported in the media.

When combined, reported and unreported incidents of union vandalism, assault and battery, arson, and even murder may number over 100,000!

Union violence hits communities across America and wreaks a staggering toll in personal injury, property damage, lost work, and lost production.

"Americans must have the right but must not be compelled to join labor unions."

- The NLR investigation reveals that media-reported incidents alone show:
- At least 203 Americans killed since 1975;
 - 5,869 incidents of personal injury involving labor unions;
 - More than 6,435 incidents of vandalism and tens of millions of dollars in property damage.

As NLR Program Director Stan Greer concluded, the past quarter-century has witnessed "an enormous amount of union-related violence."

Furthermore, Mr. Greer pointed out, the violence "can hardly be dismissed as spontaneous or uncoordinated."

And "the failure of overwhelmed or politically neutralized [local] police and prosecutors to enforce the law against union militants is clear."

Violence Is a Logical Component of Compulsory Unionism

For many union officials, violence is a calling card, a logical tactic for a system which cannot tolerate dissent and ruthlessly enforces "solidarity" during strikes and labor disputes.

During the 1990 *New York Daily News* strike, for example, then-*News* columnist Mike McAlary attended a union hall meeting at which a union agent gave explicit instructions on how to stop newspapers from being dropped off:

"I don't care what you do. But stop the truck. If you want to burn it, go ahead. But if you're going to burn it, remember what the fireman over in Brooklyn told us. Keep the truck doors open. That makes it burn faster . . ."

While it is rare for union officials to own up publicly to deliberate use of violence, some of their henchmen can't resist bragging about it. In 1997, the *Washington Post* quoted an unnamed Culinary Workers union militant in Las Vegas, Nev., who matter-of-factly told a television reporter:

"Violence . . . is necessary [because] the only people that really don't come back to cross the line are the people that have gotten beaten up."

In a 540-page Wharton School of Business study of union violence, Thomas Haggard and Armand Thieblot described at length the United Mine Workers (UMW) legacy of brutality:

"Despite all the changes that have taken place through the years in the technology structure and environment of coal mining, the United Mine Workers still relies on bloodshed, dynamite, and intimidation to coerce acceptance of the union's demands.

"Violence is necessary. The only people that really don't come back are the people that have gotten beaten up."

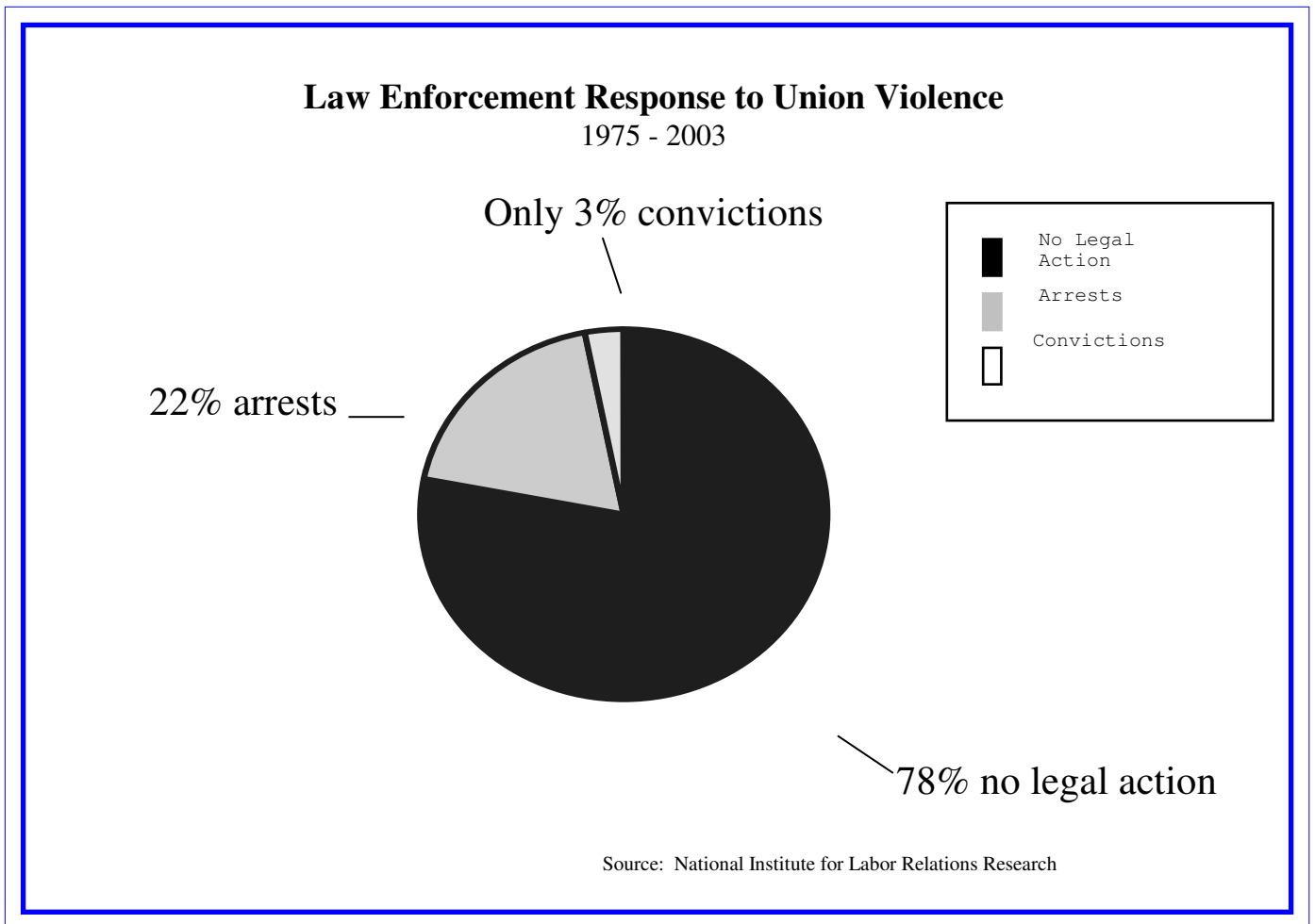
*Unnamed Picketeer,
Washington Post,
February 5, 1997*

"Not only has violence continued to be characteristic of UMW strikes and organizing efforts, its use has acquired the sanctity of tradition."

Union Violence Goes Unpunished Due to Federal Loophole

Of the almost 10,000 media-reported instances of violence in NLR files, arrests were reported in less than 22% of the cases. Less than 300 convictions were reported.

That's a conviction rate of under 3% of reported acts of violence.



By refusing to close the union-violence loophole in federal anti-extortion law, Congress treats union violence as a protected activity and makes its perpetrators a privileged class with a license to use brute force in pursuit of "legitimate union objectives."

During 1997 Senate Judiciary Committee hearings on union violence, former U.S. Attorney General Edwin Meese III said the Hobbs Act as presently interpreted "in effect, permits

union officials alone among corporate or associational officers in the United States to use violence and threats of violence to life and property to achieve their goals."

Rogue union officials' privileged status is reinforced by the fact that the Model Penal Code (MPC), on whose provisions many states base their anti-extortion statutes, grants union officials the same exemption from prosecution for extortion found in federal law.

At least 13 states¹ have laws on the books that specifically protect union bosses from prosecution for orchestrating or committing extortionate violence.

Law Enforcement Officials Forced to Sit on Sidelines

As a result of continuing congressional inaction, federal law enforcement is often forced to sit on the sidelines while union extremists attack the persons and the property of American citizens. In 1986, President Ronald Reagan's Commission on Organized Crime issued a report describing how this legal blind spot handicaps law enforcement efforts:

"[A union] could be used to commit violent acts against a nonunion business competitor. [Because] the organized crime dominated union could claim that the violence took place in the pursuit of a legitimate, non-prosecutable labor objective . . . the government would find it virtually impossible to prove the absence of a legitimate goal" (Section 11, page 22).

When labor disputes become violent, hypocritical "neutrality" [by] authorities," as Haggard and Thieblot describe it, "allows a few people the license to commit atrocities which a civilized society should not have to tolerate."

Union Political Clout Obstructs Local Administration of Justice

Even in cases where the law could be applied, state and local authorities often lack the resources and political fortitude to bring violent union militants to justice.

Consider the case of Eddie York.

York, a 39-year-old father of three, was gunned down on July 22, 1993, as he drove past a mob of United Mine Workers union picketers stationed outside the gates of the Ruffner Mine in

"The union struggle is not against employers. It's against workers. One way you see this is to ask: Who gets beat up or killed during a strike? It's not owners or management; it's workers who've disagreed with the union and wish to work."

***Walter Williams,
Syndicated Columnist***

¹ Alaska, Arkansas, Connecticut, Georgia, Idaho, Indiana, Maryland, Montana, Nebraska, New York, Oregon, Utah, Washington.

Lenore, W. Va. It was his first day on the job cleaning a run-off pond; this isn't normally union members' work.

Local observers immediately predicted that neither the gunman nor those who abetted the murder would be brought to justice, despite the many witnesses to the crime -- and they have been proven right.

As the *Dominion Post* of Morgantown noted: "West Virginia police have a reputation of turning away from violence involving striking miners."

State law enforcement officials failed to bring charges of any kind against the trigger man.

Hamstrung by the union violence loophole, the U.S. Attorney was limited to seeking a grand jury indictment on the charges of damaging a vehicle used in interstate commerce and using a firearm to commit the crime.

Absent any local prosecution on the charge of murder, a three-judge panel in the U.S. Fourth Circuit Court of Appeals asked in 1996:

"One has to ponder whether the felonious killing of another is a criminal offense in Logan County, West Virginia."

Similar barriers to law enforcement arose during the 1990 *New York Daily News* strike.

The Tribune Company (the owner of the *Daily News*) recorded over 2,000 possible legal violations by strikers, while the New York City Police Department, which covers only a portion of the paper's delivery area, recorded more than 500 incidents of union violence.

Despite this systemic, pervasive lawbreaking, however, the police refused to charge union officials with criminal conspiracy to disrupt circulation through violent means. Tribune officials failed to persuade the Federal Bureau of Investigation to enter the case, with the Justice Department citing the "legitimate union objectives" exemption in anti-extortion law as a legal barrier.

RMI Titanium Strike: Federal Judge Decries 'Abhorrent Behavior'

The six-month long United Steelworkers (USWA) strike at RMI Titanium in Warren, Ohio, which ended April 12, 1999, is another example of how rampant union violence and vandalism are not deterred by local law enforcement.

In November 1998, defying an injunction by a county judge, still unidentified union militants vandalized an

"Our message is that unions are back. Get in our way and we'll knock you flat on you ass."

***Richard Trumka
UMW President
AP, March 1996***

environmental monitoring device near RMI's mail plant, pouring oil down the conduit of a 480-amp circuit.

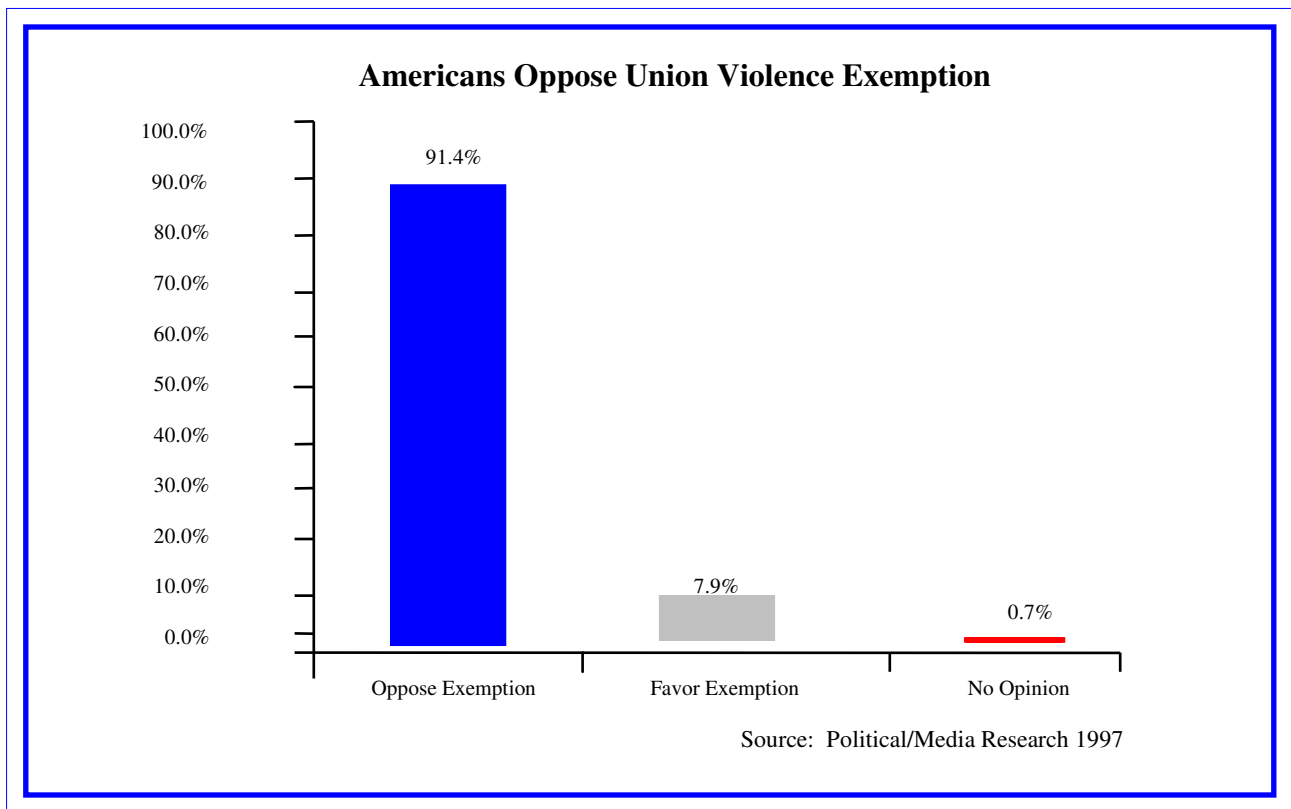
The resulting fire and explosion threatened the surrounding neighborhood and caused damages that may exceed \$100,000.

Non-striking employees and their families were assaulted and threatened again and again despite the injunction.

After hearing testimony from one RMI manager who suffered three broken bones in his ocular socket as he was struck by an object hurled as he left the plant, U.S. District Court Judge Peter Economus labeled the USWA militant tactics "abhorrent behavior" in February 1999.

Trumbull (Ohio) County Common Plea Judge Peter Kontos heard one witness describe the violent tactics USWA picketers employed to prevent him from reaching the factory:

"I was surrounded . . . they swarmed my car and damaged the driver's side window. They told me I wasn't going to get in to the plant today. . . . They made threats that they were going to kill me."



The Solution: Federal Government Must Close Union-Violence Loophole

Congress need not extend federal jurisdiction over law enforcement to crack down on union violence. All Congress need do is ensure the 53-year-old Hobbs Act is evenhandedly applied so that union officials cannot get away with crimes for which other Americans are rightly punished.

The Freedom from Union Violence Act would accomplish this task by clarifying the Hobbs Act, making it plain that union officials must be held accountable under this law for the violence they foment.

Hearings have been held on the issue of union related violence in both the 105th and 107th Congresses, but both adjourned without a vote being taken on the issue. This year, Congress needs to take action at the earliest possible date to bring the Freedom from Union Violence Act to the floor for a vote.