

# Latest anti-union ads target Oregon's Jeff Merkley

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Associate Editor

A pair of business-backed front groups run by a Washington, D.C., lobbyist is waging a wide-ranging media campaign against organized labor. Stopping the union-backed Employee Free Choice Act (EFCA) appears to be the goal of the campaign by the Center for Union Facts and the Employee Freedom Action Committee.

EFCA is a bill in Congress that would make it easier for workers to unionize and get a collective bargaining agreement. Seen as a way to turn around decades of decline in union membership, EFCA is far-and-away the top political priority of the American labor movement.

Last year, the bill passed the House, and had the support of the majority in the Senate. But backers were nine votes short of the three-fifths majority needed to end a filibuster (cut off debate) and bring a bill to a vote in the Senate. Oregon's Republican U.S. Senator Gordon Smith opposes it, and voted against cutting off debate.

Oregon House Speaker Jeff Merkley, Smith's Democratic challenger, supports EFCA, and last year helped pass similar legislation in Oregon covering public employees.

On May 22, full-page ads appeared in the Oregonian and the Eugene Register-Guard criticizing Merkley. "[Jeff Merkley] supports eliminating the right to a private vote when unions are enlisting new members," the ads said. The ads, which cost \$14,623 to run, were placed by the Employee Freedom Action Committee, set up by Richard Berman, a long-time lobbyist for the tobacco, alcohol and restaurant industries. The Oregon phone number in the ads rings though to Berman's D.C. office.

Berman's trademark is creating front groups that attack the credibility of industry critics. Past Berman campaigns worked to create doubt about the harm of second-hand smoke or the link between fast food and obesity, defended tanning operations against cancer concerns, or argued that increases in the minimum wage hurt low-wage workers.

"Pretty much any dirty work that needs to be done by corporate America, Rick Berman's the first guy that gets the phone call," said national AFL-CIO spokesperson Steve Smith.

Now Berman is working to try to

undermine public sympathy with the labor movement. Berman has not disclosed to the press who's paying for the campaign, and the spokesperson for his groups did not return calls from the NW Labor Press.

Since 2006, his group the Center for Union Facts has spent millions of dollars running anti-union ads on television and in newspapers across the country. The ads present crude stereotypes of union leaders as bullies and

travel, even though the source of the data, the U.S. Department of Labor, clearly distinguishes between salary and reimbursements in its annual union financial disclosure forms, which are publicly available.

Stylistically, Berman is a bomb-thrower, coming up with attention-getting campaigns that provoke and offend. Union leaders have mostly chosen not to respond.

"It's a mud-slinging campaign," said Smith, the AFL-CIO spokesperson. "We don't sling mud with them."

Merkley campaign spokesperson Matt Canter called the May 22 ads a "gross distortion," and said the ads targeting Merkley were "designed to confuse Oregonians."

The anti-Merkley ads follow the standard script in the campaign against EFCA. As one Center for Union Facts ad put it, "labor union bosses have a new scheme to do away with secret ballot elections." The "scheme" referred to is of course EFCA, under which workers could unionize simply by having a majority in a workplace sign union authorization cards — thus eliminating the need for a "secret ballot" workplace election. The process is known as "card check."

Employers who want to keep unions out prefer the current system, in which unions are certified after a workplace election. That's because the rules give every advantage to the employer.

Under the National Labor Relations Act, neither union organizers nor pro-union workers have any right to talk to workers at the workplace about how they might benefit from union membership. But the employer has almost unlimited authority to meet with workers on the clock individually and in groups to argue against the union, typically aided by professional anti-union consultants. Employer-side attorneys can use legal challenges to delay the union election for months or even years. And consequences are minimal for even the worst offenses employers commit — spying on workers, lying to workers about the union, and harassing, disciplining and firing pro-union workers.

For such violations of the law, the most common "remedy" is a requirement that employers post a notice in the break room saying they won't do it again. Fired pro-union employees, after years of litigation, sometimes win backpay (minus any wages they earned in the meantime) and an offer of reinstatement to their workplace, where in most cases the union drive was long ago defeated.

EFCA addresses the weaknesses of the National Labor Relations Act by: instituting card check as a legally binding method of unionizing; increasing penalties for employer misconduct

**"There's no reason to subject the workers to an election."\***

**Who said it?**



Union bosses are pressuring the Senate to change the rules on union organizing. Learn about their scheme to eliminate workers' right to a secret ballot vote at [UnionFacts.com](http://UnionFacts.com).

\*Bruce Raynor, President of UNITE HERE, as quoted in The New York Times, May 2008

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thugs with working class New York accents, and they make frequent reference to "labor union bosses" and "fat-cats."

One ad ran a mug shot of UNITE HERE President Bruce Raynor next to pictures of Iranian President Mahmoud Ahmadinejad and former Ugandan dictator Idi Amin. Another, picturing a menacing-looking "DMV worker" with a snarl on her face, said public servants make more than taxpayers because union chiefs have "greased the system."

The group's "teachers unions exposed" ad series claims America is falling behind other countries educationally because of teachers unions. And the ads invite the public to nominate and vote for the worst unionized school teachers.

The group's Web site also has a strong Internet presence. The group pays to have its site as the first "sponsored listing" to appear when Google users search for "Employee Free Choice Act."

But the "facts" on their Web site aren't factual, according to a report by the non-profit American Rights at Work. For instance, the site inflates union leader compensation by including reimbursements for work-related



## Toxic Avengers scold Oregon U.S. Sen. Gordon Smith

Al Dorgan (pictured above) of Albany Steelworkers Local 7150 takes part in the May 20 premier of "The Toxic Trader" outside the downtown Portland district office of U.S. Sen. Gordon Smith. The Steelworkers' street theater production features three "Toxic Avengers" fending off a gigantic "Toxic Trader" puppet (right). The play illustrates the devastating down-sides of free trade agreements supported by Sen. Smith, including the importation of millions of toxic toys containing poisonous levels of lead and the exportation of millions of U.S. manufacturing jobs — including 22,600 from Oregon over the past seven years, organizers said. The production will now travel the country, performing at the offices of other lawmakers who have backed free trade agreements instead of working for fair trade, which, according to the Steelworkers, should require protection for the environment and ensure that workers are protected at the very least by their own country's labor laws and standards.



(triple back pay and civil fines of up to \$20,000 per violation); requiring the government to seek a federal court injunction against an employer whenever there is reasonable cause to believe employer conduct has significantly interfered with employee rights during an organizing drive; and mandating mediation and binding arbitration if union and management can't reach agreement on a first contract within 120 days.

EFCA opponents like the funders of the Center for Union Facts can't really come out and say they don't want stricter penalties for employers who

trample workers' rights, or admit they don't like the bill because it would make unionizing easier. So they say they oppose EFCA because it would trample workers' rights — to a secret ballot union election.

"That's the only argument we see from these groups," Smith said. "They want to keep this as superficial as possible and focus on just one issue, the secret ballot election. When we talk about the Employee Free Choice Act, we put it in context of the much larger issue, which is that the system for workers to unionize is broken."