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Justice Dept. takes an interest in Ohio union contract

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Cincinnati - As a \$33.91-an-hour air-pollution control worker for the Ohio EPA, Glen Greenwood has paid dues or fees since the 1970s to the union that represents state workers.

Greenwood also is an elder at the First Presbyterian Church in Lancaster, a small town on the edge of the state's Appalachian region. He believes the Bible teaches that abortion is the taking of human life and homosexual conduct is immoral.

So when Greenwood learned of the union's pro-choice stand on abortion, and its support for gay rights, he sought permission to stop paying the fees.

Although he is not a union member, he still pays for the representation he gets under the state contract.

Greenwood offered to donate the money, around \$34 every pay period, to charity. The state, which deducts the union fee from his check, rejected his offer.

Now the Bush administration has challenged Ohio's labor contract with 36,000 public employees, arguing in federal court in Columbus that the state violated religious freedoms guaranteed under the 1964 Civil Rights Act by sticking to the contract.

The issue: Whether Ohio compels nonunion workers like Greenwood to finance organizations with which they disagree.

In 1988, the Supreme Court ruled unions could not use money collected from nonunion workers for political activities those workers opposed.

However, the unions could charge those workers for representation. Justice Department civil rights lawyers want Ohio to free state workers with religious objections from those costs, too.

"This isn't the kind of thing, how unions get their money, that the civil rights lawyers of the Justice Department traditionally are involved in," said Rafael Gely, a labor law expert at the University of Cincinnati law school. Gely is not involved in the case.

"Obviously, the government will frame its case as protecting the rights of individual workers," he said.

"But by taking the side of the worker here, at the same time they are trying to weaken organized labor. If unions have less money, surely they have less influence."

Union spokesman Peter Wray called the Justice Department's lawsuit "a pretty blatant Trojan Horse. Gay marriage, abortion rights are not what we're about."

During the last three months, the dispute has managed to set off a potentially grueling legal struggle over the power and influence of the American Federation of State, County and Municipal Employees, widely known as AFSCME.

AFSCME Local 11, also known as the Ohio Civil Service Employees Association, represents state employees.

Unlike the unions for industrial workers, AFSCME and others that represent public employees have grown. About 36 percent of the nation's government workers were union members last year. Just 8 percent

of private-sector workers were unionized.

Over the years, AFSCME has organized marches for abortion rights and supported the Roe v. Wade decision that legalized abortion.

It has sought contracts with domestic partner benefits for gay couples and has lobbied for laws that prohibit discrimination on the basis of sexual orientation. It opposes amending the U.S. Constitution to ban gay marriage.

The 1.4-million member labor organization has generally been an ally of liberal groups and Democrats in national politics.

Its policies are anathema to many of President Bush's conservative backers, and the union has frequently been at ideological odds with the Bush administration over everything from tax cuts to Social Security reform and Supreme Court appointments.

Unlike a handful of similar disputes around the nation, the Ohio battle is an unusual double whammy from Washington.

First, the Justice Department challenged the state's union contract in August, citing the violation of religious freedoms. Next came the U.S. Equal Employment Opportunity Commission, which filed a second case involving identical issues in September.

The National Right to Work Legal Defense Foundation, a Springfield, Va., organization that opposes compulsory unionism, describes the Justice Department's action as "unprecedented." Greenwood has a lawyer from the foundation.

The contract allows state workers to opt out if they belong to churches that historically have held conscientious objections to joining or financially supporting unions.

The lawsuits contend the opt-out provision doesn't go far enough.

In a departmental newsletter, acting U.S. Attorney General Bradley J. Schlozman said the civil rights division aims to expand the exemption.

Ohio workers with sincere opposition to a union-funded activity should be able to divert their union fee to charity, he said.

"The union-fee system in Ohio discriminates in favor of members of those churches with long histories of opposing unions and against individuals who have religious objections to supporting a union that are just as sincere," Schlozman said.

"Such discrimination is forbidden by the civil rights laws and must end."

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