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PRESS RELEASE

DISCIPLINE OF UNION MEMBERS FOR HOLDING A PHONE BANK VIOLATED THEIR RIGHT TO FREE SPEECH

Union activists Pete Savage, Mike Wallace, and Cliff Puckett won a major victory in federal court on Tuesday, April 1st. Judge Marco Hernandez of the U.S. District Court of Oregon ruled that the Pacific NW Regional Council of the United Brotherhood of Carpenters violated their right to free speech in a union election when it disciplined them for holding a phone bank in November 2011. The discipline included removal from elected office, suspension of membership privileges for six years, and a fine of \$1,000 each. The ruling means that none of these penalties can stand.

The Judge went on to rule that there is still an open question as to whether Doug Tweedy, EST/CEO of the Regional Council, orchestrated the discipline specifically to stifle opposition in an upcoming election. The Judge wrote,

“Based on the record, including Tweedy’s political position and the phone calls between Van Datta and Tweedy near the time Van Datta filed charges, a reasonable trier of fact could conclude that Tweedy was personally involved in the charges filed against Plaintiffs based on Plaintiffs’ political views.”

Ms. Van Datta is one of the people who filed charges. The Judge also noted that there was evidence that Mr. Tweedy approached Regional Council staff member Max Murphy and expressed concern that people were phone banking in the 2011 election, and evidence that Mr. Murphy subsequently helped write the charges and provided material assistance to the people who filed the charges. Finally, the judge noted that there was evidence arising from the hiring of the other charging parties, Jeff Harms and Tyson Stuber, to staff positions in the Regional Council after they filed charges.

“(F)our days after the charges were received by the PNWRCC, PNWRCC President Jimmy Matta, one of two people who makes hiring recommendations to Tweedy, called Murphy, who subsequently called Harms and Stuber. Plaintiffs also rely on evidence showing that Stuber filled out a job application for a position at the PNWRCC and that Harms filled out a job application eleven days after the charges were received by the PNWRCC. Plaintiffs also point to evidence showing that approximately nine months after Harms and Stuber had filed charges against Plaintiffs, they were hired for the positions for which they had applied.”

A trial on whether Mr. Tweedy orchestrated the discipline to stifle opposition is scheduled for June 17th in Portland, Oregon. The outcome of the trial will not affect Pete, Mike, and Cliff's win on the main issue: that the discipline was illegal because it violated their right to free speech in a union election.

The judge dismissed a secondary issue that Pete, Mike, and Cliff had added to their case: whether the rule against "causing dissention" in the UBC Constitution overly limits free speech. The judge was not interested in examining the UBC Constitution in that way. He preferred to focus the case on the illegality of the discipline that was actually imposed. Pete, Mike, and Cliff are comfortable with focusing the case, though they may challenge the rule against causing dissention in a different forum.

The case is titled *Savage et al v. Tweedy et al*, number 3:12-CV-01317-HZ in the U.S. District Court for the District of Oregon. Pete, Mike, and Cliff say that they brought the case to protect every union member's right to campaign without fear of being punished. They never expected such a long struggle, but they are very happy with the outcome.

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