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**Chairman – Berks County Commissioners**

Thank you Chairman Marsico and Chairman Caltagirone, for the opportunity to present testimony before this committee. Today I'm offering testimony regarding union intimidation tactics that are occurring in Berks County.

The case in Berks County involves Barry and Deb Schlouch the owners of Schlouch Incorporate in Blandon, Pennsylvania. Starting in December of 2012 IUOE Local 542 began targeting the residential community in Wyomissing, Pennsylvania where Barry, Deb and their daughter Stayce reside. You will hear from Barry Schlouch so I will not go into all of the details; however, I do believe there are some important issues that must be considered when looking at this case and considering any legislative solution.

**First and foremost we must respect and protect free speech.** The first amendment "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech..." (to reduce in scope : diminish) Please let the record show that while I believe that

material distributed in this community is in poor taste, untrue and in some cases totally inappropriate, that is not the issue I have with IUOE Local 542.

Freedom is an interesting concept. Even here in the United States we learn that we are free in large part because we are a nation of laws; laws that in many cases limit the freedom of one to protect the freedom of another. I have a right to swing my hand anywhere I wish, unless my hand comes in contact with another person. My freedom ends where their freedom begins. This is about that invisible but very real line.

I believe that Local 542 crossed that line numerous times without consequence, and that is wrong. I have three serious concerns about this case.

1. **The real issue here is one of criminal trespass** - The dropping of these flyers is not taking place on public ground but rather private property. Leaving a flyer on a public curb or in a newspaper tube could rightfully be considered public. In this case Local 542 has trespassed up a long drive and placed the flyer on the door of not only the Schlouch's home but on the doors of scores of their neighbors. The attorney for the Schlouch's sent a cease and desist letter to Robert T. Heenan IUOE Local 542 Business

Manager on February 12, 2013 but the trespassing continued. When the police were contacted they directed the Schlouch's to post the property, which they did but still the trespass continues. While the Wyomissing Police are working to identify the perpetrators it is very clear that this is a sanctioned activity by IUOE Local 542. It is now almost nine months since the first case of trespass occurred.

2. My second very real concern is **the danger of escalation** - This is a quiet residential community and not a public construction site. These residents have nothing to do with the issue being raised by Local 542 and frankly no ability to address the concerns. The danger of escalation is real. We all have heard the excuse; I never meant "it" to come to this. Several times residents have seen these individuals distributing leaflets. If someone is trespassing on my property without my permission, where might this eventually end? Over the past few months, I'm starting to wonder if that is what we are waiting for. Will there only be meaningful action when someone is hurt or property is damaged? And if that happens who will be held responsible? Will it be the innocent homeowner or the trespassers?

3. My final concern is really a question. I grew up in the construction industry.

I remember the 1970's very well. J. Leon Altemose became a hero in our family for standing up to unions. My father, had a run in with the unions in the late 70s while working on a project at Brandywine Battlefield National Park. So union conflicts are nothing new to me. What makes this situation so bad is that the unions are not simply targeting the Schlouch headquarters or job sites, rather they are trespassing on their home and the homes of their neighbors. You tell me. **Is it right that unions be able to target the home of the business owner and his neighbors?** This should not be in America.

Make no mistake that the invisible, but very real line that separates one person's freedom and that of another has been crossed. Call it intimidation or harassment, but in the end it is the violation of the right of an American to be free in the privacy of their home and property.

Today a group of Americans in Wyomissing, PA are no longer free in their own homes and on their own private property. We cannot enjoy true freedom without laws. Freedom without law is not freedom at all. It is mere anarchy.