



Foundation *Action*

The bi-monthly newsletter
of the National Right to Work
Legal Defense Foundation, Inc.

Vol. XXVIII, No. 6

8001 Braddock Road • Springfield, Virginia 22160

www.nrtw.org

November/December 2008

Supreme Court Justices Hammer Union Lawyer During Oral Arguments

*Justices' questions in
Foundation's Locke case
catch SEIU flat-footed*

WASHINGTON, DC – During oral arguments for *Locke v. Karass*, the latest Supreme Court showdown between the National Right to Work Foundation and Big Labor, Foundation staff attorney James Young repeatedly came back to a simple, irrefutable point: Nonunion employees forced to pay fees as a job condition should not be compelled to subsidize union activism. SEIU lawyer Jeremiah Collins, on the other hand, faced a barrage of skeptical questions from the Court.

In *Locke*, the Maine State Employees Association (MSEA) and the SEIU are attempting to convince the Supreme Court that union bosses should be empowered to force nonmember employees to fund union litigation far removed from their places of employment. Collins tried to argue that nonmembers' dues could be legitimately dumped into a national litigation slush fund – euphemistically referred to as a “pooling arrangement” by union bosses – which shares litigation costs among several local affiliates. But several members of the Court seemed skeptical of the claim



Foundation Vice President Stefan Gleason (center), Foundation attorney James Young (right), and lead petitioner Daniel Locke (left) address the media on the steps of the U.S. Supreme Court.

that the union's “pooling arrangement” did not violate employees' constitutional rights.

Chief Justice John Roberts had this to say about the union's scheme: “It [the local union affiliate] doesn't have to go it alone. It simply can't force members of another unit that can decide they are happy to support it. But the members who don't want to support it who don't like unions, they can't be forced to pay for it if it does not relate to their collective bargaining agreement.”

Justice Alito also questioned the union's rationale, asking, “If it's clear they [nonunion employees] are not getting anything back in return, it [the pooling arrangement] is still okay?”

Justices frown upon union's lust for carte blanche power

Several Justices went on to highlight the arrangement's lack of accountability and transparency. Justice Roberts laid into the MSEA's rationale for extracting dues from nonunion employees:

“So we are talking about an infringement on the objecting members' First Amendment rights, and your answer is ‘trust us, we'll treat you fairly?’”

Even the union lawyer had to concede that “the value the objector is getting is not a guarantee of services.” In other words, the MSEA has no way of assuring anyone that nonmember employees will receive tangible benefits in return for

see **SUPREME COURT** page 8

IN THIS ISSUE

- 2 Foundation Victory Nets Georgia Workers Quarter Million
- 3 Labor Department Staff Fumble Union Disclosure Revisions
- 4 Ohio Teacher Union Continues Its Assault on Teachers of Faith
- 5 Foundation Sues Union for Exposing Workers to Identity Theft
- 6 National Right to Work Launches Official Podcast Channel
- 7 Fight Forced Unionism Whenever Searching or Shopping Online

Supreme Court

continued from page 1

contributing mandatory dues payments to the SEIU's litigation slush fund.

While questioning the SEIU's lawyer, Justice Scalia reflected on the Foundation's central objection to the union's "trust us" arguments: "The issue is whether the person who is being compelled against his will to pay dues to the union is getting anything back for that compelled payment . . . the compelled payment is not doing what our cases seem to say it must do. It has to be paying for services rendered."

This was the precise objection raised by Foundation staff attorneys to the SEIU's unaccountable litigation scheme. Based on the Justices' questions during oral argument, there's reason to hope that the Court will agree with the Foundation's position and rule that unions cannot compel payments from nonmember employees for litigation outside of their respective bargaining units.

A ruling is expected this winter. 

Newsclips Requested

The Foundation asks supporters to keep their scissors sharp for clipping news items exposing the role union officials play in disruptive strikes, outrageous lobbying, and political campaigning. Please clip any stories that appear in your local paper and mail them to:

NRTWLDF
Attention: Newsclip Appeal
 8001 Braddock Road
 Springfield, VA 22160

Supporters can also email online stories to wfc@nrtw.org



Message from Mark Mix

President
 National Right to Work
 Legal Defense Foundation

Dear Foundation Supporter:

We face a trying time for Right to Work.

Because of poor decisions by America's political leaders, the climate for our cause is the worst in a generation. Many fierce battles lie just ahead as the union bosses push their agenda of massive new forced unionism privileges.

The union bosses are demanding payback for their Billion Dollar investment this year, including a fast track in Congress for passage of the Card Check Instant Organizing bill, the Pushbutton Strike bill, and the Police and Firefighter Forced Unionism bill.

My friends, it is likely to be a period of great turmoil as a transition occurs here in Washington D.C.

If you and I were visiting in my office, you would see only three pictures (not counting my wife and kids). One is a map of these great United States. The second is a picture of the U.S. Capitol.

But the third picture is most special – George Washington and his horse at Valley Forge. A lonely portrait at a low time in our country's history. It serves as a reminder to me.

George Washington and his fellow patriots didn't give up on their cause during the bitter winter at Valley Forge, and neither will we.

The fact is that Right to Work has faced daunting challenges before and emerged stronger than ever. Dark clouds gathered over us during the Clinton years, but we persevered and even made new breakthroughs.

Today, the National Right to Work Foundation is often the last line of defense against forced unionism power grabs.

That's why your continued support is critical to the Foundation's program in the weeks and months ahead. Together, we can beat back the onslaught.

Sincerely,

Mark Mix