



# Foundation Action

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

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## Obama White House Makes Early Pay- backs to Big Labor

*President signaling war  
against independent-minded  
employees*

WASHINGTON, DC – After spending well over one billion dollars to elect Barack Obama and other pro-forced unionism candidates to office last year, Big Labor’s high command expects the new Administration to return the favor. New union special privileges are on the fast track in Congress, such as the Card Check Forced Unionism Bill and the Police and Firefighter Monopoly Bargaining Act.

But even before pro-union activists in the House and Senate put forced unionism power grabs on Obama’s desk, the President has issued a series of executive orders intended to grease the skids for more forced unionism. Meanwhile, Foundation attorneys are preparing a legal counterattack.

### Obama executive orders abuse taxpayer dollars

On Friday afternoons in late January and early February – the time of the week during which Presidents try to sneak controversial stories by the national media – President Obama



*As Obama’s  
Secretary of Labor,  
Hilda Solis appears  
eager to bulldoze  
nonunion employ-  
ees, shoving them  
into forced-dues-  
paying union  
ranks.*

signed three Executive Orders which give the executive branch unprecedented authority to prevent nonunion workers and their employers from bidding or working on any federal contracts.

First, the White House apparently intends to give the Secretary of Labor virtually unchecked power to blacklist firms which union officials complain are supposedly violating federal labor laws. The establishment media totally missed the boat, failing to recognize the creation of this blacklisting rule – one which even Bill Clinton did not dare to impose. (However, the Foundation appeared on CNN’s Lou Dobbs to denounce it.)

Effectively acting as an arm of the AFL-CIO, the Labor Department is expected to move aggressively against companies who won’t agree to the coercive organizing of their employees, who choose to tell employees information about the impacts of unionization, or who won’t cede to uneconomic or abusive union-boss demands.

Union-targeted companies can be brought up on charges and subjected to

secret hearings conducted by union cronies in the Labor Department which could ultimately result in their blacklisting from all federal contract work. The nonunion 92.5 percent of the private sector workforce could be denied an opportunity to compete for federal work, just as the Administration announces unprecedented spending

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# After Destroying Jobs, UAW Union Bosses Lust For More Dues

*Forced unionism's destruction of automakers gives rise to growing pockets of revolt*

GRAND RAPIDS, MI – Disgusted by forced unionism and the economic devastation left in its path, Johnson Controls (JCIM) employee Dawn Lambert began circulating a petition at her plant to decertify the United Auto Workers (UAW) union. After just a couple of days, 86 of 150 workers had eagerly signed.

But union lawyers managed to convince the National Labor Relations Board office in Detroit to bless a lumping of the Grand Rapids employees into a single bargaining union with twelve other JCIM plants across America. The result is the effective elimination of the workers' right to throw out the unwanted union.

National Right to Work Foundation attorneys continue to help Lambert and her coworkers fight for their right to a decertification election. Because union officials do not have a majority of employees supporting them, Foundation attorneys on behalf of Lambert asked the automotive supplier's management in Grand Rapids to cease further negotiations with the UAW

union and withdraw recognition of the union in accordance with federal labor law.

## Union bosses weaseled in through abusive card check process

The UAW union agents originally obtained monopoly bargaining status – which makes it illegal for workers to negotiate with their employer for themselves – when the Grand Rapids JCIM plant was owned by another company, Plastech Engineered Products, Inc.

Plastech agreed to bargain with UAW bosses exclusively after union organizers put on a full court press on the company and employees in 2007. The coercive card check process trumped any verification of the employees' true interest in unionizing normally measured through a secret ballot election.

“Support for the union may never even have existed before Plastech declared bankruptcy, but UAW bosses

and the successor company's management are nonetheless negotiating for a first contract over wages and other terms of employment,” said Stefan Gleason, vice president of the National Right to Work Foundation.

“But now that a growing majority of all hourly employees at the plant have signed a decertification petition, JCIM should withdraw recognition of the UAW, cease all contract talks with the union, and let individual employees negotiate for themselves,” continued Gleason.

## UAW union monopoly akin to a “Roach Motel”

UAW union lawyers conveniently now claim the JCIM plant in Grand Rapids does not constitute its own bargaining unit. According to this twisted logic, JCIM employees suddenly all over the country fall into the same bar-

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## Foundation Action

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The Foundation is a nonprofit, charitable organization providing free legal aid to employees whose human or civil rights have been violated by abuses of compulsory unionism. All contributions to the Foundation are tax deductible under Section 501(c)(3) of the Internal Revenue Code.

## Free Newsletter

If you know others who would appreciate receiving **Foundation Action**, please provide us with their names and addresses or email us at [wfc@nrtw.org](mailto:wfc@nrtw.org). We'll rush them the next issue.

# Foundation Battles Union Boss Religious Discrimination

*Federal suit filed for teacher morally conflicted by union political agenda*

COLUMBUS, OH - National Right to Work Foundation attorneys are again in a legal brawl with lawyers from Ohio's largest teacher union. Ohio Education Association (OEA) union bosses defiantly continue their decades-long assault on teachers of faith — forcing them to associate financially with a union involved in activities the teachers believe to be immoral and against their religious faith.

In the latest development, Foundation attorneys have filed a federal suit against the recidivist OEA union for a fourth grade teacher who objects to being forced to pay fees to a union that engages in political activities she finds morally offensive.

## Religious discrimination is business as usual for OEA union brass

In order to protect her conscience, Coldwater teacher Kathy Hart, an active member of the Catholic church, notified the National Education Association (NEA) union and its state and local affiliates — the OEA and the Coldwater Teachers Organization (CTO) union — that it conflicted with her religious beliefs to be forced to support financially organizations that are involved in activities which are abhorrent to her religious beliefs.

Hart requested that her forced union fees be redirected to a mutually agreed upon charity. Faced with Foundation-established legal precedents, national NEA union officials accommodated Hart's request.

However, OEA officials refused to accommodate Hart and continue to use the CTO as a collection agency to confiscate forced union dues from her pay-



*The National Right to Work Foundation has helped many courageous Ohio teachers like Kathy Hart (pictured) fight the recidivist religious discrimination of the OEA union.*

will continue until Ohio gives employees the protections of a Right to Work law," Stefan Gleason, vice president of the

checks. In response, Foundation attorneys helped Hart file charges with the United States Equal Employment Opportunity Commission (EEOC) alleging that the OEA and CTO union officials' actions are religious discrimination that violates Title VII of the Civil Rights Act of 1964.

The EEOC authorized Hart in September to proceed with her own civil action in federal court against the OEA and CTO. It appears union lawyers intend to test a novel legal theory that no "adverse action" has been taken against Hart even though the union hierarchy refused to honor her objections and continue to seize dues. Their argument is that no harm has been done because Hart was not fired for non-payment of dues. Rather, the school district just automatically forwarded the forced dues to the union.

"The OEA union hierarchy's ugly policy of forcing teachers to fund unions that offend their consciences

National Right to Work Foundation, told the media.

The Foundation constantly deals with violations by OEA union officials, who have a long and abusive record of religious discrimination in the workplace.

The November/December 2008 issue of **Foundation Action** reported on the case of Victoria Bostelman, a practicing

Catholic who has a similar case in U.S. District court after OEA union officials denied her request for a religious accommodation. In 2007, Foundation attorneys won a case in the federal district court striking down a dis-

criminatory Ohio state law after OEA union officials refused to accommodate the religious objections of teacher Carol Katter, also a Catholic. In that case, OEA's general counsel told Katter she would need to "change religions" to assert her rights.†

**"The Foundation constantly deals with violations by OEA union officials, who have a long and abusive record."**

# AT&T Workers Challenge Union Threats on Eve of Strike

*Union bosses ready plans to drive workers into the poorhouse*

MORRISTOWN, NJ – Gearing up for a crippling nationwide strike against AT&T Mobility, union officials began a campaign of deception and threats against workers who would dare to continue working to support their families.

Foundation attorneys have received nervous calls from employees of the major cellular telephone company reporting threats of exorbitant fines by the Communication Workers of America (CWA) union if they refuse to walk off the job.

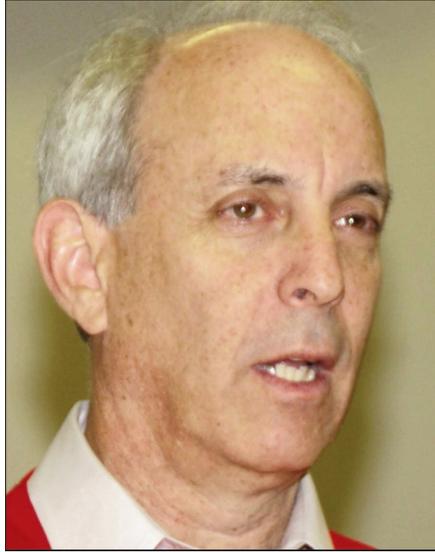
In response to unfair labor practice charges filed by National Right to Work Foundation attorneys at the National Labor Relations Board against a New Jersey union affiliate, Local 1101 bosses have backed down. But threats against workers in other parts of the country continue unabated.

## Union bosses threaten exorbitant financial penalties

In previous Foundation cases, union strike fines have exceeded thousands of dollars per worker per day.

As this article goes to press, national CWA union bosses could order 20,000 employees to abandon their jobs at any moment. And Foundation president Mark Mix announced that the Foundation will provide free legal assistance to AT&T Mobility workers illegally coerced into abandoning their jobs.

*Visit our website  
for breaking news:  
[www.nrtw.org](http://www.nrtw.org)*



*CWA union President Larry Cohen threatens to call a national AT&T strike, forcing unwilling workers off their jobs despite the difficult economic climate.*

*Pattern Makers v. NLRB*, workers have a statutory right to resign from formal, full dues-paying membership at any time. Union officials' attempts to block workers from resigning violate this clear precedent.

## Lack of Right to Work law basis for union threats

Foundation attorneys have heard reports from workers that union officials have told CWA union members in Washington, Michigan, Ohio and New Jersey that any attempt to resign from union membership is prohibited.

In Ohio, CWA bosses responded to one worker's inquiry by telling him that he was employed in a "forced union" state. While a lack of a Right to Work law in such states does unfortunately permit union bosses to force workers to pay certain forced union dues, formal, full-dues-paying union membership cannot lawfully be compelled.

In addition to the charges filed against CWA Local 1101, Foundation attorneys anticipate filing additional unfair labor practice charges in the coming weeks.<sup>1</sup>

"It's particularly despicable to threaten employees with hefty fines for just refusing to abandon their jobs in the midst of an economic crisis," said Mix.

"Union bosses apparently want to make it difficult for employees to put food on the table. Workers must either walk off the job and forfeit their income, or pay huge fines to the union if they continue working."

Many employees across America have reported they appreciate their employer and do not support the union proposal of walking away from their jobs.

However, union officials repeatedly rebuffed employee requests to resign from formal union membership. As nonmembers, employees cannot lawfully be punished for violating union membership rules – rules which usually include following strike orders.

Under the Supreme Court decision

**“Union bosses apparently want to make it difficult for employees to put food on the table.”**

# Johnson Controls Workers Face Union Onslaught

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gaining unit, making it virtually impossible for employees to mobilize to decertify the UAW.

“Foundation attorneys will continue the fight on appeal to help the employees remove this unwanted union,” continued Gleason. “The UAW union is much like a roach motel: Easy to get in to, but nearly impossible to get out.”

## Congress flirts with mandating card check instant organizing

With Barack Obama as President and compulsory unionism forces increasing their strength in the House and Senate, the woefully misnamed “Employee Free Choice Act” (a.k.a. the Card Check Forced Unionism Bill) is on the verge of passage. The bill would end the secret ballot election process for employees choosing whether to be represented by union agents. (Another provision of the bill would result in wages and working conditions being imposed by federally appointed arbitrators.)

The abusive card check process – in which union goons often harass workers at work and frequently at home, and often mislead workers to sign cards in public – already exists. But it will get far worse if this law is enacted because card check would become mandatory.

Under current law, union organizers launch extensive corporate campaigns against companies to bully management to sell out their workers by turning over the employees’ personal information including their home addresses and agreeing to forgo a less-coercive secret ballot election.



*UAW top union boss Ron Gettelfinger threatened the National Right to Work Foundation and its supporters on national television.*

[forced] union[ism] a dirty word.”

“Union bosses like Gettelfinger will constantly try to make themselves seem like the victims,”

explained Gleason. “Instead of blaming others, they should take a hard look at their product. A good start would be to stop forcing people to support them.”

## UAW may be America’s most disgraced union

Faced with dwindling membership numbers, sagging ranks of forced union dues payers, mass layoffs and plant closures at bankrupt suppliers, and the move of many jobs to Right to Work states, UAW officials are desperate to do whatever it takes to corral more and more workers into forced-dues-paying ranks. This includes bullying companies until they agree to collude against employees.

The JCIM decertification effort in Grand Rapids is yet another public relations blow for the UAW union hierarchy, which has played a substantial role in driving the Big Three automakers in Detroit to the brink of bankruptcy.

Of course, UAW President Ron Gettelfinger is looking for scapegoats for this failure. In fact, he recently lashed out against the National Right to Work Foundation, in a nationally televised press conference, claiming its efforts to protect employees’ rights have “made

## 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](mailto:wfc@nrtw.org)

# HOUSTON★CHRONICLE

## Ending Secret Ballots Will Cause Worker Misery

Houston Chronicle -  
By Ronald Trowbridge, Ph.D.

If the U.S. Congress succeeds in its push next year to end secret ballots in union elections – paying back Big Labor for its truckloads of financial contributions and personnel during the last presidential campaign – countless workers' lives will become nightmares, pitting friends against friends. I know the hard way.

Some years ago, I crossed a faculty picket line at a large university – the only faculty member out of several hundred professors to cross. Every fiber in my body opposed the strike and I was pathologically unable to not cross. The nightmare that followed was the most stressful experience in my life, save for the cancer and death of my wife.

On my first crossing, I was met and surrounded by my colleagues of 14 years. But they were now transformed into characters whose behavior I did not recognize. These were my friends with whom I had conversed about Shakespeare, had invited into my home, and had drunk wine with. I had known them as Ph.D., pipe-smoking listeners of Mozart and readers of Jane Austen.

Right before the strike I encountered two arguments. One, if I couldn't out of principled disagreement honor the strike on the picket line, would I simply stay home? No, I said, because that would be de facto support of the strike.

Two, since I would be a recipient of any gains achieved by union-management negotiations, I was morally obliged to join the union. I countered this by pointing out that since their faculty salaries had been significantly raised by Michigan's Republican governor and Republican legislature, weren't they therefore morally obliged to become Republicans?

As for my professorial friends, Frank screamed to me down the pathway filled with students, "Y o u a \* \* \* \* \* !"

Walter said he was going to take a picture of my crossing the line and show it

to people, hoping that I would get hurt.

Donald said to me in the crowded faculty lunchroom, "There's Trowbridge. No, he's not a scab; he's an oozing, running sore." Laughter erupted. Sheila called me a "scab," with a scowling, mean face. She really meant it.

Jay, my telephone mate and one I had taken in as a guest at my summer cottage, was so red-faced with anger at me that he yelled, "That's it, Trowbridge, I am never again going to answer your telephone!"

The striking professors would sometimes latch on to students going to my classes, directing them to pass on certain epithets to me, such as "Up yours," "Scab," "Give him the finger." My students did so, with laughter and anger aimed at – the strikers. Students had paid tuition, but were getting nothing for it.

Strikers were seeking an agency shop, which would require non-union members to pay a fee commensurate with dues. When Gene, a white-haired Southern gentleman with proper etiquette and precise diction always, learned of this agency shop provision, he exclaimed to me in the crowded lunchroom, "Goody, goody, goody, goody."

I had trouble eating and sleeping because I knew that everyday my strident friends would be waiting for me outside the classroom door. All this anger for one lone picket crosser. Shortly after the illegal strike ended (because of a student's lawsuit), I was offered a vice presidency at Hillsdale College and took it. Though having been at this university for 14 years,



*Forced unionism is a knife in the back of American liberty, and ending the secret ballot for unionization would twist that knife.*

see **SECRET BALLOTS** next page

## Union Power Grabs Coming Fast and Furious Under Obama

*continued from cover*

plans.

“Unless we can get these executive orders overturned in court – literally hundreds of billions in taxpayer dollars will be used as a weapon against nonunion employees and their employers,” said Mark Mix, president of the National Right to Work Foundation.

Meanwhile, despite all his talk about the virtues of “transparency,” President Obama revoked an order signed by President George W. Bush which had helped ensure that employees of federal contractors were informed of their rights under the Foundation-won U.S. Supreme Court case *Communication Workers v. Beck* (1988). *Beck* held that

private-sector employees may be compelled to pay certain union dues, but may not be compelled to pay dues or fees earmarked

for union politics, lobbying, and other non-bargaining activities.

Obama also signed an Executive Order encouraging government bureaucrats to adopt discriminatory, union-only project labor agreements for any “large-scale construction project” – defined as any project costing over \$25 million. This discriminates

against the 84 percent of private construction employees who have chosen for many reasons not to join a union.

“As if Americans did not have enough questions about the so-called ‘stimulus’ spending bill, President Obama’s order virtually guarantees that any new ‘shovel ready’ jobs created will require all workers to accept and pay for a union’s



*With union disclosure rules gutted, workers have no way to know how union officials are using the union-owned private jet.*

‘representation’ whether they want it or not,” explained Mix.

### Stopping union boss transparency showcases Obama’s hypocrisy

When Barack Obama promised increased transparency and accountability in government, apparently union transparency and accountability was not what he had in mind.

White House chief of staff Rahm Emanuel moved quickly on Inauguration Day to halt new disclosure rules requiring union officials to disclose their lucrative fringe benefits and other activities. As it happened, the

see **DISCLOSURE GUTTED** page 8



*National Right to Work Foundation vice president Stefan Gleason appeared on CNN to expose Obama’s naked payback to Big Labor.*

## Secret Ballots Protect Employees from Card Check Abuse

*continued from previous page*

there were no formal farewells, no goodbye parties, no nothing – not a single person came by my office to say goodbye.

If Congress passes the “card check” proposal, millions of non-union members will be stunned when even some of their friends turn on them. The pressure on employees to sign the cards will be

intense, personal, and traumatic.

In all states, including Texas, elimination of secret voting will bring about two deleterious changes: internecine battles among warring employee camps and increased economic demands on employers. Imagine the proliferation of United Auto Workers-like unions throughout Texas.

Dr. Ronald Trowbridge is a Visiting Research Fellow at the Texas Public Policy Foundation, a non-profit, free-market research institute based in Austin.✉

*Reprinted courtesy of the Texas Public Policy Foundation.*

## Disclosure Gutted

*continued from page 7*

officials running the Department of Labor under President Bush missed a critical deadline by a matter of days, preventing the improved union disclosure rules from becoming indisputably final before Obama took office.

Foundation President Mix wrote letters to the U.S. Department of Labor opposing Emanuel's unilateral move to quash the rule, and the controversy may result in litigation over the abuse of federal administrative procedures.

The Form LM-2 disclosure revisions that Emanuel short-circuited were intended to shed light on significant union-boss malfeasance and waste, such as why a local UAW union bought a John Deere tractor for \$18,000 before selling it the same year for only \$678... or which union bosses took private flights on workers' dime aboard the Machinist union's private jet – traveling to places like Ireland and Las Vegas – and how much those flights cost.

## Incoming Labor Secretary notorious Big Labor friend

Although several Senators on the Committee on Health, Education, Labor, and Pensions raised questions about hard-line union partisan Hilda Solis' close relationship with an extreme and militant Big Labor-backed lobbying group, and unpaid taxes by her family business, the Senate confirmed Solis in late February as President Obama's Secretary of Labor.

"Even before Hilda Solis was confirmed, the Obama White House's early actions give employee freedom advocates a sneak preview at how a Solis-run Department of Labor will operate," said Mix. "Worse, Obama's new orders will give Solis unprecedented authority to conduct show trials against nonunion firms and blacklist independent workers. It isn't pretty."✚



## Message from Mark Mix

President  
National Right to Work  
Legal Defense Foundation

Dear Foundation Supporter:

President Barack Obama is already paying his "union dues," and frankly things are getting real ugly, real fast.

Newly elected President Obama promptly announced his appointment of Big Labor activist Hilda Solis for Secretary of Labor. As you read in the cover story, Solis was a key player in a militant forced unionism lobbying group, and she voted for every union power grab that came before her in Congress.

Less than two weeks into his Administration, Obama also signed two Executive Orders greasing the rails for coercive union organizing, giving the Secretary of Labor the power to blacklist union-targeted employers and employees, and shoving workers into the darkness when it comes to learning how their dues are spent or how to cut off forced union dues for politics.

Obama followed up a week later with another executive order encouraging federal agencies to discriminate against nonunion workers and employers on federal construction projects. As a result, Obama's stimulus plan may divert hundreds of millions of tax dollars into Big Labor's coffers.

Next will come attempts at legislative power grabs like the Card Check Instant Organizing bill, and the Police and Firefighter Forced Unionism bill, and even a law to wipe out all 22 state Right to Work laws.

Your support is urgently needed as Right to Work forces mobilize to stop these and other power grabs. There is hope of stopping these bills in the legislature and the courts.

Thomas Jefferson once stated, "The price of freedom is eternal vigilance."

We must be on full alert to defend our liberties, and in the coming weeks and months, it is time to fight.

Sincerely,

Mark Mix