



Foundation Action

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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

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Foundation Victory Nets Georgia Workers Quarter Million

Longshoreman union forced to refund illegal dues payments

SAVANNAH, GA – National Right to Work Foundation staff attorneys have secured Georgia workers \$250,000 in forced-dues refunds.

In September of 2005, Foundation staff attorneys filed unfair labor practice charges against the International Longshoremen Local 1414 union in Savannah. Union bosses had been charging nonmember employees the equivalent of full union dues for use of a union-controlled “hiring hall” to find work. This policy violated Georgia’s Right to Work law, which holds that no employee can be compelled to pay union dues as a condition of employment.

By May of 2008, Foundation attorneys secured a National Labor Relations Board (NLRB) settlement forcing the union to partially reimburse nonmember employees for certain hiring hall fees, but it wasn’t until recently that Foundation attorneys discovered just how much money the union had previously extorted from unwilling workers. According to the latest edition of the NLRB’s regional



newsletter, union officials had to refund \$250,000 in illegally collected dues to nonunion employees.

Union scheme backfires

National Right to Work Foundation attorneys swung into action after union lawyers sued nonmember employees for refusing to make full dues payments to the Longshoreman bosses. Foundation staff attorneys responded by filing

Foundation attorneys forced militant Longshoremen union officials to refund \$250,000 of dockworkers’ forced dues.

unfair labor practice charges with the NLRB’s regional director, who agreed that the union’s hiring hall fees were excessive and illegal. A Georgia judge put the union’s collection lawsuits on hold pending the

outcome of the NLRB’s settlement, but now that the NLRB has issued its settlement, the case will be allowed to go forward in the state’s court of appeals.

Although the NLRB’s settlement resulted in a substantial reduction of hiring hall user fees, it did not force the union to completely eliminate the payment requirement. With help from Foundation staff attorneys, workers are now challenging the scheme under Georgia’s Right to Work law. 

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.

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Labor Department Staff Fumble Union Disclosure Revisions

Revised standards note severe flaws, but don't actually fix the problem

WASHINGTON, DC – On September 30, the U.S. Department of Labor's Office of Labor-Management Standards (OLMS) released a weak new set of rules regarding disclosure of finances held in union trusts.

Union officials operate trusts, such as pension funds, strike funds, and credit unions with money collected from union members and nonmembers compelled to pay under forced unionism laws. But because expenditures in union trusts have been exempt from federal reporting requirements, union bosses have frequently been able to shield misuse of trust funds from members.

Union bosses often act as though union trusts are just another union slush fund, rather than fulfilling any fiduciary duty to the workers.

In one infamous example earlier this year, the Department of Labor sued a Chicago firm which managed union pension funds. The firm spent \$25 million from five union pension funds – money seized directly from workers' paychecks – to, among other things, funnel cash to politicians, buy a strip club in Detroit, and pay for clients to live it up in Vegas nightclubs.

Right to Work submitted comments on proposed rule

Acknowledging such corruption, OLMS claimed it wished to promulgate new, more stringent reporting standards for union trusts with total annual receipts of at least \$250,000. OLMS officials asked labor experts and groups to comment on their newly proposed T-1

reporting requirements.

The National Right to Work Legal Defense Foundation and National Right to Work Committee submitted comments to Kay Oshel of OLMS. In the letter, Right to Work attorneys highlighted a gaping loophole in the proposed rule by which corrupt union bosses and trust operators could hide shady and wasteful expenditures.

Under the guise of "Protection of Sensitive Information," the DOL's proposal would continue to authorize union fat cats to unilaterally determine if any trust expenditures should be deemed "confidential" and therefore withheld from disclosure.

But as National Right to Work attorneys explained, "Financial reports of trust fund operations and expenditures can never be considered 'confidential' information, because this money is

owned by the employees, not the union or trust fund officials. Fiduciary agents have no right to maintain secret records or engage in secret transactions that are purposefully hidden from...the employees who are the actual owners of the funds."

Union bosses frequently try to hide damaging activities under the premise that revealing them would hinder their ability to negotiate a contract or effectively organize a workforce.

But in a legal context, both in the courts and through the National Labor Relations Board (NLRB), union and trust fund officials



Union-partisan Department of Labor bureaucrats have largely driven the agency's policy for the past 8 years.

do not enjoy any special privileges from disclosure, even over such activities as negotiation and organizing.

Perhaps even more disturbing is the implicit confession that pension funds and other union trusts are leveraged for such purposes, rather than for the purpose of maximizing investment returns for the benefit of retired workers.

Finally, Right to Work attorneys discussed the T-1 provision which would "allow union members to personally 'examine' any books and records that union and trust fund officials deem to be 'too sensitive' for public disclosure."

Most union members will never know of their right to look over the books, and corrupt union bosses who are trying to hide expenditures will do everything they can to delay or prevent members from accessing the information they want to keep hidden.

Bush Administration operatives botch another opportunity

In a rather pathetic fashion, the Department of Labor acknowledged in detail the noted flaws within its new rule, but then did nothing to solve the problem.

When confronted by Right to Work staff, insiders complained that the union-partisan bureaucracy at DOL was responsible for the half-baked effort, but could not explain the failure of leadership by Bush appointees that are supposedly running the agency.



"Sure. I got your disclosure of union books right here!"

Ohio Teacher Union Continues Its Assault on Teachers of Faith

Foundation forces recidivist union to grudgingly accommodate religious objections

CINCINNATI, OH – National Right to Work Foundation attorneys are once again battling the Ohio Education Association (OEA) on behalf of employees of faith. This, time, however, the National Education Association (NEA) union was smart enough to back down. The NEA agreed to accommodate the religious objections of Ohio teachers whose consciences would not allow them to pay money to the union. But the state union and its local affiliates remain unrepentant.

The settlements are part of a series of cases involving repeated attempts by Ohio Education Association (OEA) union officials to discriminate against employees of faith who object to union dues on religious grounds.

Geralyn Buening and Tessa Huwer, both practicing Catholics, objected to the NEA's and the Ohio Education Association's positions on hot button social issues. The unions refer to themselves as the "Unified Education Profession" and teachers of faith who take them at their word therefore cannot support the union at *any* level. OEA union brass denied the teachers a religious accommodation. In response, Foundation attorneys helped the two teachers file charges with the Ohio Equal Employment Opportunity Commission (EEOC) alleging that the union was in violation of their rights as religious objectors under Title VII of the Civil Rights Act.

The EEOC investigates charges against union officials who violate teachers' rights under Title VII, which forbids discrimination against religious employees and requires companies and unions to reasonably accommodate employees' sincerely-held religious beliefs. The accommodation generally reached in a religious objection case involves diverting the compulsory union



OEA President Patricia Frost-Brooks presides over a union that has a long and abusive record of religious discrimination. (Source: Oheo.org)

fees to a mutually agreed charity.

The agreements obtained by Foundation attorneys allow the teachers to redirect the NEA portion of their compulsory union dues to the Make-A-Wish Foundation, rather than funding the union hierarchy's social and political agenda. However, the Foundation attorneys have been told that the OEA and local union affiliates intend to fight in federal court.

Ohio teacher union notorious for religious discrimination

The OEA union has a long and abusive record of violating employees' rights by refusing to accommodate religious objectors in the workplace. National Right to Work Foundation attorneys have helped Ohio teachers in dozens of cases over the last decade involving bullying by officials at the OEA union and its affiliates.

In 2007, Foundation attorneys won a case in U.S. District Court striking down an Ohio state law. The case involved St. Marys-area teacher Carol Katter, a Catholic, who had been denied her rights as a religious objector by the state. Incredibly, Katter was told by an OEA union official that she would need to "change religions" in order to receive a religious accommodation.

In October 2008, Foundation attorneys also began assisting Ohio teacher Victoria Bostelman, an active member of the Church of the Nazarene, whose conscience would not allow her to support the NEA's, OEA's, and local union affiliates' positions on certain hot-

button social issues. Bostelman filed charges with the EEOC after OEA and local union affiliate officials denied her request for a religious accommodation. Her fight has now risen to the federal district court. It appears to Foundation lawyers that a long list of employees of faith are going to have to follow Ms. Bostelman's path into federal court.

Discrimination will continue without Right to Work law

"OEA union bosses have repeatedly thumbed their noses at religious objectors for years," said Mark Mix, president of the National Right to Work Foundation. "Abuses of this nature will continue until Ohio gives employees the protections of a Right to Work law."

While the rights Foundation attorneys have established through the EEOC and federal court litigation are helpful to employees in non-Right to Work states, the evil of forced unionism still exists. Union officials often make the process of obtaining a religious accommodation as difficult as possible for employees of faith. Employees who object to supporting and associating with the union for non-religious reasons have even fewer options. In Ohio, employees of faith have to repeatedly return to court to enforce their rights.

A Right to Work law secures the right of employees to decide for themselves whether or not to join or financially support a union. In the 22 states that have passed Right to Work laws, employees are free to follow their conscience and refrain from supporting an unwanted union without having to resort to litigation.

"Making union affiliation completely voluntary is by far the most effective way to free employees from the abuses of forced unionism," concluded Mix. 

Foundation Sues Union for Exposing Workers to Identity Theft

CWA officials published 33 AT&T workers' confidential personal information

BURLINGTON, NC – National Right to Work Foundation attorneys filed a lawsuit in North Carolina state court against Communications Workers of America (CWA) union bosses for 16 nonunion members at AT&T who were aghast to discover their sensitive personal data deliberately disseminated to union militants and posted in public view on company property.

The case attacks an emerging trend of high-tech union intimidation and use of open invitations to identity theft.

The 16 employees – for a variety of reasons – had exercised their right to refrain from union membership. Because North Carolina is a Right to Work state, nonmembers may not be forced to pay any union dues whatsoever as a condition of employment.

As retaliation, union officials released the nonmember employees' confidential personal information, such as their Social Security numbers, on the union's bulletin board in a public area at an AT&T facility in Burlington.

Social Security numbers posted in public view

Meanwhile, union bosses forwarded via email a Microsoft Excel spreadsheet containing the same private information to numerous union officials.

In their state court complaint, Foundation attorneys argue that by releasing and posting the nonmembers' personal data, CWA union bosses violated the Tarheel State's Identity Theft Protection Act.

In addition to being exposed to the real and dangerous threat of identity theft, the nonmember employees faced significant intimidation and harassment from union militants as retaliation for exercising their right to refrain from



Jason Fisher and Everett Jenkins tell the Right to Work YouTube channel about how union goons publicized their confidential personal information to intimidate them.

union membership.

Union militants posted “scab” lists and wrote hateful, profane, childish, and vulgar messages on company property in public view. One message in a bathroom stall read “If you want to see a scab, look in the toilet.”

Union monopoly bargaining privilege is root of abuse

But for these nonmember employees, union intimidation and militancy were nothing new. Indeed, the union's history of threats was one of the major reasons why some of the workers resigned from the union.

Jason Fisher, one of the nonmembers represented by Foundation attorneys, admitted he had originally joined the union after a CWA official threatened to damage his new truck. Union goons frequently disrupted the work environment so much that even Jason's supervisor pressured him to join.

Former union members also complained about the union's extensive radical political activism. One worker couldn't stomach the blatant hypocrisy of CWA union bosses instructing members to “buy American,” only to hold their national convention one year in a foreign country.

At the meeting, union officials

“talked about everything but workers' rights,” as Everett Jenkins told us, including everything from foreign policy to stem cell research.

Moreover, Jenkins lamented that the local union had gone years without even holding an internal vote to elect a president. “We weren't voting on the representation,” Jenkins said.

Resigning from union easier said than done

After years of putting up with an ineffective, politically radical, and intimidating union, Fisher, Jenkins, and dozens of other AT&T employees individually decided to resign from the union. But CWA goons made resigning as difficult as possible by only allowing workers to opt out during a short window period.

In all, union bosses released the confidential personal information of 33 workers. Foundation attorneys are seeking \$10,000 in damages for each of the 16 formally represented nonmembers who signed on to the case.

“Foundation attorneys intend to make CWA union bosses pay for their illegal retaliation against these workers exercising their Right to Work,” said Mark Mix, president of the National Right to Work Foundation. “Identity theft is a serious crime.”[†]

National Right to Work Launches Official Podcast Channel

Supporters may access audio alerts as union threats increasingly unfold

SPRINGFIELD, VA – The National Right to Work Legal Defense Foundation is pleased to announce the launch of its official audio podcast. Podcasts are audio media files broadcasted to personal computers and portable media players through the Internet. Podcasting is considered by many Internet users as the most cost-effective electronic media distribution channel available today.

Each episode will feature a discussion about a topic related to compulsory unionism.

Foundation uses new technology to fight forced unionism

For example, in episode one, titled “Big Labor’s Agenda and Election 2008,” Foundation vice president Stefan Gleason interviews Greg Mourad, Director of Legislation for the National Right to Work Committee, about Big Labor’s legislative power grabs.



Episode two features an interview with Gleason and Stanley Greer, program director at the National Institute for Labor Relations Research. Greer and Gleason discuss Big Labor’s massive political fundraising apparatus, as well as the role of forced dues in funding union political activism. The interview also covers the political implications of Big Labor’s huge fundraising advantage for the 2008 election season.

Future episodes of the National Right to Work podcast will discuss topics such as labor law and employee rights, feature stories of employees who have suffered under the evils of compulsory unionism, and expose the politics and schemes of Big Labor’s top bosses.

Subscribers can download each episode automatically onto their personal computer, iPod, or portable media player and listen to it anytime and anywhere,



The official National Right to Work podcast will regularly expose the evils of compulsory unionism.

including at home, work, or in the car. Supporters can also subscribe to the National Right to Work podcast on the popular iTunes music program and other podcasting programs on the Internet.

As the political climate becomes more difficult, the launching of the National Right to Work Foundation podcast channel is an important step in educating employees and the public at large - while mobilizing activists to oppose the major forced unionism power grabs now facing America.

To listen today, and for details on how to subscribe to the podcast visit: www.nrtw.org/episode1



Support Right to Work through Planned Giving

Planned Giving strategies can help you support the National Right to Work Foundation while enjoying great flexibility, income payments, and tax benefits. Some of the ways you can help the Foundation are:

- ✓ Remembering the Foundation in your Will
- ✓ Charitable Trusts
- ✓ Charitable Gift Annuities
- ✓ Gifts of Stocks/Bonds
- ✓ Gifts of Appreciated Real Estate
- ✓ Gifts of Life Insurance

For more information on the many ways you can ensure that your support of the Foundation continues, call the Foundation at (800) 336-3600 or (703) 770-3303. Please ask to speak with Ginny Smith, Director of Planned Giving. Or you may e-mail her at gms@nrtw.org.



Subscribe to the National Right to Work Podcast now using the iTunes store. Search for “Right to Work” to find the latest episodes.

Fight Forced Unionism Whenever Searching or Shopping Online

Free website donates modest revenue to National Right to Work cause

SPRINGFIELD, VA – Thanks to the generosity of its supporters, the National Right to Work Foundation has been able to defend victims of forced unionism abuses since 1968, including thousands of employees in over 200 active cases nationwide.

Using GoodSearch.com, Foundation supporters can now, in a small way,



Help the Foundation assist victims of compulsory unionism by visiting GoodSearch.com and GoodShop.com and choosing the National Right to Work Foundation as your charity.

help fund the Foundation's mission with just the click of a button.

GoodSearch is a Yahoo-powered search engine that donates half its advertising revenue to the charities its users designate. After designating the National Right to Work Legal Defense Foundation as the charity of your choice, use it just as you would any search engine, get quality search results from Yahoo, and watch as GoodSearch donates a penny per search to the Foundation.

The folks at GoodSearch have also teamed up with hundreds of online stores to give supporters even more opportunities to support the Foundation. When shopping online, supporters can simply go to GoodShop.com first and find the retailer of your choice – the Foundation will receive up to 37 percent of each person's purchase, at no extra cost.

Participating retailers include Amazon, Target, Gap, Best Buy, ebay, Macy's, and Barnes & Noble. Travel sites like Expedia, Priceline, Travelocity, and CheapTickets even offer special deals and coupons for GoodShop.com users.

"Each donation is small, but they add up," said Stefan Gleason, vice president of the National Right to Work Foundation. "If just a few of our supporters consistently use GoodSearch and GoodShop, we can secure hundreds or even thousands of dollars in donations for the Right to Work movement."

It's easy, it's free, and there are no forms to fill out. To get started with GoodSearch and GoodShop, or learn how to install a GoodSearch toolbar to your Internet browser, go to www.nrtw.org/GoodSearch. †

Administration Cowardice Plays Into Union-Boss Hands

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"Right to Work supporters are sick of the excuses offered by the Bush administration," said Stefan Gleason, vice president of the National Right to Work Foundation. "When will Establishment Republicans learn that appeasing union bosses is not just bad policy, but political suicide?"

More specifically, the final T-1 rule refers to union and trust officials keeping "secret records" and making "secret transactions" – language Foundation attorneys specifically condemned in their comments.

The OLMS revisions also note "that the proposed procedure allowed labor organizations greater leeway" in hiding information from their members than do federal courts or the NLRB, though the new rule seems to overlook this point just a few paragraphs later by repeating the Big Labor talking point that negotiation and organizing strategy should somehow be considered confidential.

But the final rule also notes how often some unions use the confidentiality exemption in their own reports. One

union, according to OLMS, hid almost \$6 million using a similar loophole in the LM-2 form. The OLMS warns against this kind of "undisciplined use" of the sensitive information exemption and promises to investigate its abuse.

"One sometimes wonders why these folks even show up to work," continued Gleason. "The solution is clear. New regulations providing more disclosure regarding just how workers under compulsory unionism are being fleeced will never solve the problem. But ending forced unionism will." †

Supreme Court

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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