



NATIONAL RIGHT TO WORK LEGAL DEFENSE FOUNDATION, INC.
8001 BRADDOCK ROAD • SPRINGFIELD, VIRGINIA 22160

Reed Larson, Chairman
Mark Mix, *President*

(703) 321-8510/Fax (703) 321-9319
<http://www.nrtw.org>

September 8, 2008

President George W. Bush
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Re: Urging withdrawal of the Bush Administration's brief in *Locke v. Karass*

Dear Mr. President:

National Right to Work Foundation attorneys represent twenty nonmember Maine state employees who are forced, as a condition of employment, to pay union fees to the Maine State Employees Association, an affiliate of the Service Employees International Union. Oral arguments in *Locke v. Karass* will occur on October 6.

Much to our surprise, now-departed Solicitor General Paul Clement – joined by the Solicitor of the Department of Labor – filed an extremely unhelpful *amicus* brief before the Supreme Court in *Locke*, even though no federal statute is at stake and no federal agency is a party to the case. Worse, the administration's arguments – cited favorably by the union lawyers 14 times in their own legal brief – would allow a state to condition public employment on nonunion members' payment of union fees that are used to subsidize union lawsuits not concerning their own place of employment.

Furthermore, Clement's successor, Gregory Garre, filed a motion in July with the Court seeking permission to participate in oral arguments – and to cut into the union-abused employees' argument time.

On Friday, the Supreme Court made an extremely rare rebuke of your administration by denying its motion. This is an embarrassment to your administration, and it indicates that the High Court agrees that the federal government has no real interest in this case.

I am enclosing a copy of my June 18, 2008, letter to Secretary Elaine Chao asking that the administration pull out of this case entirely by withdrawing its ill-advised legal brief. Today, it is even more clear that the Bush administration is on an inappropriate misadventure here.

Pulling out of this case now will allow the administration to focus on reinforcing union-abused employee rights, rather than tearing them down. I eagerly await your response.

Sincerely,



Mark Mix

CC: Secretary Elaine Chao
Enclosures