



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>

March 12, 2009

Governor Sonny Perdue
State of Georgia
203 State Capitol
Atlanta, Georgia 30334

Re: Enforcing Georgia's Right to Work Law Currently Under Legal Attack

Dear Governor Perdue:

On behalf of the National Right to Work Legal Defense Foundation and the union-abused Georgia employees it is assisting, I urge you to use the power granted to you by the laws of the State of Georgia to ensure that Georgia's longstanding and popular Right to Work law is enforced.

The National Right to Work Legal Defense Foundation is a nonprofit, charitable organization providing free legal aid to employees whose human or civil rights have been violated by compulsory unionism abuses. Currently, Foundation staff attorneys are representing several employees who perform longshoremen work at the port of Savannah. They and their co-workers are being compelled to pay union fees as a condition of employment in violation of Georgia's Right to Work law, OCGA § 34-6-20 *et seq.*

On 30 January 2009, the Georgia Court of Appeals erroneously held that enforcing the Right to Work law against this scheme to be unconstitutional under the Supremacy Clause to the United States Constitution. *See Perry v. Int'l Longshoremen Ass'n 1414*, --- S.E.2d ---, 2009 WL 213871 (Ga. App. 2009). On 17 February 2009, Foundation attorneys filed a petition for certiorari with Georgia Supreme Court, which is attached hereto. *See id.*, Case No. S09C0891 (Ga. 2009).

Foundation attorneys have previously requested that the Office of Attorney General Thurbert Baker (1) intervene or otherwise participate in *Perry* to defend the constitutionality of the Right to Work law before the Georgia Supreme Court and (2) enforce the Right to Work law at the port of Savannah. With the case pending before the Georgia Supreme Court, urgency is of prime concern. Nonetheless, Attorney General Baker has not yet acted on our request.

As Governor, you have the statutory power to direct the Department of Law to defend formally the constitutionality of Georgia's Right to Work law in *Perry* and to enforce the Right to Work law at the Port of Savannah. *See* OCGA § 45-15-35 ("The Governor shall have the power to direct the Department of Law, through the Attorney General as head thereof, to institute and prosecute in the name of the state such matters, proceedings, and litigations as he shall deem to be in the best interest of the people of the state"); *see also* OCGA § 45-15-18. This power to initiate legal proceedings is not

Defending America's working men and women against the injustices of forced unionism since 1968.

March 12, 2009

Page 2

contingent upon approval from the Attorney General. *See Perdue v. Baker*, 277 Ga. 1, 586 S.E.2d 606 (GA. 2003) (holding that the Governor and Attorney General have *independent* authority to initiate and pursue legal proceedings, even if one office objects to the legal proceedings initiated by the other).

Local 1414 of the International Longshoremen Association is a union at the port of Savannah. The union is a party to a collective bargaining agreement (“CBA”) with the Georgia Stevedores Association (“GSA”), which is an employer association at the port. The CBA establishes an “exclusive hiring hall” arrangement under which referral from Local 1414 is a condition of employment with GSA employers. Local 1414 requires that employees who obtain this referral pay fees to the union. In this manner, payment of union fees has been made a condition of obtaining longshoremen employment at the port of Savannah.

Georgia’s Right to Work law unambiguously states that “[n]o individual shall be required as a condition of employment or continuance of employment to pay any fee, assessment, or other sum of money whatsoever to a labor organization.” OCGA § 34-6-22. Local 1414’s compulsory referral fee certainly violates the plain language of this statute.

Unless reversed, the appellate decision in *Perry* will tear a massive hole in Georgia’s popular Right to Work law. Any union will be able to circumvent the law by simply: (1) have an employer require that employees obtain union permission to work (i.e., a “referral”); and (2) charge a union fee for this permission. That is what ILA 1414 has done. The protection of employee rights long guaranteed by Georgia’s Right to Work laws will be gutted.

Moreover, in this time of economic crisis, the last thing workers in Georgia should have to worry about is being forced to pay money to self-interested union bosses as a condition of getting or keeping their jobs. And the last thing Georgia needs is for union bosses to flex their muscles and scare away new job opportunities.

Hard-working, law-abiding Georgians need your help. Time is short, as the Georgia Supreme Court could rule on the petition for certiorari quickly.

Sincerely,



Mark Mix
President

P.S. Please contact Foundation attorney William Messenger for more information about the situation and how you can help stop Georgia’s Right to Work law from becoming a dead letter. His phone number is (703)321-8510.

P.P.S. We have already contacted Attorney General Thurbert Baker’s office about this (see enclosed letter) and his office has yet to take appropriate action to enforce the Right to Work law. We hope the attorney general has not decided to throw Georgia’s popular Right to Work law under the bus.