



Foundation Action

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of the National Right to Work
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Fifth Circuit Victory Charts New Course

Foundation strikes at pervasive union scheme

DALLAS, Tex. — In a precedent-setting unanimous ruling in a key Foundation case, a federal appellate court struck down the manipulative union practice of requiring workers to annually renew their objections to union political spending.

The ruling by the U.S. Court of Appeals for the Fifth Circuit in *Shea v. International Association of Machinists (IAM)* builds new momentum behind the Foundation's program to help workers shut down illegal union politicking.

Union scam used to trick workers

Used nationwide by most unions, the union scam at issue in *Shea* affects workers who choose to exercise their Foundation-won right to reclaim their dues used for non-bargaining activities like politics. Union officials set arbitrary "window" periods, which often last little more than a few weeks a year, as the only time workers may exercise their rights.

If objecting employees miss the narrow "window" period to make their annual objection, union officials inform them that they can't object again until the next "window" period, sometimes a full year later. The long wait between periods is designed by



Union bosses treat workers like pawns in their massive power game. But Foundation attorneys are poised to checkmate another union scheme through the U.S. court system.

union officials hoping that employees will forget or miss the deadline the next year. Once that occurs, union officials immediately jack up the worker's dues to full dues despite the worker's previous objection to such payments.

Union boss hypocrisy

Yet in a textbook example of hypocrisy, the same union officials who demand workers annually renew their *Beck* objections insist that the union should only have to solicit union membership once. Not unlike the Mafia, it's "Once you're in, you're in for life."

Like street hustlers, union officials use this annual-objection scam to confuse and frustrate workers into surrendering their rights. All the while, the culprits continue lining

their own pockets with the workers' hard-earned money.

"These arrogant union shell
see FIFTH CIRCUIT VICTORY, page 4

IN THIS ISSUE

- 2** U.S. Supreme Court Issues Narrow Ruling in *Marquez*
 - 3** Big Labor Plans Massive New Political Assault for 2000
 - 4** Countless Employees Are Protected Without Costly Litigation
 - 5** U.S. District Court Upholds Tribe's Right to Work Law
 - 6** Internal NLRB Documents Starkly Reveal Bias
 - 7** Federal Court Convicts Longtime NLRB Lawyer as a Communist Spy
- Washington Teachers' Forced-dues Refunds Increase by 50 Percent

U.S. Supreme Court Issues Narrow Ruling in *Marquez*

Disappointing decision leaves contract language untouched, but affirms Beck

WASHINGTON, D.C. — It seemed at first like a blow to the cause of worker freedom when the U.S. Supreme Court upheld contracts that mislead workers about their right to refrain from formal union membership and to reclaim forced union dues spent for politics and other non-bargaining activities.

But when the High Court ruled 9-0 in *Marquez v. Screen Actors Guild (SAG)* to leave such contract language undisturbed, it emphasized the narrowness of its ruling. Perhaps more importantly in the long run, it also ruled to strengthen another crucial aspect of the Foundation-won landmark Supreme Court decision *Communications Workers v. Beck*: For the first time, the Supreme Court ruled that *Beck* entitles employees to notification of their rights before they can be required to pay a cent in union dues or fees.

Union demands dues money — or else!

The *Marquez* case began in 1994 when the Seattle, Washington, actress Naomi Marquez was cast on a now-defunct Fox TV show called *Medicine Ball*. SAG then demanded that she join the union and pay more than \$500 in compulsory dues up front. When she couldn't afford to pay the fee, the production company bowed to union pressure and chose another actress for the part.

Foundation attorneys assisted Marquez in filing suit against SAG officials in the U.S. District Court for

the Western District of Washington, which dismissed her case in 1996. In 1997, she won a reversal but lost a part of the appellate ruling. The U.S. Supreme Court granted review last year.

SAG bosses on trial

The Ninth Circuit Court of Appeals reversed the trial court in part and sent back for trial the question of whether SAG officials illegally enforced the "membership" clause.



Actress Naomi Marquez lost a part for refusing to join the Screen Actors Guild.

This part of Ms. Marquez's case is now pending at the trial court level. It is here that the Supreme Court's narrow ruling in *Marquez* could finally permit vindication of Naomi Marquez's trampled rights.

Fortunately, the Supreme Court refused to hand union chiefs an outright victory — a ruling that would allow them the unrestricted right to actually deceive workers with deceptive contract clauses. Although the contracts may stay as written, *enforcement* of such clauses is another matter.

"Naomi Marquez will have her day in court — and Foundation attorneys will make sure SAG bosses can't prevent dissenting workers from exercising their full legal rights," said Foundation Legal Director Rex Reed.

Foundation attorneys forge ahead

Even as the Supreme Court sent conflicting signals on worker freedom in *Marquez*, Foundation attorneys continued to work overtime to achieve several crucial goals:

- Abolishing all phony "window periods" and annual renewal requirements for objections to the payment of forced dues for non-bargaining expenditures. (See article, page 1.)
- Enforcing the Supreme Court's requirement that *union bosses provide* an independent audit of the union's books to non-members.
- Enforcing Supreme Court doctrine declaring that organizing, international union activities, and extra-unit litigation expenses are "not chargeable" to non-members as bargaining costs.

"Until a union respects these and other employee rights, the Foundation's legal team will work to force Bill Clinton's National Labor Relations Board to fully enforce *Beck*," said Reed. ✚

Foundation Action

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Big Labor Plans Massive New Political Assault for 2000

AFL-CIO boss parties at the White House on Election Night

WASHINGTON, D.C. — On Election Night 1998 in the White House, AFL-CIO top boss John Sweeney savored the fruits of Big Labor's mammoth political campaign — as a special guest of his comrade Bill Clinton.

Both men had a lot to celebrate as Big Labor's massive "stealth" campaign with its 72,000 forced-dues-funded operatives came within a whisker of seizing total control of Congress.

In fact, a switch of just 9,500 votes in six close races would have allowed Sweeney to hand-pick a Speaker of the House sworn to enact a Big Government agenda.

Big Labor ran a "stealth" campaign

In the 1998 election, Big Labor returned to a strategy that proved highly effective. Instead of channeling its horde of cash into purchasing expensive TV advertisements, Big Labor poured hundreds of millions of dollars into a huge, partisan-driven "get-out-the-vote" campaign. Spending estimates are already topping \$500 million.

As a result of Big Labor's tactical shift, some elected officials were lulled into complacency, thinking the union bosses were scaling back their efforts. Far from it, as many surprised politicians discovered on election night.

Now that Big Labor has again demonstrated the clout of its mammoth

political machine, AFL-CIO boss Sweeney has become one of the most feared men in Washington.

"2,000 in 2000" threatens disaster

But when Sweeney and Clinton held their jovial get-together on Election Night, they may have spent more time making secret plans for future projects than celebrating the moment.

The AFL-CIO has already announced an unprecedented plan to elect 2,000 radical union militants to public office in the year 2000 — more than triple their goal in 1998.

That's in addition to electing or re-electing all the union puppet politicians who dance when Big Labor pulls the strings. The predictable result would be new taxes and more burdensome regulations plus a new epidemic of cronyism, sweetheart deals, kickbacks, and corruption.

"Big Labor's political success should be a wake-up call to all



Vice President Al Gore and AFL-CIO Czar John Sweeney whisper about plans to advance their Big Government, anti-freedom agenda.

Americans who have yet to understand the devastating effects of compulsory dues in politics," said Reed Larson, President of the Foundation.

The stakes in 2000 will be as high as they have ever been: All three branches of the federal government will be up for grabs. Not only will the Presidency and Congress be at stake, but so will the future direction of the Supreme Court and other federal courts.

At least three Supreme Court justices are considered likely to retire during the next President's term in office. If Big Labor is able to hand-pick their replacements, it will be bad news for workers seeking to free themselves from the abuses of compulsory unionism.

Foundation plans a counterstrike

That's why the Foundation is launching a determined counterstrike to enforce fully the Foundation-won Com-



A Philadelphia union boss (left) directed "Teamsters for Clinton" goons (right) as they beat up peaceful protesters during the President's recent visit to the "City of Brotherly Love."



Fifth Circuit Victory Builds Momentum to Strengthen Beck

(continued from cover)

games keep thousands of American workers from continuously protecting their Foundation-won rights," said Reed Larson, President of the Foundation. "That's why the Foundation has decided to open up a new litigation front, to make the *Shea* precedent the law of the land."

Shea victory helps return dues for politics

The critical *Shea* case arose when 10 Southwest Airlines customer service

agents, led by Elizabeth Shea, objected to IAM officials' con game that they annually renew their objections during a narrow "window" period instead of simply allowing them to



Southwest Airlines customer service agent Elizabeth Shea challenged the union hierarchy and won.

object once for all time.

Foundation attorneys offered to help 10 workers and took their case to the U.S. Court of Appeals for the Fifth Circuit. After hearing arguments by Foundation attorneys, the three-judge panel unanimously ordered an end to the union charade, overturning an earlier ruling by the U.S. District Court against the employees. In its ruling, the appellate court called the union sleight-of-hand "unduly cumbersome" and

"designed to prevent employees from exercising their constitutionally-based right of objection, and serves only to further the illegitimate interest of the IAM."

"For the first time, a Federal appellate court has aligned itself with the American worker on this issue," said Larson. "This breakthrough ruling will allow the Foundation to move to end this illegal activity nationwide."

Foundation launches Shea Task Force

The Foundation's winning litigation strategy is designed, in part, to bring similar cases in multiple U.S. Courts of Appeals. When and if decisions differ from circuit to circuit, the U.S. Supreme Court is much more likely to review the issue upon appeal.

Not unlike previous task forces which resulted in High Court review, the *Shea* Task Force will strategically coordinate various cases through the Courts of Appeals to attempt to ensure final judgment by the U.S. Supreme Court. †

Countless Employees Are Protected Without Costly Litigation

Foundation marshals resources for maximum impact

BRIDGEWATER, Mass. — Though splashy Foundation victories like the *Shea v. IAM* decision (see page 1) are invaluable in setting precious legal precedents that can free American workers from the bonds of forced-dues unionism, most of the Foundation's success stories do not come through long-term and sometimes costly litigation.

Nearly every day, Foundation attorneys score victories simply through well-crafted advisory letters and cogent legal complaints.

For example, when Bridgewater State College employee James Hallenbeck chose not to join the Massachusetts Teachers Association, union officials filched an agency fee from his paycheck without the independent audits required by the Foundation-supreme Court decision *Chicago Teachers v. Hudson*. When Foundation

attorneys warned that they were preparing to file a complaint in U.S. District Court on Hallenbeck's behalf, the union hierarchy quickly coughed up the \$2,091.93 deducted from Hallenbeck's paycheck. Hallenbeck's rights were protected without the time and expense of going to court.

Union backs down in face of Foundation fire

"Facing an embarrassing legal battle with the Foundation's expert legal team, the union quickly backed down from its indefensible position," said Rex Reed, Executive Vice President and Legal Director of the Foundation.

Meanwhile in Washington, D.C., Dr. Israella Bash, a psychologist at the Commission on Mental Health Services, made clear that she did not want to

associate with Hospital Union bosses. Despite Foundation-won Supreme Court precedents requiring union officials to disclose their spending before taking a penny, union chiefs swiped the full dues amount from her paycheck without the authorization required under their own collective bargaining agreement and District of Columbia law. Foundation attorneys filed a charge with the Public Employee Relations Board. In the quick settlement that followed, all of Dr. Bash's illegally withheld dues were hastily returned with interest.

"Foundation attorneys are fervently committed to expanding freedom," said Reed. "Whether this requires a carefully crafted letter or full-blown litigation, the Foundation — thanks to its many supporters — will remain dedicated to this unique purpose." †

U.S. District Court Upholds Tribe's Right to Work Law

NLRB's assault on San Juan Pueblo's sovereignty halted

SAN JUAN PUEBLO, N. Mex. — A ruling by a U.S. District Court has smashed the all-out assault by Bill Clinton's National Labor Relations Board (NLRB) on the sovereignty of a Native American tribe which chose to protect workers from forced unionism.

On November 6, 1996, the Pueblo of San Juan passed a Right to Work provision which gave all workers employed on the Indian reservation the right not to financially support a union as a job condition.

Feinstein threatens tribe's sovereignty in the name of forced unionism

Upon hearing of the Pueblo's provision, NLRB General Counsel Fred Feinstein (a Clinton appointee) went on the warpath, threatening to bring the full force of the federal government down on the tribe. When the Pueblo stood firm against Feinstein's attempt at intimidation, he filed a lawsuit on behalf of the Board last January in the U.S. District Court of New Mexico to crush the Pueblo's Right to Work law by claiming that the Pueblo had no authority to enact such an ordinance.

Foundation attorneys filed arguments on behalf of affected working people on

the Pueblo as a "friend of the court."

"Again, Bill Clinton's NLRB shamelessly worked hand-in-glove with union bosses to cram forced unionism down the throats of unwilling workers," said Stefan Gleason, Director of Legal Information for the Foundation.

Section 14(b) of the National Labor Relations Act (NLRA) affirmed that states or territories may pass laws which protect employees from forced unionism imposed by federal law. The tribal council of the San Juan Pueblo passed its Right to Work provision in November 1996 based on their inherent sovereign power to enact legislation unless specifically prohibited by federal law.

However, disregarding mounds of legal precedent, Feinstein argued to the District Court that the NLRA solely gave the power of overriding the NLRA to "States and Territories" and since "Indian reservations" were not mentioned, they are subject to the federal statutes which impose forced unionism.

District Court protects Pueblo's rights

District Judge Martha Vazquez summarily rejected all of the NLRB's arguments and granted the Pueblo's motion for summary judgment.



NLRB's Fred Feinstein (inset) went on the warpath to crush freedom.

According to the judge's ruling, Congress's silence concerning "reservations" in Section 14(b) of the NLRA directly correlates to the Pueblo's right to enact Right to Work ordinances. Congress did not prohibit "reservations" from actions to protect workers from forced unionism. The NLRB's efforts to crush the Pueblo's internal laws would "effectively allow the abrogation of Tribal sovereignty through Congressional silence," she wrote.

The ruling helps clear the way for other tribes around the country to protect workers through Right to Work legislation. †

Big Labor Plans Assault

(continued from page 3)

Communications Workers v. Beck decision, protecting the rights of workers whose wages are being illegally diverted into Big Labor's political coffers.

Foundation attorneys won major victories last year, including the class-action lawsuit *Abrams v. Communications Workers of America*, which will likely force the repayment of tens of millions of dollars in compulsory union dues unlawfully collected from nearly 50,000 employees.

Foundation attorneys have also mounted a legal attack on the National Labor Relations Board (NLRB) for dragging its feet on *Beck* enforcement. Federal appellate courts are siding with the

Foundation and blasting the NLRB for its bias in favor of union boss compulsion.

Meanwhile, the Foundation launched Operation Liberty Bell, a nationwide information campaign about workers' *Beck* rights. This targeted media program employs advertisements on television and radio to alert workers to the truth about their rights and the Foundation's offer of free legal aid.

"All these Foundation efforts are making real progress," said Larson. "And more and more patriotic Americans are getting on board with the Foundation's winning program." †

Newsclip Appeal

The Foundation asks supporters to keep their eyes peeled for 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

Internal NLRB Documents Starkly Reveal Bias

Union-label labor board drags feet, crushes worker freedom



NLRB member Sarah Fox has been an enemy of freedom since before she worked for Teddy Kennedy.

WASHINGTON, D.C. — Within Washington's bureaucratic leviathan, it's unusual to actually find the smoking gun. But newly discovered internal documents from Bill Clinton's National Labor Relations Board expose political corruption that runs to the core of our government. The federal agency has deliberately abandoned its statutory duty to help employees reclaim their illegally extorted union dues used for partisan political activities.

The incriminating documents — obtained by the National Right to Work Legal Defense Foundation under the Freedom of Information Act (FOIA) — reveal that seven out of the eight longest pending cases are *Beck* cases.

"*Beck*" is shorthand for the Foundation's landmark Supreme Court victory, *Communications Workers of America v. Beck*, which established that dissenting workers may not be charged for activities unrelated to collective bargaining, such as partisan politics.

Beck cases furloughed by union flacks

Since *Beck* complaints comprise less than two percent of all cases filed at the NLRB, why has this one class of cases been singled out for delay by Bill Clinton's hand-picked appointees? The answer is money and power.

In the 1998 elections, organized labor spent an estimated \$500 million out of union treasury dues to elect far-left, Big Government politicians. Most of this cash was collected from employees as a condition of employment — and with the blessing of federal law! Meanwhile, polls show that 62 percent of AFL-CIO members oppose the use of their dues for political activities.

"Since compulsory union dues are the basis of their political clout, union bosses have fought enforcement of the *Beck* decision tooth and nail," said Stefan Gleason, Director of Legal Information for the Foundation. "It should be no surprise that they've so easily enlisted the help of their political beneficiaries in the White House and the NLRB."

Several weeks ago, the appellate court ordered the NLRB to explain itself. Still no NLRB ruling.

briefed since January of 1992 — is the second oldest pending case overall.

Several weeks ago, the appellate court ordered the NLRB to explain itself. Still no NLRB ruling.

Of course, since most cases brought by Foundation attorneys involve clear-cut union violations, tens of thousands of workers *have* reclaimed a substantial portion of their dues under *Beck* relatively quickly. But of the five-member Board,

one particular member, Sarah Fox, has used an internal Board rule to deep-freeze cases which involve key, and as yet unresolved, *Beck* enforcement issues. According to NLRB documents submitted

to Congress last fall, Member Sarah Fox is personally blocking 88 percent of the cases awaiting decision.

Foundation attorneys sue NLRB

To force the NLRB to abandon its practice of stonewalling *Beck*, Foundation attorneys recently filed a writ of *mandamus* petition — an unusual legal move — with the U.S. Court of Appeals for the District of Columbia. The petition requests that the court compel the NLRB to take action on the seven-year-old case of Washington state radio host Peter Weissbach. The FOIA documents reveal that *Weissbach* — fully

Sarah Fox guards forced-dues hen house

Fox's unscrupulous conduct should come as no surprise. Bill Clinton tapped her in 1996 after she proved her allegiance to Big Labor through her service as labor counsel to Sen. Edward Kennedy (D., Mass.) and, before that, as a lawyer for the Bricklayers Union. Even William Gould —

see NLRB BIAS, page 8



Support your Foundation through Planned Giving

Planned Giving is a great way to support your National Right to Work Foundation. Some of the ways you can help the Foundation are:

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

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) 321-8510. Please ask to speak with Rich Clair or Jeanne Maynor.

Federal Court Convicts Longtime NLRB Lawyer as a Communist Spy

Her union-official husband recruited her as an agent

ALEXANDRIA, Va. — A lifelong radical leftist who became a National Labor Relations Board (NLRB) lawyer has been convicted along with her union-activist husband of spying for the Soviet Bloc.

A federal court handed down the espionage conviction against longtime NLRB lawyer Theresa Squillacote and her husband Kurt Stand, a union official with the International Hotel and Allied Workers Union. Under the jury's verdict, they could each receive a maximum penalty of life in prison. If it were a time of war, the penalty could have been execution.

The Federal Bureau of Investigation (FBI) proved that the pair fed national secrets to the Communist state of East Germany for more than a decade — including the entire time Squillacote served as an attorney with the NLRB.

Most who are convicted of such treasonous actions have spied for personal profit. But Squillacote and her comrades — according to facts contained in the 200-page FBI affidavit — were lifelong radicals

who betrayed their country because of an intense commitment to Communism.

The Sweeney connection

The spies apparently moved easily in left-wing circles without arousing suspicion. Kurt Stand, the union official, was a member of the governing Political Committee of the Democratic Socialists of America, an organization of which the powerful AFL-CIO czar, John Sweeney, is a proud member.

Meanwhile, veteran NLRB lawyer Squillacote used her political contacts to land a sensitive position in the Pentagon. During her Pentagon tenure, Vice



Squillacote and Stand — an NLRB lawyer and a union boss who made a living from workers' forced dues — face a federal judge for betraying America.

AP Wide World Photos

President Al Gore awarded her a high commendation under his "Reinventing Government" program.

The case of this husband-and-wife spy duo is raising embarrassing questions about government security procedures. But an equally compelling question is why these lifelong radicals were able to blend in so easily with the illegal politics of Big Labor and the union-label NLRB. †

Washington Teachers' Forced-dues Refunds Increase by 50 Percent

Foundation attorneys wrest tough settlement terms from union lawyers

SEATTLE, Wash. — Under the terms of a federal court settlement recently won by National Right to Work Foundation attorneys, Washington Education Association (WEA) union officials are now required to refund an average of \$175 to each teacher who objects to paying dues for politics and demands a rebate.

Foundation forces hefty rebates and notice of rights

This forced-dues rebate is 50 percent larger than challengers have ever received before!

Moreover, as another result of the settlement in *Leer v. WEA*, the 1998-1999 school year is the first in which

teachers receive any financial disclosures at all from local unions and from UniServ councils — part of the National Education Association (NEA) teacher union's vast national network for political operatives.

Ruffling a few feathers at union headquarters, the Foundation e-mailed notice of the settlement to some 7,800 teachers across the state. Hundreds of teachers immediately responded, and many were furious that the union bosses had kept them in the dark.

Meanwhile, a "paycheck protection" scheme backfires

Other approaches to curbing the use of compulsory dues for politics have fall-

en short. A recent settlement under Initiative 134 (the much-hyped "paycheck protection" law) by the Washington state Attorney General actually returned no money whatsoever to teachers. In that case, the union was only required to reduce its 1998-99 increases of forced dues by \$5. In fact, the dues amount members pay this year has actually increased by at least \$6 per teacher.

"Washington's so-called 'paycheck protection' law never really delivered a penny to teachers," said Stefan Gleason, Director of Legal Information for the Foundation. "The \$175 rebate per teacher under the Foundation's case is *real* protection against forced dues for politics." †

NLRB Bias Exposed

(continued from page 6)

the former NLRB Chairman who wore his affection for compulsory unionism on his sleeve – has criticized Fox's unconscionable behavior. Citing political manipulation, Gould suggested that she was stonewalling cases in anticipation of a different Board make-up where her view would be in the majority, much "like a card player waiting for a better hand."

Yet the malfeasance goes even deeper than Fox's political payoffs to her union comrades.

Clinton's NLRB flouts rule of law

Bill Clinton's NLRB has a long track record of ignoring the legal precedents handed down by federal appellate courts. In 1996 alone, appellate courts reversed 50 NLRB rulings. That means about one in three of the NLRB's substantive rulings that were reviewed by an appellate court in 1996 were rejected – the agency's worst record in recent memory. In fact, appellate judges blasted the NLRB, citing its "warped interpretation of the facts" and "flagrant disregard of judicial precedent."

Perhaps this horrendous record is what prompted Congressman Jay Dickey (R., Ark.), a member of the House Appropriations subcommittee that controls the NLRB's budget, to call the Board "one of the most wasteful, overly bureaucratic, and biased agencies in the federal government."

"Now that the agency's own internal records prove Dickey's charge," said Gleason, "it's high time for Bill Clinton's NLRB to pay the price for its betrayal of American workers suffering from the injustices of compulsory unionism." ✚

Free Newsletter

If you know someone who would appreciate receiving **Foundation Action**, please provide us with their name and address. They'll begin receiving issues within weeks.



Message from Reed Larson

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter:

The world moves fast, and technology is progressing rapidly.

That's why aggressive use of the Internet is vital to your Foundation's mission of helping America's working men and women fight off the iron grip of forced unionism abuses.

And your Foundation's site on the World Wide Web, at www.nrtw.org, is succeeding beyond our wildest dreams.

By the thousands, Americans from every walk of life visit the Foundation's web site.

Often, the Foundation's web site has literally saved the day — arming workers with the knowledge needed to challenge scofflaw union bosses.

Frito-Lay worker Christopher Coon discovered the Foundation's web site after Teamsters union bosses threatened his job for refusing to join the union in Brockton, Massachusetts. Now, Foundation attorneys have filed federal labor charges against the union.

Dozens of West Virginia workers facing a strike used a computer to access an "online" article about employees' rights — including their right to resign their formal union membership and return to work. Scores of employees read it, resigned, and went right back to work without fear of union retribution.

Success stories like these are just the tip of the iceberg, as your Foundation tears down the walls erected to keep thousands of workers from learning the truth.

Thanks to the Foundation's loyal supporters, the fight to end the injustices of compulsory unionism is on the cutting edge of modern technology.

Sincerely,

Reed Larson