



Foundation Action

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

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WIN: Appeals Court Strikes Down Obama Labor Board Appointments

Another Foundation legal challenge against unconstitutional NLRB recess appointees continues

WASHINGTON, DC - In late January, the U.S. Court of Appeals for the District of Columbia struck down President Barack Obama's controversial "recess" appointments to the National Labor Relations Board (NLRB).

National Right to Work Foundation staff attorneys filed an *amicus curiae* ("friend of the court") brief against the appointments in that case for four workers who are receiving free legal assistance from the Foundation in cases pending before the NLRB.

In January 2012, Obama announced the recess appointments of three new NLRB members, including former union lawyer Richard Griffin, despite the fact that the Senate was not officially in recess. If the three members were not legitimately appointed -- as the court ruled -- the Board lacks the necessary three member quorum to issue rulings, thus invalidating a year's worth of pro-Big Labor decisions.

"Today, the Court of Appeals agreed with Foundation attorneys: Barack Obama's so-called recess appointments to the NLRB clearly violate the Constitution," said Mark Mix, President of the National Right to Work Foundation, when the decision was announced. "This is a victory for independent-minded workers who have received unjust treatment at the hands of the pro-forced unionism NLRB."

"We hope this decision will serve as a persuasive example to other federal



Obama and his Big Labor allies suffered a setback when the DC Court of Appeals struck down his unconstitutional "recess" appointments.

courts examining the validity of Obama's purported recess appointments," continued Mix.

Foundation cases against the NLRB recess appointments proceed

Meanwhile, another legal challenge to the recess appointments spearheaded by Foundation staff attorneys is pending from Arizona.

Seven Fry's Food Stores employees -- including Shirley Jones of Mesa, Karen

Medley and Elaine Brown of Apache Junction, Kimberly Stewart and Salomeh Hardy of Queen Creek, and Tommy and Janette Fuentes of Florence -- originally filed federal unfair labor practice charges against the United Food & Commercial Workers (UFCW) Local 99 union and Fry's management after union and company officials continued to seize union dues from their paychecks despite repeated requests to stop.

Because Arizona has a Right to Work law, workers cannot be required to pay union dues as a condition of employment. Upset by union-instigated strike threats, the employees and hundreds of others resigned their union member-

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Illegitimate Obama Labor Board Appointees Face Legal Scrutiny

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ships and revoked their dues deduction authorizations when union officials did not have a contract at their workplaces.

After union bosses refused to honor *their requests* to cut off their dues payments, Jones and her coworkers approached the National Right to Work Foundation for help. Foundation staff attorneys had just announced an offer of free legal assistance to any workers who wished to leave the UFCW after union bosses announced their strike.

The employees' charges prompted the NLRB Regional Director in Phoenix to agree that the dues deduction authorizations used by UFCW Local 99 union officials at all Arizona Fry's Food Stores locations were revocable at will when there was no contract in effect.

Although the Regional Director issued a complaint on the workers' charges, the NLRB -- including Obama's "recess appointments" -- ruled in the union's favor and dismissed the complaint.

In the workers' latest brief to the U.S.

Court of Appeals in Washington, D.C., Foundation staff attorneys argue that Obama's "recess appointments" are unconstitutional and, therefore, the Board lacked the quorum necessary to rule on their case.

"This is just another example of how Obama's recess appointees have consistently favored Big Labor over independent workers' interests," said Mix.

Opportunistic Teamsters lawyers also attack recess appointees

Ironically enough, Teamster lawyers have actually latched on to the legal arguments against Obama's NLRB recess appointees in an effort to overturn a recent Foundation legal victory.


Last summer, the U.S. Court of Appeals for the Tenth Circuit upheld an NLRB ruling against a local Teamster union policy that discriminated against nonunion workers employed by

Interstate Bakeries in Oklahoma.

Oklahoma worker Kirk Rammage received free assistance from the National Right to Work Foundation during his six and a half year legal battle challenging the Teamster union's discriminatory policy.

Rammage was the single nonunion sales representative with Dolly Madison for over 15 years before his division was merged in 2005 with Wonder Bread/Hostess. Although the company initially wanted to protect Rammage's seniority during the merger, Teamsters Local 523 union officials insisted that union members receive preferential treatment by putting Rammage at the bottom of the seniority roster despite his longer workplace tenure. The company eventually caved in to the union bosses' demand.

The Tenth Circuit upheld the NLRB's ruling and slapped Teamster Local 523 with monetary sanctions for the frivolous nature of the union's appeal. Undeterred, Teamster lawyers are now contesting the award of monetary compensation to Rammage at an NLRB compliance hearing, arguing among other things that a monetary award would be illegitimate because the Obama Administration NLRB appointees were illegitimately installed during a Senate session.

"Teamsters bosses have demonstrated how two-faced they are in defense of their forced-dues powers," said Mix. "For Big Labor, the Constitution isn't the law of the land. It's a tool they usually ignore but occasionally use to attempt to justify pushing more workers into their forced-dues paying ranks." 

Foundation Action

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Reed Larson

Patrick Semmens

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National Right to Work Legal Defense Foundation, Inc.
8001 Braddock Road, Springfield, Virginia 22160
www.nrtw.org • 1-800-336-3600

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.

For breaking news and updates, check out the Foundation's blog at www.nrtw.org/blog

Indiana and Wisconsin Right to Work Protections Upheld in Federal Courts

Foundation attorneys help thwart bogus union legal challenges to recent labor reforms

SPRINGFIELD, VA - In the span of two days, Foundation attorneys scored resounding victories defending Indiana's newly-enacted Right to Work law and Wisconsin's 2010 public sector Right to Work law in two federal courts.

The legal victories both highlight the need and the success of the Foundation's litigation program.

Indiana union bosses soundly defeated in court

A United States District Court Judge dismissed a federal lawsuit challenging Indiana's Right to Work law filed by International Union of Operating Engineers (IUOE) Local 150 lawyers. IUOE Local 150, headquartered in suburban Chicago, filed the lawsuit to undo what thousands of Hoosier citizens worked hard to achieve through the legislative process immediately after the law was enacted last February.

Unfortunately for the IUOE, the constitutionality of state Right to Work laws has long been a settled question. And National Right to Work Foundation staff attorneys, representing four Indiana workers who support the Right to Work law, advised lawyers for the State of Indiana about arguments that were made to defend the law in court.

The four Hoosier citizens who opposed the union's legal challenge were David Bercot, a certified wastewater operator for the ITR Concession Company in Fort Wayne; Joel Tibbetts, a Minteq International assistant manager in Valparaiso; Douglas Richards, an employee with the Goshen-based Cequent Towing Products; and Larry Getts, a Dana Holding Corporation technician in Albion.

Judge Philip Simon dismissed all of the union lawyers' claims. He did not rule on arguments contesting the law on

the grounds that it violates Indiana's constitution, leaving that to state courts to decide. A United Steel Workers legal challenge based on state laws is still proceeding in Indiana state court, where two other Foundation-assisted employees have filed a brief arguing that the law is consistent with their state's constitution.

"We're happy to report that the judge rejected IUOE union bosses' frivolous arguments and ensured that millions of Indianans will continue to work free from union coercion," said Patrick Semmens, Vice President of National Right to Work.

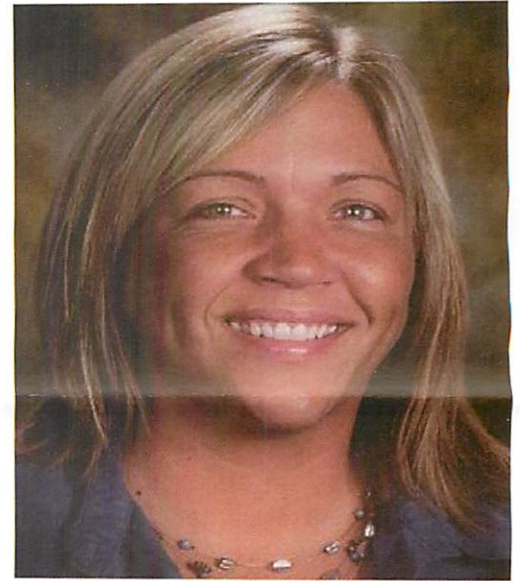
Wisconsin public sector Right to Work law stands

A day after the Indiana victory, the U.S. Court of Appeals for the Seventh Circuit based in Chicago upheld all of Governor Scott Walker's public sector unionism reform measures, also known as "Act 10."

The court rejected union lawyers' attempts to strike down the law's annual union recertification requirements, ban on the use of taxpayer funded-payroll systems to collect union dues, new limits on the scope of what union officials can demand in contract negotiations, and a provision that granted most of Wisconsin's public employees Right to Work protections.

With free legal assistance from Foundation and Wisconsin Institute for Law & Liberty attorneys, three Wisconsin public employees moved to intervene in the lawsuit in favor of the law after lawyers from seven unions, led by the Wisconsin Education Association Council, challenged it in federal court.


The three civil servants -- Kenosha



Wisconsin teacher Kristi Lacroix successfully defended Wisconsin's public sector Right to Work law with the help of Foundation staff attorneys.

teacher Kristi Lacroix, Waukesha high school teacher Nathan Berish, and trust fund specialist at the Wisconsin Department of Employee Trust Funds Ricardo Cruz -- were permitted to file *amicus* briefs in the district court and their Foundation attorney was allowed to argue on the merits of the law before the appeals court during a hearing.

"The appellate court upheld all of 'Act 10' as constitutional by relying on principles established in Foundation-supported Supreme Court victories. Those cases hold that union bosses have no constitutional power to force workers to pay union dues or fees as a condition of employment. Unions also don't have a constitutional right to use government resources to deduct union dues or fees from workers' paychecks," said Semmens.

"The court's decision strikes a mighty blow for individual workers who do not want anything to do with an unwanted union in their workplace. The text of the decision makes it clear that legal arguments presented by Foundation staff attorneys were critical to the ruling." 

Foundation Forms Task Force to Defend Michigan Right to Work Law

Union officials plan to challenge law making union membership and dues payments voluntary

SPRINGFIELD, VA – In December 2012, Michigan stunned political prognosticators by becoming the nation's 24th state to pass Right to Work protections for its workers. And as Michigan Governor Rick Snyder signed private sector and public sector Right to Work legislation into law, union officials and others had already announced their plans to file frivolous lawsuits designed to delay implementation of and hamstring the legislation in court.

Responding to these tactics, the National Right to Work Legal Defense Foundation immediately announced the creation of a special task force to defend Michigan's newly-enacted Right to Work law.

"Michigan's new Right to Work laws are a great advance for worker freedom, but union bosses won't give up their special privileges without a fight," said Ray LaJeunesse, Vice President and Legal Director of the National Right to Work Foundation. "Big Labor is already planning a vicious legal counterattack in state and federal court, which is why we need to be ready."

Just as **Foundation Action** went to press, to preempt union lawyers from getting an injunction from a friendly state court judge, Governor Snyder asked Michigan's Supreme Court to render an advisory opinion on the constitutionality of the state's new Right to Work laws. Foundation attorneys are preparing to file an *amicus* brief in that case for Michigan workers supporting the laws' constitutionality.

Foundation attorneys ready to defend Right to Work

Fortunately for Michigan workers, Foundation attorneys have successfully defended several state Right to Work laws in the past.



Experienced Foundation litigators are already moving to defend Michigan's newly-enacted Right to Work law in court.

Shortly after Indiana became the nation's 23rd Right to Work state, United Steel Worker (USW) union bosses filed a lawsuit challenging the bill's legality in state court.

Right to Work attorneys quickly responded by filing a brief opposing the union's lawsuit for two workers who are employed at facilities unionized by USW operatives and are forced to pay union dues just to keep their jobs. Foundation attorneys attended oral argument on a motion to dismiss on October 16 and sent local counsel to a hearing in late January.


Cases highlight success of Foundation legal program

Moreover, Foundation attorneys defended Wisconsin's recently-enacted public sector union reforms (including Right to Work protections for most Wisconsin public employees) in a federal appeals court (see page 3 of this issue of **Foundation Action**) for three Wisconsin civil servants. Foundation attorneys are also assisting three other Wisconsin public employees defending the reforms in two other cases, one

pending in federal court, and another at the state's appeals court.

Recent public polling reveals that a majority of Michiganders support the new Right to Work laws. Despite losing in the court of public opinion, Michigan union bosses are undeterred. Big Labor is predictably turning to the court system to delay or even roll back the state's popular Right to Work laws in an effort to reclaim their force-dues powers.

"Despite union lawyers' attempts to strike down Right to Work laws wherever they are passed, their track record against our experienced Right to Work staff attorneys is far from stellar," explained LaJeunesse. "But union bosses know all it takes is one friendly judge to temporarily block any restraint on their special government-granted power to compel workers to pay dues as a condition of employment."

"That is why Foundation attorneys are already preparing to defend Michigan's new Right to Work laws from any frivolous union boss legal challenges," added LaJeunesse. "Thanks to Foundation cases expanding worker freedom in state and federal court -- including numerous Supreme Court wins -- we're confident of victory." 

Pennsylvania Construction Worker Digs Up Illegal Union PAC Scheme

Worker loses job because he didn't contribute to "voluntary" union political fund

SCOTSDALE, PA – A Pennsylvania-based construction company and a local union are facing federal charges for violating the rights of a former truck driver/laborer.

With free legal assistance from National Right to Work Foundation staff attorneys, Jeff Richmond of Meadow Bridge, West Virginia, filed federal unfair labor practice charges with the National Labor Relations Board (NLRB) regional office in Cincinnati against Penn Line Service, Inc. and Laborers International Union of North America (LIUNA) Local 453.

Told union membership and political contributions were required

In July 2012, when Penn Line Service hired Richmond, company management informed him that the job was a "union job." Between July and October, the company confiscated, and the LIUNA union hierarchy accepted, full union dues from Richmond's paychecks even though he had not joined the union nor given authorization for the company to take full union dues from his paychecks.

In October, Penn Line Service management gave Richmond and his coworkers a union membership and dues deductions authorization form. The form included a section for the employees to authorize "voluntary" contributions to LIUNA's political action committee (PAC), the Laborers' Political League, and the West Virginia Laborer's District Council PAC.

Richmond signed up for union membership and dues payments because he was given the impression that union membership was required for him to keep his job. Richmond did not, however, authorize the "voluntary" PAC con-

tributions. Shortly after, Richmond's supervisor informed him that the union form was being returned for Richmond to fill out completely. The next day, Richmond notified his supervisor he would not sign up for the PAC contributions for moral reasons.

After making a phone call, the supervisor gave Richmond an ultimatum: fill out the form or the supervisor would take him home. Standing by his convictions, Richmond went home.

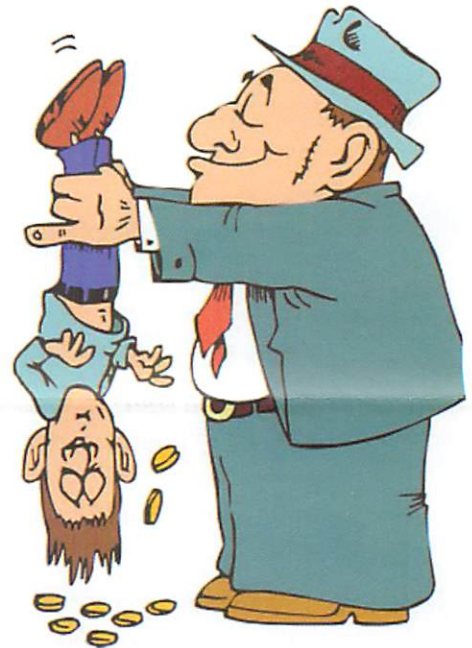
"Management took me home because I told them I wouldn't sign the voluntary check off authorization for the [union's PACs] for moral reasons," Richmond said. "I didn't feel that it was right for them to terminate someone because they wouldn't sign a 'voluntary' check off."

Federal law provides some recourse; more needed

Under federal law, no worker can be forced to formally join a union. Unfortunately, West Virginia does not have a Right to Work law, which means that workers who refrain from union membership can be forced to pay union dues or fees as a condition of employment.

However, the U.S. Supreme Court ruled in the Foundation-won *Communications Workers v. Beck* case that nonmembers have the right to opt out of paying for union activities unrelated to workplace bargaining, such as union boss politics, ideological causes, and members-only events.


Richmond's charges allege that company and union officials violated his rights by telling him that the union PAC contributions were a condition of employment and terminating him from his job when he refused to pay up. The charge also alleges that company and



Pennsylvania union bosses are facing federal charges for forcing a worker to contribute to their PAC.

union officials violated federal law when they failed to inform Richmond of his rights to refrain from union membership and full union dues before confiscating full union dues from his paychecks.

"Bulldozing someone into contributing to a PAC that violates their sincerely-held beliefs is downright unconscionable and also a clear violation of federal law," said Mark Mix, President of the National Right to Work Foundation. "Company and union officials often collude to mislead workers into believing that full union dues payments, and in this case so-called 'voluntary' union PAC contributions, are a condition of employment while leaving workers unaware of their rights."

"No worker should ever be forced to pay union dues or fees for a cause with which they disagree," added Mix. "That is why West Virginia desperately needs to pass a Right to Work law making union membership and dues payments completely voluntary." 

Reduce Your Tax Hit with a Planned Gift to the Foundation

We are fast-approaching the April tax filing deadline and many National Right to Work Foundation supporters are looking for ways to take advantage of tax-saving options. Now is the time to make those decisions!

Your planning now can make a real difference in achieving your financial goals while supporting the future work of the National Right to Work Foundation.

As in the past few years, a number of generous Foundation donors have already taken advantage of the Charitable IRA (CIRA) provision of The American Taxpayer Relief Act of 2012. IRA Rollovers to charitable organizations, like the National Right to Work Foundation, are available to donors 70 ½ years or older who can donate up to \$100,000 from Roth or traditional IRAs without including the amount of their IRA withdrawals in gross income. In addition, donors who took a distribution in December of 2012 may contribute that amount to a charity and treat it as an eligible rollover to the extent it otherwise qualified as a charitable rollover.

For this reason, you may want to consider an IRA distribution gift to the Foundation today. The National Right to Work Foundation is a “qualifying charity” under Internal Revenue Code Section 170(b)(1)(A)(vi) and 509(a)(1). If you own an Individual Retirement Account (IRA) and are over the age of 70 ½, please consider a gift to the Foundation directly from your IRA today.

As with all planned gifts you consider, please consult your own legal or tax advisor to receive the maximum tax benefits for you and your family.

Your gift of cash, stock or an IRA can make a difference as your National Right to Work Foundation moves full steam ahead in the fight against compulsory unionism!

Need more information? Contact Ginny Smith at (703) 770-3303 or via email at plannedgiving@nrtw.org

Legal Director Wins Award

Foundation litigator recognized

SPRINGFIELD, VA - American Lawyer Media, the country's largest publisher of legal news and information in the legal and real-estate sector, has named National Right



to Work Foundation Vice President and Legal Director Ray LaJeunesse a “2013 Top Rated Lawyer in Labor & Employment.”

American Lawyer Media, in conjunction with Martindale-Hubbell -- an information services company that provides background information on U.S. lawyers and law firms to the legal profession -- will highlight LaJeunesse in the February issue of *The American Lawyer and Corporate Counsel*.

LaJeunesse's continuing leadership and tireless efforts against the injustices of forced unionism in the legal arena over the past 40 years earned him the highest peer-reviewed rating in “legal ability and ethical standards.”

LaJeunesse was also named one of “Virginia's Top Rated Lawyers.”

“The National Right to Work Foundation's legal program, under the steady leadership of Ray LaJeunesse, continues to give hope to freedom-loving Americans in the prolonged battle against Big Labor's special government-granted privileges,” said Mark Mix, President of National Right to Work. “Ray's distinguished service to the Right to Work cause has benefited untold millions of American workers who exercise their rights under Foundation-won precedents from numerous state and federal court victories. Our legal program wouldn't be nearly as successful or effective without Ray, and we're very lucky to have him on our team.”



WASHINGTON EXAMINER: OBAMA NLRB EXPANDS UNIONS' RIGHT TO NONUNION WORKERS' CASH

BY MARK MIX

January 12, 2013

Federal statutes grant Big Labor extraordinary power over individual workers. Except in right-to-work states, union officials can have workers fired for refusing to fork over forced union dues.

But at least in theory, Big Labor cannot use workers' forced-dues money to advance a political agenda that those workers oppose. Under *Communication Workers of America v. Beck* and other court precedents won by the National Right to Work Legal Defense Foundation, forced-dues-paying employees who don't belong to a union have the right to opt out of paying union dues for political activities.

The Supreme Court handed down its ruling in *Beck* nearly a quarter-century ago. Unfortunately, this modest limitation on Big Labor's forced-dues power is now being assaulted by President Obama's National Labor Relations Board.

The five-seat NLRB currently has three members, all Obama appointees, who possess regulatory power over the vast majority of private workplaces. Last month, NLRB Chairman Mark Pearce and members Richard Griffin and Sharon Block issued a ruling in *United Nurses and Allied Professionals v. Jeanette Geary* that contradicts *Beck* and its progeny.

Geary gives union bosses a green light to circumvent *Beck*'s prohibition of the use of nonunion employees' dues for politics. According to the Obama NLRB, it's OK for union chiefs to force objecting nonmembers to subsidize union lobbying activity as long as it "may ultimately inure to the benefit" of the employees subject to union monopoly bargaining.

Of course, Big Labor always claims its political lobbying eventually benefits unionized workers, whether it does or not. Moreover, the Obama NLRB has already proved very receptive even to the most extravagant claims made by union officials. According to an analysis by labor-management attorney John Doran, if Geary stands, the Obama

NLRB will "determine that the vast majority of [union-boss] lobbying expenses may be charged to Beck objectors."

Moreover, because Pearce, Griffin and Block declined to set an exact new standard for permissible forced-dues lobbying expenditures by union officials, the Right to Work Legal Defense Foundation attorney who argued Geary before the NLRB cannot even file an appeal.

Veteran right-to-work attorneys believe the prospects for eventually overturning the NLRB's outrageous Geary decision are good. Nevertheless, this power grab illustrates how even the minimal free-speech rights established by *Beck* nearly 25 years ago remain precarious for independent-minded workers today.

As long as federal labor policy authorizes union officials to extract forced union dues from millions of unwilling employees, the freedom of workers to refuse to bankroll political and ideological causes with which they disagree will be in danger. Long experience has shown that no level of oversight will deter unscrupulous union officials from using nonmember workers' dues for politics when they think they can get away with it.

Meanwhile, nearly two dozen states permit union officials to have civil servants, including teachers, fired for refusing to pay union dues or fees. Their First Amendment freedom not to finance candidates and causes they oppose is also infringed by biased labor laws.

No citizen, whether he or she is a worker, a small-business owner, a student, a housewife or a retiree, should ever be "compelled" (to paraphrase Thomas Jefferson) "to furnish contributions for the propagation of opinions" that he or she "disbelieves and abhors."

To stop what Jefferson properly called a "sinful and tyrannical" practice, forced union dues should be abolished. This can be done through congressional approval of a national right-to-work law and through enactment of state right-to-work laws in all 50 states.

This article was reprinted courtesy of The Washington Examiner.

UPDATE: Supreme Court Takes Interest in Foundation Case

Foundation hits backroom union deal

WASHINGTON, DC - Last month, **Foundation Action** reported on Right to Work attorneys' efforts to challenge a backroom union organizing deal at the **Supreme Court**. This January, the Supreme Court requested a brief from the Solicitor General on the issues presented in *Mulhall v. UNITE HERE*, a move that could bode well for Foundation attorneys' chances to argue the case before the highest court in the land.

Foundation attorneys are helping Martin Mulhall, a Florida-based Mardi Gras Gaming employee, challenge a secret organizing pact between his employer and union organizers. In exchange for access to company facilities and workers' personal information, UNITE HERE operatives agreed not to picket, boycott, or strike against Mardi Gras and provided financial support for a Florida gambling initiative.

In 2008, Mulhall sued the union and his employer on the grounds that the company's assistance constituted "a thing of value" and was therefore unlawful. Under the Labor Management Relations Act (LMRA), management is forbidden from handing over "any money or other thing of value" to union organizers to prevent union officials from selling out workers' rights in exchange for corporate concessions.

Foundation staff attorneys scored a significant win at the Eleventh Circuit Court of Appeals last year, but UNITE HERE lawyers promptly appealed that decision to the Supreme Court.

"We're pleased the Supreme Court wants more views on a case that has important implications for worker rights," said Patrick Semmens, Vice President of the National Right to Work Foundation. "The LMRA is intended to prevent payoffs to union officials exactly like the ones at issue in *Mulhall*."



Message from Mark Mix

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter,

2012 was another busy year.

As you may recall, the National Right to Work Foundation's team of experienced litigators chalked up a number of impressive victories, from protecting workers' rights to refrain from subsidizing union politics at the Supreme Court to taking on Obama's phony "recess appointments" at the NLRB to defending newly-enacted Right to Work laws in Michigan and Indiana.

But a new year brings new challenges, and 2013 is no different. After all, Big Labor isn't taking any time off.

In a recent interview with the left-wing *Nation* magazine, outgoing Secretary of Labor Hilda Solis hinted at the direction the Obama Administration will be taking in 2013. After boasting about promoting union bosses' interests through the Department of Labor, Solis was asked what could be done to roll back recently-enacted reforms in Michigan, Indiana, and Wisconsin that limit Big Labor's forced-dues privileges.

"There're [sic] a lot of things we can do," the long time Right to Work opponent responded. "If they don't comply [with our agenda], we can pull funds," she continued, while listing the federal programs controlled by the Department of Labor.

It's a telling response, but not a surprising one. And I'm afraid she's right.

The Obama Administration will continue to carry water for union bosses, and not just in federal agencies or in Congress. Even state Right to Work laws aren't safe from their attacks.

That's where your National Right to Work Foundation comes in. The Foundation is the leading organization dedicated to enforcing and expanding employee rights through the courts and the federal bureaucracy. If our staff attorneys weren't around to defend state Right to Work laws in court or at the NLRB, recent legislative victories in Indiana and Wisconsin would be hollow indeed.

Solis and her cronies may have a plan to undermine state Right to Work laws, but you can count on the Foundation to fight back every step of the way. Big Labor and its allies in the bureaucracy will always have your National Right to Work Foundation to contend with.

Thanks for keeping us in the fight. We couldn't do what we do without your support.

Sincerely,

Mark Mix



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

Mark Mix, *President*

(703) 321-8510/Fax (703) 321-9613
<http://www.nrtw.org>

February 2013

Dear Foundation Supporter:

Fifteen times the National Right to Work Legal Defense Foundation staff attorneys have argued for employee freedom at the United States Supreme Court.

Most recently, just over one year ago, we were at the High Court taking on a corrupt Service Employees International Union (SEIU) political fundraising scheme.

Your Foundation won that case, and is already fighting the next big battles against Big Labor.

That's why I'm writing to you today.

In addition to preparing for a likely Supreme Court showdown with the Obama Administration over its NLRB "recess appointments" power grab, Foundation attorneys have already asked the Court to take two other cases.

And your financial support is urgently needed.

Let me tell you more about why these cases are so important.

While most of our previous Supreme Court cases have dealt with issues surrounding forced dues and illegal union-boss politicking, these cases strike at the heart of an often overlooked (and growing) problem: aggressive union organizing.

Today, many workers look at union officials and see rampant corruption, high salaries and perks and political spending lining the pockets of tax-and-spend politicians.

Consequently, union bosses are finding it increasingly difficult to convince workers who have a choice to join unions freely; so they have turned to aggressive new schemes to corral workers into dues-paying ranks by any means necessary.

In our first pending case, Pam Harris and seven other Illinois in-home care providers are asking the Supreme Court to invalidate a scheme enacted by forced-dues allies Governor Pat Quinn and his disgraced predecessor, Rod Blagojevich, aimed at forcing them into forced-unionism ranks.

You see, Big Labor wants a cut of a Medicaid stipend Harris receives to help take care of her own son with special needs.

The union bosses argue that receiving a subsidy from the

government makes one a government "employee" and subject to forced-dues collection.

And Big Labor's organizing power grabs aren't just occurring in the government sector.

For example, since 2008, with free legal aid from National Right to Work Foundation attorneys, Florida groundskeeper Martin Mulhall has fought a protracted, uphill battle against a corrupt "neutrality agreement" between union and company officials.

Mardi Gras Gaming, Mulhall's employer, entered into a card check agreement with UNITE HERE Local 355 union bosses, promising to hand over employees' personal contact information and home addresses to union organizers and to give organizers access to the employees' workplace.

In return, union officials spent more than \$100,000 supporting a ballot initiative favored by the company.

This kind of tit-for-tat agreement sells out workers and exposes them to harassment and intimidation endemic in card check campaigns.

The U.S. Court of Appeals for the Eleventh Circuit rejected the arguments made by the unions' attorneys, Eric Holder's Justice Department, the Labor Department and the Obama Labor Board; and agreed with Foundation attorneys that organizing assistance may constitute an unlawful "thing of value" under federal law.

The case breathes new life into a long-neglected section of the Labor Management Relations Act that outlaws bribery and collusion.

And hopefully I'll soon be able to report to you that we're about to make another trip or two to the Supreme Court to set important new legal precedents.

But no matter the outcome, with your support, the Foundation's legal aid program continues to defend the rights of workers to be free from union boss tyranny.

That's why I hope you'll consider a tax-deductible contribution to the National Right to Work Foundation today.

Sincerely,



Mark Mix

P.S. The Foundation's legal aid program relies completely on voluntary contributions from supporters like you.

Please respond today with a tax-deductible gift to support this critical work.



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PENNSYLVANIA: THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION OF THE NATIONAL RIGHT TO WORK LEGAL DEFENSE AND EDUCATION FOUNDATION, INC. MAY BE OBTAINED FROM THE PENNSYLVANIA DEPARTMENT OF STATE BY CALLING TOLL FREE, WITHIN PENNSYLVANIA, 1-800-732-0999. REGISTRATION DOES NOT IMPLY ENDORSEMENT. *** **GEORGIA:** A DESCRIPTION OF THE NATIONAL RIGHT TO WORK LEGAL DEFENSE AND EDUCATION FOUNDATION'S LEGAL AID PROGRAM IS AVAILABLE BY WRITING NRTWLDF, 8001 BRADDOCK ROAD, SPRINGFIELD, VA 22160. TELEPHONE (703) 321-8510. GEORGIA RESIDENTS MAY OBTAIN THE FOUNDATION'S FINANCIAL STATEMENT AND/OR A SUMMARY OF ITS REGISTRATION AND FINANCIAL DOCUMENTS BY WRITING THE SECRETARY OF STATE, 214 STATE CAPITOL, ATLANTA, GA 30334. *** **VIRGINIA:** A FINANCIAL STATEMENT IS AVAILABLE, UPON REQUEST, FROM THE STATE DIVISION OF CONSUMER AFFAIRS IN THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES. *** **FLORIDA:** REG#SC-01104. A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING TOLL FREE, WITHIN THE STATE, 1-800-435-7352. NO PORTION OF ANY CONTRIBUTION IS RETAINED BY ANY PROFESSIONAL SOLICITOR. ONE HUNDRED PERCENT OF EACH CONTRIBUTION IS RECEIVED BY US. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE. *** **MARYLAND:** A COPY OF OUR CURRENT FINANCIAL STATEMENT IS AVAILABLE, UPON REQUEST, BY WRITING TO THE NATIONAL RIGHT TO WORK LEGAL DEFENSE FOUNDATION, INC., 8001 BRADDOCK ROAD, SPRINGFIELD, VA 22160 OR BY CALLING THE FOUNDATION AT 1-703-321-8510. FOR THE COST OF COPIES AND POSTAGE, DOCUMENTS AND INFORMATION SUBMITTED UNDER THE MARYLAND CHARITABLE ORGANIZATIONS LAW CAN BE OBTAINED FROM THE MARYLAND SECRETARY OF STATE. *** **WASHINGTON:** CURRENTLY REGISTERED WITH THE WASHINGTON STATE SECRETARY OF STATE IS REQUIRED BY LAW. REGISTRATION NUMBER 3204. INFORMATION RELATING TO THE FOUNDATION'S FINANCIAL AFFAIRS IS AVAILABLE BY CONTACTING THE OFFICE OF THE SECRETARY OF STATE AT 1-800-332-GIVE. *** **NEW YORK:** A COPY OF THE FOUNDATION'S LAST ANNUAL REPORT FILED WITH THE ATTORNEY GENERAL MAY BE OBTAINED, UPON REQUEST, FROM THE FOUNDATION AT 8001 BRADDOCK ROAD, SPRINGFIELD, VIRGINIA 22160, OR FROM THE ATTORNEY GENERAL, OFFICE OF THE ATTORNEY GENERAL, DEPT. OF LAW, CHARITIES BUREAU, 120 BROADWAY, NEW YORK, NY 10271. *** **NEW JERSEY:** INFORMATION FILED WITH THE ATTORNEY GENERAL CONCERNING THIS CHARITABLE SOLICITATION MAY BE OBTAINED FROM THE ATTORNEY GENERAL OF THE STATE OF NEW JERSEY BY CALLING 1-201-504-6215. REGISTRATION WITH THE ATTORNEY GENERAL DOES NOT IMPLY ENDORSEMENT. *** **NORTH CAROLINA:** FINANCIAL INFORMATION ABOUT THIS ORGANIZATION AND A COPY OF ITS LICENSE ARE AVAILABLE FROM THE STATE SOLICITATION LICENSING SECTION AT 1-888 830-4989. THE LICENSE IS NOT AN ENDORSEMENT BY THE STATE. *** **WEST VIRGINIA:** WEST VIRGINIA RESIDENTS MAY OBTAIN A SUMMARY OF THE REGISTRATION AND FINANCIAL DOCUMENTS FROM THE SECRETARY OF STATE, STATE CAPITOL, CHARLESTON, WEST VIRGINIA 25305. REGISTRATION DOES NOT IMPLY ENDORSEMENT.