



Foundation *Action*

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

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Courageous Tennessean Wins Big in Union Discrimination Suit

LIUNA union official disparaged faith of employee and sent her priest 'remedial church readings'

CLARKSVILLE, TN – Workers who seek free legal aid from the National Right to Work Foundation often stand up for their rights despite real threats union bosses make on their livelihoods and their ability to provide for their families.

For Tennessee employee Dorothy Frame, who just won a major settlement against Laborers International Union (LIUNA) officials with Foundation aid, all that and more was at risk. She believed LIUNA officials' forced-dues demands violated her religion.

Frame filed a complaint against LIUNA in November 2021, asserting that union officials illegally discriminated against her by forcing her, in violation of her Catholic beliefs, to fund the union's activities through mandatory union dues payments. Frame voiced her religious objections to the union's political activities, but union officials repeatedly rejected and ridiculed her request for a religious accommodation.

Under the settlement, as a condition of dismissing the lawsuit against LIUNA, union officials paid Frame \$10,000 in damages. The settlement also required the LIUNA officials' attorney to send an apology letter to Frame for the union's inappropriate conduct.

Frame first requested a religious accommodation in 2019, when she sent "a letter informing [LIUNA] of the conflict between her religious beliefs and the requirement that she join or pay the Union."

Tennessee has a Right to Work law ensuring that private sector workers



"This is one of the greatest things I've ever done in my life," Frame said of her victory over LIUNA officials. For more on her case watch our video with Frame's Foundation attorney: www.nrtw.org/framevictory.

in the state cannot be compelled to pay dues as a condition of employment. But Fort Campbell, the location of Blanchfield Army Community Hospital where Frame worked, may be an exclusive "federal enclave" not subject the state's Right to Work law.

LIUNA Officials: Worker's Religious Objections to Forced Dues 'Illegitimate'

Frame's former employer, J&J Worldwide Service, maintains a union monopoly contract with LIUNA union bosses that forces employees to pay union dues or fees to keep their jobs.

Frame's July 2019 letter included a message from her parish priest supporting her request for a religious accommodation. Federal law prohibits unions from discriminating against employees on the basis of religion, and requires unions to provide accommodations to workers who oppose dues payment on religious grounds.

Instead, LIUNA officials denigrated her beliefs. In addition to demanding she provide a "legitimate justification" for why her conflict with the union's activity warranted a religious accommodation, a union lawyer claimed in a letter to Frame that her understanding of her faith was inferior to his own understanding of her faith. He even closed the letter by sending Ms. Frame and her priest remedial church readings.

See '*Discriminatory Forced-Dues*' page 6

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Union Bosses Caught Red-Handed Illegally Taking Dues from Charter School Teacher

California union officials backed off anti-Janus deductions after Foundation action

LOS ANGELES, CA – A former teacher at Camino Nuevo Charter Academy in Los Angeles, California, is getting a refund of illegally seized union dues with free legal aid from the National Right to Work Legal Defense Foundation. The refund came after Foundation staff attorneys sent a letter to officials with the Camino Nuevo Teachers Association, an affiliate of California Teachers Association, threatening legal action for violating the teacher's First Amendment rights.

Natalie Bahl, who was a teacher at Camino Nuevo Charter Academy up until recently, attempted to exercise her right as a public employee not to pay any union fees. Ms. Bahl notified the union of her decision in a mass email to several union officials, which reportedly also prompted other teachers to make similar requests. Her email was sent before the union-designated "window period" closed for teachers to revoke their authorization for deducting union dues.

Despite the timely request, Ms. Bahl realized a few months later that union dues were still being deducted from her paycheck. When she asked union officials about it, they



Foundation staff attorney Bill Messenger successfully argued Janus at the Supreme Court. But enforcing the landmark First Amendment victory is an ongoing battle.

suddenly claimed she missed her window period for dues revocation.

At that point, Ms. Bahl reached out to National Right to Work Legal Defense Foundation staff attorneys, who sent a letter demanding a refund of union dues collected in violation of Bahl's First Amendment rights. Rather than face a potential federal

civil rights lawsuit, CNTA union officials refunded all dues taken from Bahl from the time of her request until she left the school's employment to further pursue her own education.

Union Officials Refuse to Learn Their *Janus* Lesson

In the Foundation-argued *Janus v. AFSCME* U.S. Supreme Court case, the Court recognized that forcing public sector workers to pay union dues or fees as a condition of employment violates the First Amendment. The Justices also ruled that public employees must opt in with affirmative consent to any union payments before money can be taken from their paychecks.

Since winning the 2018 *Janus* Supreme Court decision, Foundation staff attorneys have scored victories across the country for public employees seeking to enforce their First Amendment rights under the *Janus* decision. For example, Foundation staff attorneys recently successfully defended a public school teacher in Harford County, Maryland, from whom union bosses illegally seized dues for months despite two letters to the local AFSCME affiliate exercising her right to resign union membership and end all dues deductions from her pay.

"Teachers and other public sector workers have *Janus* rights under the First Amendment and should immediately contact the Foundation for free legal assistance if they believe their rights have been violated," said National Right to Work Foundation Vice President Patrick Semmens. "Unfortunately we continue to see that even when public employees comply with arbitrary union-created policies designed to stifle their First Amendment rights, union officials still brazenly ignore *Janus* in order to fill their coffers with union dues seized from employees." 📢

Foundation Action

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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.

Teamsters Officials 'Beck' Down: Must Return Thousands in Dues Seized for Politics

Foundation-won settlement also forces union officials to stop threatening non-members

LOS ANGELES, CA – When Nelson Medina and about 60 of his coworkers at Savage Services in Long Beach tried to exercise their right as union non-members to opt out of funding Teamsters Local 848 officials' political expenditures, Teamsters bosses responded with harassment, misinformation, and threats of termination.

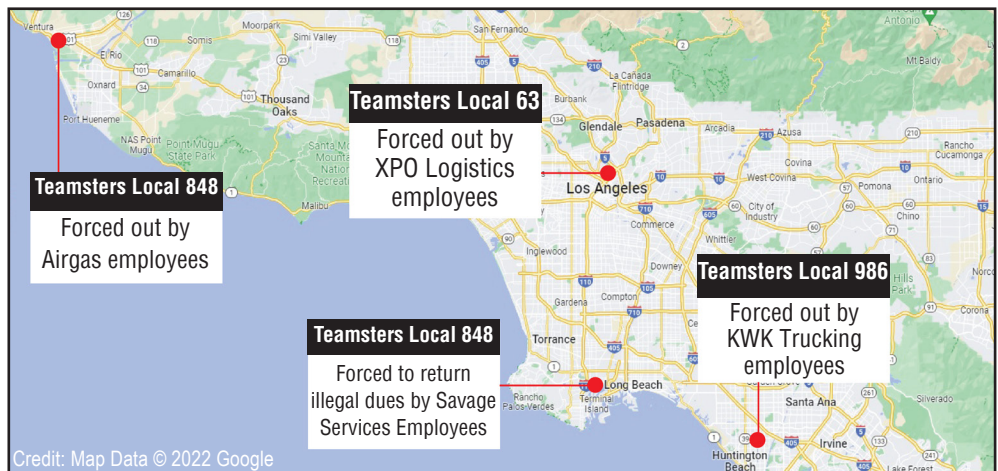
Now, with free legal aid from the National Right to Work Foundation, they have won a settlement that required Teamsters honchos to pay back thousands of dollars in dues union officials seized in violation of workers' rights under the Foundation-won *CWA v. Beck* Supreme Court decision.

Because California lacks Right to Work protections, even Golden State private sector workers who oppose a union's presence in their workplace can be required to pay union dues or fees to keep their jobs. However, under the *Beck* decision, union officials can never require non-members to subsidize union political activity. *Beck* also entitles employees who have abstained from union membership to receive union financial disclosures.

Teamsters Bosses to Workers: Fund Union Politics or Be Fired

Medina originally filed charges against Teamsters officials for illegal dues practices in September 2021. The charges stated that he had sent Teamsters officials a letter on August 15 exercising his right to reject formal union membership and invoking his right under *Beck* to cut off dues deductions for union politics.

About a month after the letter, the charge noted, union officials informed Savage Services management by mail that if Medina and 12 fellow employees who also objected to full union membership did not complete membership



SoCal Shenanigans: Teamsters officials' disrespect for rank-and-file workers and their rights led to multiple Foundation-backed employee actions against them in just the past year.

applications and pay full dues for the month of September, the employer should terminate the employees before September's final week.

The settlement, in addition to requiring Teamsters bosses to return nearly \$6,000 in illegally taken dues to Savage Services employees, also mandated that union officials declare in a public notice that they "will not fail to provide non-member employees with a breakdown of dues and fees required for *Beck* objectors upon request."

They also had to declare they "will not threaten employees who have raised *Beck* objections with termination for failing to complete a union application as a condition of employment."

"That Teamsters Local 848 officials illegally siphoned money for politics from almost 60 Savage Services employees and threatened termination of those who dared to stand up for their rights demonstrates clearly that Teamsters officials prioritize power far above the employees they claim to 'represent,'" commented National Right to Work Foundation Vice President and Legal Director Raymond LaJeunesse. "Based on the sheer number of employees in Medina's workplace who received refunds as the result of

this settlement, Teamsters officials apparently played fast and loose with the rights of all workers who objected to the union agenda."

Foundation Attorneys Counter Teamsters Coercion Across Southern California

Last September, Foundation staff attorneys also aided Ventura, CA, Airgas employees in removing Teamsters Local 848 from their facility. After litigation that had lasted almost a year, as well as two submissions of petitions demonstrating a majority of workers at the plant wanted the Teamsters gone, union officials finally departed the plant. They did so just before the NLRB was slated to conduct a secret-ballot vote whether to remove the union at the plant, likely leaving to avoid an embarrassing rejection by the workers.

The string of Foundation-assisted worker victories over unwanted Teamsters officials in Southern California continued last year when Ozvaldo Gutierrez and his XPO Logistics coworkers forced Teamsters Local 63 union bosses out of their Los Angeles facility in October. 📍

Indiana US Brick Employees Target ‘Successor Bar’ for Demolition

Over 70 percent of workers want Teamsters gone, but non-statutory policy prevents vote

INDIANAPOLIS, IN – National Right to Work Foundation staff attorneys have made big strides in recent years for independent-minded workers who want to exercise their right to vote unpopular unions out of their workplaces.

The National Labor Relations Board’s (NLRB) adoption in 2020 of Foundation-backed reforms to the decertification process have made it significantly less difficult for workers to exercise their rights. But, there’s much more work to be done to eliminate contrived, union boss-friendly NLRB policies that stifle worker rights just so unwanted unions can stay entrenched.

Enter Kerry Atkins and his coworkers at US Brick in Mooresville, Indiana. With free Foundation legal aid they are fighting an NLRB policy called the “successor bar” that arbitrarily blocks employees’ right to vote out an unwanted union when management changes hands in a workplace.

Atkins filed a petition signed by his colleagues in December 2021, asking the NLRB to hold a vote on whether to decertify Teamsters Local 135 union officials. NLRB Regional Director Patricia Nachand ruled on February 9 that US Brick’s recent acquisition of the plant triggered the so-called “successor bar” and rendered the employee petition invalid.

NLRB-Invented Policy Traps Workers in Union They Strongly Oppose

Nachand blocked the vote even though, according to her own order, plant management has in its possession a parallel petition expressing disaffection with the Teamsters, which bears the signatures of about 70 percent of the employees.

The “successor bar” is a non-statutory policy invented by NLRB appointees that immunizes union



Though Kerry Atkins and roughly 70 percent of his coworkers want to kick Teamsters bosses from their facility, the “successor bar” and other non-statutory “bars” could block a vote for years.

officials from being voted out by employees for up to a year after management changes as a result of a sale, merger, or acquisition.

The National Labor Relations Act (NLRA), the federal law the NLRB is charged with enforcing, explicitly states that employees have a right to remove union monopoly “representation” they oppose. The “successor bar,” however, is found nowhere in the NLRA’s text.

The only “bar” to employees requesting a decertification election that is mentioned in the NLRA is a one-year restriction after employees certify a union in a secret-ballot vote. That the “successor bar” -- which isn’t even in the NLRA -- can stave off attempts to vote out a union for up to *four years* when combined with a “contract bar” makes it especially offensive to workers’ rights.

To make matters even worse, two different federal agencies -- the NLRB and the Department of Justice -- effectively worked together to impose the “successor bar” on Atkins and his coworkers. The Department of Justice in an antitrust complaint forced the former owner of the Mooresville brick facility to sell it to

US Brick. The NLRB now says that event should be grounds for blocking the employees from ejecting a union they overwhelmingly oppose.

‘Successor Bar’ Disregards Desires and Experiences of Workers, Brief Says

Atkins’ Foundation attorneys have filed a Request for Review of Nachand’s order with the NLRB in Washington, D.C. It contends that the “successor bar” serves no

See ‘Brick Workers Attack’ page 8

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Atlantic Aviation Employees Win Freedom from Unwanted Union

Incompetent Machinists union bosses fly away to avoid worker vote

PHILADELPHIA, PA – Atlantic Aviation PNE, Inc. employees have freed themselves from unwanted union monopoly “representation” after filing a decertification election request with the National Labor Relations Board (NLRB). Tiffany Lipyanic, a line service technician, filed the petition to end the union’s monopoly bargaining powers for all workers at the Atlantic Aviation facility at Philadelphia Northeast Airport. International Association of Machinists (IAM) union officials then abandoned their “representation” rather than face an overwhelming vote against the union.

‘We Were Paying Union Officials and Got Nothing in Return’

Lipyanic and her colleagues received free legal assistance from National Right to Work Foundation staff attorneys in filing their petition for a vote to oust union officials. The petition, filed on February 15 by tire service and customer service representatives, was signed by more than twice the number needed to trigger an NLRB-supervised “decertification” secret-ballot election, after which union officials lose monopoly bargaining power if a majority of workers vote to remove them.

Rather than proceed to a vote, IAM District Lodge 142 and Local Lodge 1776 officials filed documents with the NLRB disclaiming their monopoly bargaining powers on February 28.

“After trying to work with union officials for years, it became apparent our pleas fell on deaf ears. We were paying union officials and got nothing in return, so we’re glad to finally be free of them,” Lipyanic commented. “Having the National Right to Work Foundation’s assistance gave us confidence in our journey to finally free ourselves



“After trying to work with union officials for years, it became apparent our pleas fell on deaf ears.” - Tiffany Lipyanic

IAM union officials loafed around at Tiffany Lipyanic’s workplace for years, all the while siphoning dues from her and her coworkers. She’s thankful to the Foundation for aid in navigating the complex process to vote them out.

from union bureaucrats that took our money and disregarded us at every turn.”

Foundation-Backed Rules Aid Workers in Removing Unpopular Union Bosses

This is the latest in a series of successful worker efforts to oust unwanted union officials aided by National Right to Work Foundation staff attorneys. Just since the beginning of 2021, Foundation attorneys provided legal assistance in well over 50 NLRB decertification efforts, which together sought to end union boss control of over 7,000 workers.

Recent Foundation efforts to break down union boss-created legal barriers to unseating unwanted union officials have allowed more workers to free themselves from unwanted union ranks. In 2020, following detailed formal comments submitted by Foundation attorneys, the NLRB adopted rules

eviscerating union bosses’ ability to stop a decertification effort with “blocking charges,” i.e., accusations made against an employer that are often unverified and have no connection to workers’ desire to kick out unwanted union officials.

“Under the protection of a Right to Work law each individual worker can decide whether or not to join or financially support a labor union. Unfortunately, current law empowers union bosses in many states to use their monopoly bargaining status to force workers to pay up or be fired,” commented National Right to Work Foundation Vice President and Legal Director Raymond LaJeunesse.

“The Foundation is glad to have helped the workers at Atlantic Aviation exercise their right to free themselves of a union they oppose. But to better protect all workers’ freedom of association, Right to Work laws should be on the books in all states,” LaJeunesse added. ✎



DEFEND FREEDOM IN THE WORKPLACE WITH AN *IRA Gift*

Unlike Big Labor which compels workers to pay up or be fired, the National Right to Work Foundation depends on voluntary contributions from our generous supporters to fund our legal program to defend workers against Big Labor coercion. As an IRS-recognized 501(c)(3) charitable organization, donations to the Foundation are fully tax-deductible.

Gifts of cash remain the most popular way to support the Foundation's mission of curbing forced unionism in the workplace, but many donors have chosen, especially with the volatility of the stock market, to send a gift of appreciated stock or other securities (held for a year or longer), allowing a donor to avoid capital gains while receiving a tax deduction for the full amount of the gift.

Another tax-advantageous way to support the Foundation is through a tax-free IRA gift! If you are 70 ½ or older, instead of taking a Required Minimum Distribution (RMD), you may choose to instruct your IRA custodian to transfer any amount (up to \$100,000) directly to the National Right to Work Legal Defense Foundation, a qualified charity for RMD distributions (Tax ID #59-1588825). This IRA charitable distribution would not be included in your taxable income for 2022.

We hope you will consider an IRA gift, contribution of appreciated stock, or other donation today. Only the generosity of the Foundation's donors sustains our vital work to secure American workers' freedom from Big Labor's coercion. Thank you very much!

For more information on giving options, please contact Ginny Smith at gms@nrtw.org or 1-800-336-3600. Please consult your tax advisor or estate attorney before making a planned gift, will, or estate gift for you and your family.

Photo Credit: Dynamix Creation

Discriminatory Forced-Dues Demands Beaten with Foundation Aid

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Frame subsequently filed a discrimination charge against LIUNA with the Equal Employment Opportunity Commission (EEOC) in December 2019. Even after EEOC proceedings continued and Frame's attorneys sent letters showing the conflict between the union's stance and her religious views, union officials still refused to accommodate her beliefs and refused to return money they took from her paycheck after she requested an accommodation.

Ultimately, the EEOC issued Frame a "right to sue" letter leading to her federal anti-discrimination lawsuit, filed by Foundation staff attorneys, resulting in her victory.

"Despite being targeted with years of bullying and discrimination by LIUNA officials, Ms. Frame refused

to forsake her religious beliefs and stood firm for her rights," commented National Right to Work Foundation President Mark Mix. "She has now prevailed decisively against LIUNA's illegal attempt to force her to choose between remaining true to her beliefs and staying employed."

Forced-Dues Privileges Open Door for Union Discrimination against Workers

"The National Right to Work Foundation is proud to stand with principled workers like Ms. Frame. Big Labor's government-granted privilege to force rank-and-file workers to support union boss activities creates a breeding ground for malfeasance and anti-

worker abuse," Mix continued. "No American worker should have to pay tribute to a union they oppose just to keep their job, whether their objections are religious or otherwise." ✚

Watch an Exclusive Video on Dorothy Frame's Victory

visit:

www.nrtw.org/framevictory

or scan:



General Motors Worker Forces UAW Bosses to Stop Seizing Dues for Politics

Illegal seizures came after multi-billion-dollar Big Labor political spending

ROCHESTER, NY – Even after a sweeping federal corruption probe that has resulted in jail sentences for at least 12 union executives, it seems some United Auto Workers (UAW) officials haven't learned their lesson regarding misuse of worker funds.

Rochester General Motors employee Roger Clemons this January won a settlement forcing UAW officials at his plant to stop illegally funneling money from his paycheck into union politics. Clemons filed federal charges in September 2021 against UAW Local 1097 and the UAW's international branch, after union agents ignored his requests to opt-out of funding the union's political agenda. He received free legal representation from National Right to Work Foundation staff attorneys.

A Foundation-won settlement required UAW international and local officials to give back to Clemons all money that was deducted from his paycheck in violation of the Foundation-won *CWA v. Beck* Supreme Court decision. *Beck* forbids union officials from forcing workers under their control to fund union politics.

Because New York State lacks Right to Work protections for its private sector workers, union officials can legally force workers to pay a reduced amount of union dues under threat of termination. In Right to Work states, union membership and all union financial support are strictly voluntary.

UAW Chiefs Repeatedly Violated Worker's *Beck* Rights

Clemons stated in his September 2021 charge against UAW Local 1097 officials that UAW officials had a history of flouting his *Beck* rights, failing to reduce his union dues even after he ended his union membership and became a "*Beck* objector" in October 2019. "Only after Mr. Clemons filed an [earlier]



A massive UAW embezzlement scandal didn't stop UAW officials from ignoring at least two attempts by Roger Clemons to exercise his right to stop subsidizing union political activity.

unfair labor practice charge . . . did the union comply with the requirements of the law," the charge noted, detailing that union officials finally sent him rebate checks in June and July 2020 for excess dues they took from his paycheck.

However, UAW officials continued to create obstacles for Mr. Clemons' *Beck* rights. The September 2021 charge asserted that despite Clemons renewing his *Beck* objection in October 2020, he then did not receive "a single rebate check or a reduction in the dues deducted from his wages" for almost a year.

Clemons also charged General Motors for its role in enforcing the illegal dues deductions.

The settlement now forbids UAW officials from "accept[ing] dues or fees which have been deducted from the paycheck of Roger Clemons, or any other *Beck* objector, which are in excess of the amount we can lawfully charge to *Beck* objectors." UAW officials also have returned

dues that they seized from Clemons above the reduced *Beck* amount.

Union officials devote enormous sums to political activity. A report the National Institute for Labor Relations Research (NILRR) released in 2021 revealed that union officials' own Department of Labor filings show over \$2 billion in political spending during the 2020 election cycle, primarily from dues-stocked union general treasuries. Another study found that actual union spending on political and lobbying activities likely topped \$12 billion during the 2020 cycle.

Union Bosses Likely to Splash Cash on 2022 Midterm Elections and Beyond

"Rank-and-file workers should know they have a right to refuse to fund union politics, especially with union political spending in 2020 having approached record numbers and midterm elections coming up," commented National Right to Work Foundation Vice President and Legal Director Raymond LaJeunesse. "Workers under UAW control, like Mr. Clemons, have special reason to be on guard, given the UAW's perennial interest in politics, and because several UAW officials now find themselves behind bars for embezzlement and corruption." ✚

Extra! Extra! Newsclips Requested!

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info@NRTW.org

Brick Workers Attack Barrier to Worker Freedom

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purpose other than to block the will of rank-and-file employees, entrenching union bosses who ought to be accountable to the employees.

“The successor bar undermines the NLRB’s core purpose of employee free choice by disregarding employees’ actual desires and past experiences with their union representative,” the Request for Review argues.

Restriction Shows How NLRB-Invented Policies Stifle Individual Rights

“The NLRB-invented ‘successor bar’ is just one example of how the Board neglects its mandate to protect the rights of individual workers, including those opposed to forced union affiliation, just to protect union boss power,” observed National Right to Work Foundation Vice President Patrick Semmens. “The ‘successor bar’ not only overrides the statutory right of workers to vote out unions they oppose, but does so at the very moment when workers are most likely to reevaluate their union status: the turnover of the old management that perhaps was the reason for unionization in the first place.”

**National Right to Work
Legal Defense Foundation**

**Rated “A”
by
CharityWatch**

Source: *Charity Rating Guide*
April 2022

American Institute of Philanthropy



Message from Mark Mix

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter,

Like you, I believe no worker should be forced to pay any money to a union boss just to get or keep a job.

But it’s especially egregious to see Big Labor officials seizing workers’ money to be spent on politics against their will, not just because it’s wrong, but because it’s been explicitly illegal for decades.

The Foundation-won *CWA v. Beck* Supreme Court case in 1988 made it clear that even for workers who lack the protection of a Right to Work law, union officials violate workers’ rights by forcing them to fund union political activities.

Of course, just because the law is settled doesn’t mean union bosses have stopped extorting workers into funding Big Labor’s radical political agenda.

In this edition of **Foundation Action**, you’ll read about several recent cases where union bosses were caught red-handed illegally collecting or demanding dues for political purposes.

For example, Roger Clemons submitted multiple requests to assert his rights under *Beck*, but union bosses with the notoriously corrupt UAW ignored Clemons’ rights until Foundation attorneys got involved.

Similarly, Nelson Medina and 60 of his coworkers tried to exercise their *Beck* rights only to have Teamsters union officials not only continue to demand dues for politics but also threaten to have numerous workers fired if they didn’t pay the full dues amount.

Only after Foundation attorneys filed charges for Medina were Teamsters bosses forced to return nearly \$6,000 in illegally seized dues.

Union bosses’ contempt for independent-minded workers was on full display in Dorothy Frame’s case. Not only did they refuse to let Frame opt-out of paying dues for political advocacy that violated her Catholic faith, they sent her “remedial church readings” and ridiculed her beliefs.

Thanks to Foundation litigation, Frame, who in the meantime took a different job free of such union coercion, won \$10,000 in damages.

These cases show how critical the Foundation’s work is, especially as Big Labor looks to protect its allies in Congress in the upcoming Midterm Elections. If workers couldn’t turn to the Foundation for free legal aid, power-hungry union bosses would simply ignore existing precedents like *Beck* with impunity.

That’s why stopping Big Labor from illegally seizing forced dues for politics is a top priority of your Foundation, especially right now.

Only your ongoing support makes our vital work possible, so thank you.

Sincerely,