



Foundation *Action*

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of the National Right to Work
Legal Defense Foundation, Inc.

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Foundation Client Wins \$5.1 Million Verdict After Union Boss-Instigated Firing

Trial exposed emails advocating 'targeted assassinations' of union critics

DALLAS, TX – Ex-Southwest Airlines flight attendant Charlene Carter prevailed in a federal jury trial in her lawsuit against the Transportation Workers Union of America (TWU) Local 556 union and Southwest. She charged both the company and union with illegally firing her for opposing the political activities of the union hierarchy, and with discriminating against her religious beliefs. Carter received free legal representation from National Right to Work Legal Defense Foundation staff attorneys.

A jury in the U.S. District Court for the Northern District of Texas awarded Carter \$5.1 million in combined compensatory and punitive damages against TWU and Southwest for their respective roles in her unlawful termination.

“Today is a victory for freedom of speech and religious beliefs. Flight attendants should have a voice and nobody should be able to retaliate against any employee for engaging in protected speech against her union,” said Carter reacting to the victory.

Flight Attendant Called Out Union Officials for Their Political Activities

Carter resigned from union membership in 2013 but was still forced to pay fees to TWU Local 556 as a condition of her employment. The Railway Labor Act (RLA), the federal law that governs labor relations in the air and rail industries, permits the firing of employees for refusal to pay dues and preempts the



Charlene Carter on her Foundation-won trial victory: “I am so humbled and thankful for today’s decision and for everyone who’s supported me these past five years.”

protections that state Right to Work laws provide.

However, the RLA does protect employees’ rights to remain non-members of the union, to speak out against the union and its “leadership,” and to advocate for changing the union’s current “leadership.”

In January 2017, Carter, a pro-life Christian, learned that then-TWU Local 556 President Audrey Stone and other Local 556 officials used union dues to attend a political rally in Washington, D.C., which was sponsored by activist groups she deeply opposed, including Planned Parenthood.

Carter, a vocal critic of Stone and the union, sent private Facebook messages to Stone challenging the union’s support for political positions that were contrary to Carter’s beliefs, and expressing support for a recall effort that would remove

Stone from power. Carter also sent Stone a message emphasizing her commitment to a National Right to Work law after the union had sent an email to employees telling them to oppose Right to Work.

After a meeting at which Southwest officials confronted Carter about her posts protesting union officials’ positions, the company fired Carter. In 2017 Carter filed her federal lawsuit, challenging the firing as a clear violation of her rights under two federal laws. She maintained that she lost her job because of her religious beliefs, standing up to TWU Local 556 officials, and criticizing the union’s political activities and how it spent employees’ dues and fees.

Ultimately, concluding an 8-day July trial, the federal jury agreed with Carter and her Foundation staff attorneys. In its verdict, the jury found in favor of Carter on all counts

See ‘Jury Awards’ page 7

IN THIS ISSUE

- 2 ATU Union Facing Prosecution After Agent Physically Assaults Bus Driver
- 3 Foundation Helps Healthcare Workers Remove Unwanted Unions
- 4 Foundation in the News: Exposing the Injustices of Forced Unionism
- 5 IAM Union ‘Becks’ Down in Boeing Technician’s Case Over Unlawful Dues Deductions
- 6 KY Worker Hits Steelworkers Union with Complaint for Violation of Right to Work Law

ATU Union Facing Prosecution After Agent Physically Assaults Bus Driver

Driver targeted by union militants for opposing incumbent union officials

WASHINGTON, DC – Transdev bus driver Thomas McLamb thought that Amalgamated Transit Union (ATU) union bosses at his workplace were mishandling finances and not serving the workers' interests. In 2015, he led a campaign to vote the union out, and in October 2021 he ran for union office in the hopes of unseating officials he found ineffective.

In response, union agents kicked off a vicious retaliation campaign to punish McLamb for peacefully resisting ATU union bosses' agenda. This included a union steward physically assaulting McLamb and another union official arranging McLamb's illegal firing.

McLamb sought out free legal assistance from the National Right to Work Foundation and hit ATU union officials with federal charges for illegal retaliation. He also charged Transdev for the company's role in his firing. McLamb's opposition to the ATU union is activity protected by the National Labor Relations Act (NLRA), which guarantees workers' right to "refrain from any or all of" union activities. McLamb's charges say that ATU and Transdev officials illegally violated his rights under the



Driven by Justice: Thomas McLamb did not let ATU union agents get away with upending his career just because he opposed their agenda. The union is now facing prosecution for its abuses.

NLRA.

Following an investigation, the National Labor Relations Board (NLRB) issued a formal complaint against the ATU union, confirming all McLamb's charges and scheduling a trial against ATU for its campaign of illegal retaliation. As this edition of *Foundation Action* went to press, a trial over the union's misconduct had concluded. McLamb is now

awaiting a decision from an NLRB Administrative Law Judge (ALJ).

Union President Encouraged Followers to Assault Dissident Workers

In a statement filed in November 2021, McLamb said that the ATU Local 689 president, Raymond Jackson, had told other union officers to "slap" employees who were opposing his agenda. Shortly after, McLamb's statement reported, a union shop steward assaulted him. Both incidents occurred while McLamb was campaigning against the incumbent officers to serve on Local 689's board.

The NLRB's complaint and notice of hearing in the case echoed McLamb's charge. It stated that "[o]n November 11, 2021 . . . [union steward] Tiyyaka Boone, at the Employer's Hubbard Road facility, in the presence of employees, physically assaulted the Charging Party."

McLamb reported in another federal charge that, shortly after this incident, ATU official Alma Williams demanded that Transdev management fire him. The NLRB's complaint confirms this accusation: "On November 11, 2021, Respondent, by Alma Williams, at the Employer's Hubbard Road facility, requested that the Employer discharge the Charging Party."

On November 16, Transdev gave McLamb a letter stating that he had been placed on "Administrative Leave without pay" pending the outcome of an investigation.

For its part, Transdev backed down and settled immediately, reinstating McLamb and paying him full back wages for the period of his suspension. The ATU union, however, remains defiant.

"The union should not be run as the personal fiefdom of union bosses who do everything they

Foundation Action

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Foundation Helps Healthcare Workers Remove Unwanted Unions

Evidence of union boss “serious financial malpractice” exposed as workers seek to vote out SEIU

DETROIT, MI – Workers across America are increasingly fed up with union bosses’ self-serving so-called “representation.” National Right to Work Foundation legal aid requests are spiking from workers seeking assistance in filing decertification petitions to end union monopoly bargaining control in their workplaces. In 2021 alone, Foundation attorneys provided legal assistance in 54 National Labor Relations Board (NLRB) decertification efforts, which together sought to end union boss control of more than 7,000 workers.

This increased demand has continued in 2022, with healthcare workers in particular seeking the Foundation’s legal aid in exercising their legal right to free themselves from union ranks. In one such ongoing case, Foundation staff attorneys assisted Crystal Harper, an employee at Detroit’s Sinai-Grace Hospital, who along with coworkers battled to oust SEIU Healthcare Michigan union officials.

Harper’s initial petition was rejected after an NLRB regional official dubiously dismissed the petition on the grounds that “Midnight, February 8th” in the union monopoly contract was actually unambiguously a reference to the minute after 11:59 p.m. on May 7. This questionable interpretation of union officials’ sloppily written contract meant that the petition filed on the 8th was actually late under the controversial NLRB-created “contract bar” policy.

Undeterred, that decision was appealed and a second petition for a decertification vote was filed in May after the contract bar had expired and a vote was scheduled. Meanwhile, “substantiated allegations of serious financial malpractice” have come to light involving the SEIU local that were so glaring even SEIU International President Mary Kay Henry couldn’t ignore them, as she was pushed to use the SEIU’s “trust-



Nurse Brittany Burgess (front, center) led her fellow Mayo Clinic nurses in decertifying the Minnesota Nurses Association (MNA) union. She’s “extremely grateful” for Foundation support.

eeship” procedures to oust local officials and take full control of the local.

As a result, in June, Foundation President Mark Mix formally asked the Department of Labor and Department of Justice to investigate the serious allegations of financial and other wrongdoing by SEIU local officials. The letter calling for the federal investigation noted that “any internal SEIU International investigation will be insufficient [given the] long history of union officials attempting to ignore or downplay corruption in their own ranks.”

Foundation Counters Union Legal Tricks to Block Vote

Elsewhere in Michigan, lab technicians at Ascension Providence Rochester Hospital have finally won their effort to be free of unwanted so-called “representation” by union officials of the Office and Professional Employees

International Union (OPEIU) Local 40.

During the protracted process, Foundation staff attorneys successfully fought off OPEIU union lawyers’ efforts to block the vote which cited the pending sale of the facility by Ascension to LabCorp as grounds for rejecting the workers’ request for an election. Union lawyers had urged the NLRB regional office to block a vote whether to remove the union on the grounds of an upcoming “cessation of operations” by the employer, a policy previously applied only to certification elections.

In briefs to the NLRB, Foundation staff attorneys countered that union attempts to block the vote were unjustified as a matter of law. Foundation attorneys also noted that the attempt to block the vote was likely a cynical attempt to keep power over the bargaining unit. If the sale ultimately went through, the union would have likely sought to block a decertification vote citing the NLRB-created “successor bar” that insulates union officials from decertification votes after a workplace’s change in ownership.

The Board ultimately rejected the union lawyers’ arguments and scheduled a decertification vote by mail-in ballot. However, rather than go forward with a vote they seemingly knew they were going to lose, OPEIU officials instead disclaimed interest in the unit, finally giving the workers the freedom from unwanted union representation they sought.

Meanwhile in Minnesota, multiple groups of healthcare workers are seeking decertification votes with Foundation legal aid. At the Mayo Clinic Health System in Mankato, Minnesota, approximately 500 nurses filed a petition for a vote to remove the Minnesota Nurses Association (MNA) union, while two separate units of Cuyuna

See ‘Hundreds of Nurses’ page 4

Foundation in the News: Exposing the Injustices of Forced Unionism

Foundation staff work year round exposing Big Labor coercion in hundreds of interviews and dozens of op-eds, including recent pieces (excerpts below) by Foundation President Mark Mix on the Biden Labor Board.

Washington Examiner

Biden's NLRB serves union officials, not workers

Union officials have the extraordinary power to force workers to accept their "representation." **The NLRB should be working to ensure that workers have the ability to hold union officials accountable, but instead, the NLRB protects the forced unionism privilege union bosses enjoy by snuffing out challenges brought by the very workers union officials claim to "represent."**

More states should pass Right to Work laws so that union officials cannot profit from sticking around where they are not wanted. Nevertheless, situations like the one at US Brick are what we can expect as long as the Biden NLRB continues to prop up and expand policies that entrench union bosses at the expense of workers' rights.

The Washington Times

Monopoly union bargaining makes workers an afterthought

As workers come and go, the forced representation remains. An analysis of over 40 years of union elections found that 94% of workers under union monopolies had never even voted for the union that 'represents' them.

Union officials treat workers' support as an annoying legal requirement, not as something that gives legitimacy to their monopoly power. It's a mindset shared by many union partisans at the National Labor Relations Board. **The NLRB is supposed to neutrally resolve disputes between workers, employers, and union officials. Instead, the NLRB uses its power to help union officials maintain their monopolies, and the current Biden majority has been more aggressive than ever.**

Visit www.nrtw.org/2022opeds to read the full articles.

Hundreds of Nurses Fight to Oust Unions with Foundation Legal Aid

Continued from page 3

Regional Medical Center healthcare workers located at facilities in Crosby, Baxter, Longville, and Breezy Point, Minnesota, filed for decertification votes to free themselves from the SEIU.

Hundreds of Minnesota Nurses Petition to Be Union-Free

"I'm extremely grateful to have the free legal assistance of the National Right to Work Foundation in fighting for our right to hold a vote to remove the union," commented Mayo Clinic Mankato nurse Brittany Burgess. "I can't wait until the day when we are all finally free

of the MNA."

One likely reason for the increased decertification activity is Foundation-advocated reforms that were adopted by the NLRB in 2020 to curtail union officials' abuse of so-called "blocking charges," which they use to delay or block workers from exercising their right to decertify a union. However, with the Biden-appointed NLRB majority recently announcing it was starting rulemaking to overturn those reforms, Foundation staff attorneys are now gearing up to challenge the Biden Board's attempt to give union bosses more power to trap workers in union ranks they oppose.

"Foundation staff attorneys will continue to assist workers in

exercising their rights under federal law to hold decertification elections to remove so-called 'representation' opposed by most workers," commented National Right to Work Foundation Vice President and Legal Director Raymond LaJeunesse. "The Biden NLRB is clearly prioritizing union boss power to the detriment of the rights of rank-and-file workers. Look no further than the fact that just as the Board seeks to expand the ability of union officials to impose unionization on workers through coercive 'Card Checks' without even secret-ballot votes, it simultaneously plans to make it easier for union lawyers to block workers from holding votes to remove a union." ✎

IAM Union 'Becks' Down in Boeing Technician's Case Over Unlawful Dues Deductions

IAM bosses charged arbitrary higher amount in violation of Foundation-won Beck precedent

SEATTLE, WA – Boeing technician Don Zueger didn't want to sacrifice a cent from his paycheck to subsidize the activities of International Association of Machinists (IAM) union bosses who currently maintain monopoly bargaining power in his workplace. But, because he works in non-Right to Work Washington State, he can be forced to pay some union fees just to keep his job.

When Zueger found out union officials were calculating his forced fees amount based on financial data from nine other IAM affiliates -- not just data from his own district union -- he knew something was amiss.

Zueger sought free legal representation from the National Right to Work Legal Defense Foundation and filed a federal lawsuit against the IAM union for violating his rights under the 1988 Foundation-won *CWA v. Beck* U.S. Supreme Court decision. In *Beck*, the Court ruled that union officials cannot charge full union dues to objecting private sector workers who have abstained from formal union membership, and can only charge them "fees" which exclude expenses for things like union political activities.

IAM Bosses Use Baseless 'Formula' to Seize Excessive Forced Union Fees

Zueger's lawsuit pointed out that IAM officials' puzzling scheme imposed a dues amount on him that exceeds the limit that *Beck* established. Now he has won a settlement that requires union officials to decrease his dues payments and return money illegally taken from his wages.

Washington State's lack of Right to Work protections mean that union officials can legally demand Zueger pay the reduced *Beck* amount as a condition of staying employed. In



IAM union bosses' illegal fee scheme faced headwinds when Boeing technician Don Zueger defended his rights with Foundation legal aid -- and won.

Right to Work states, in contrast, union membership and all union financial support are strictly voluntary.

According to Zueger's lawsuit, filed in the U.S. District Court for the Western District of Washington, he submitted a request to IAM union officials in February resigning his union membership and asking for his dues payments to be reduced as *Beck* requires.

Zueger's lawsuit noted that IAM officials' response to his *Beck* request claimed that, under IAM's nationwide policy, the portion of union dues he must pay is based on averages of selected audits that in each case include nine other district IAM affiliates and nine other locals. Unsurprisingly, this policy resulted in IAM officials claiming Zueger is required to pay a greater sum than what would be required if union officials only used the audits for the district and local unions Zueger is forced to fund.

His lawsuit sought to force IAM union bosses to return all money demanded in violation of *Beck* and to properly reduce his future union payments in accordance with *Beck*.

Rather than attempt to defend their scheme to increase Zueger's forced fee amount, IAM union chiefs quickly backed down and

settled the case.

IAM union officials have now, as the settlement mandates, returned to Zueger the difference between the proper *Beck* dues amount and the illegal amount the union imposed on him. IAM bosses are also forbidden from demanding any money above the correctly calculated reduced *Beck* portion in the future, making the settlement a full vindication of Zueger's *Beck* rights.

IAM Must Return Dues That Could Have Gone to Union Boss Political Agenda

Zueger's settlement comes after union bosses spent near-record sums on politics during the 2020 election cycle, and as Foundation attorneys deal with a flurry of worker requests concerning illegal forced dues for politics. According to a report by the National Institute for Labor Relations Research (NILRR) released in 2021, public data on union expenses shows about \$2 billion in political spending during the 2020 election cycle. Other estimates suggest the actual union spending on political and lobbying activities topped \$12 billion during this cycle.

"It's shameful that union officials continue to invent new ways to violate the decades-old *Beck* Supreme Court precedent and overcharge workers who clearly want nothing to do with union bosses and their agenda -- a big concern as union politicking heats up in advance of midterm elections," commented National Right to Work Foundation Vice President Patrick Semmens. "This scheme to artificially manipulate forced dues calculations is part of the IAM's nationwide policy, and the Foundation stands ready to assist other workers around the country who are being subjected to this anti-*Beck* IAM scheme." ✚

Kentucky Worker Hits Steelworkers Union with Complaint for Violation of Right to Work Law

Steelworkers union bosses seized illegal dues despite passage of Right to Work law in 2017

FRANKFORT, KY – Despite Kentucky's enactment of a Right to Work law in 2017, some union bosses still act as if Kentucky's popular law, which safeguards an employee's right to refrain from formal union membership and dues payment, doesn't even exist.

Melva Hernandez, who just finished a stint at paper bag manufacturer Duro Hilex Poly in Erlanger, KY, says that Steelworkers union officials forced her into union membership and dues payments when she began working at the facility in 2011. Kentucky's Right to Work protections didn't exist at that time to protect her from such coercive demands.

As August 2021 rolled around, however, Hernandez exercised her right to revoke her membership and union dues deduction authorization, thinking that the recently enacted law would permit her dissociation from the union.

Instead, Steelworkers union chiefs illegally rejected her request, scolded her for exercising her rights, and to date have not returned the money they seized from her paycheck in complete violation of Kentucky's Right to Work law.

Officials Ignored Right to Work, Sought to Control Employee Speech

With free legal representation from National Right to Work Legal Defense Foundation staff attorneys, Hernandez submitted a complaint this June to Kentucky Labor Cabinet Secretary Jamie Link, asking him to prosecute the union for flouting Right to Work. Because the dues seizures and other conduct the union perpetrated are also illegal under federal law, she has also filed federal charges at National Labor Relations Board (NLRB) Region 9 in Cincinnati.

Hernandez's complaint to the Kentucky Labor Cabinet recounts



The sun has long set on forced union dues in Right to Work Kentucky, but Melva Hernandez reports in her Foundation-backed complaint that union officials are ignoring Right to Work and continue to seize money from her wages illegally.

that she first submitted a letter to union officials in August 2021, exercising her right to end her union membership and all dues deductions to the union. A union agent rejected her request, alleging that it would only be accepted within a so-called "escape period" of days created by union officials.

The complaint says Hernandez resubmitted her request in April 2022 on a date falling within the "escape period," only to be redirected by union agents to Steelworkers Local 832 President Tara Purnhagen.

After Hernandez tendered her resignation to Purnhagen, "Ms. Purnhagen scolded and harassed me, accusing me of trying to convince my fellow co-workers to drop their union memberships," Hernandez's complaint says. Purnhagen also forbade Hernandez from discussing with her coworkers reasons to refrain from union membership.

KY Labor Secretary Appointed by RTW Opponent Beshear

"As of today's filing, the company and the union have not reimbursed me for the money seized in union dues in violation of Kentucky law,"

the complaint says.

The Kentucky Labor Cabinet Secretary is responsible under state law for investigating and prosecuting violations of Kentucky's Right to Work protections. However, the current secretary, Jamie Link, was appointed by Gov. Andy Beshear, a noted union boss political ally and opponent of Right to Work protections. Teacher union bosses alone pumped well over \$1 million into pro-Beshear super PACs last election cycle. It remains to be seen whether Link will shirk his duty to enforce the Right to Work law.

"Steelworkers union officials behave as if Kentucky's Right to Work protections don't exist, enforcing contracts that blatantly contradict the law and demanding illegal dues from rank-and-file workers like Ms. Hernandez in clear violation of their rights," commented National Right to Work Foundation Vice President and Legal Director Raymond LaJeunesse. "Secretary Link must prosecute this blatant disregard for workers' rights under Kentucky law and show that no one is above the law, including politically connected union bosses." ✚



“To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves and abhors is sinful and tyrannical.” - Thomas Jefferson

These words ring true today, and that is why your National Right to Work Legal Defense Foundation continues to fight, with your support, to defend individual liberty in the workplace. Only the generosity of supporters like you enables the Foundation to continue its successful strategic litigation and media outreach programs.

One way some longtime supporters have chosen to support the critical work of the Foundation is by including the National Right to Work Foundation, a 501(c)(3) charitable organization, in their Will or Estate plans.

You can make the Foundation a beneficiary of a specific amount from your estate, or of a residual bequest, which comes to the Foundation after your estate expenses are paid and specific bequests are fully distributed. To do so, here is sample language for you to review with your tax advisor or estate attorney:

I give, devise, and bequeath to National Right to Work Legal Defense and Education Foundation, Inc., 8001 Braddock Road, Springfield, VA 22160, for its general purposes:

- a. The sum of \$ _____; or
- b. Name a particular investment or piece of property with legal description, custodian, etc., as applicable; or
- c. _____ percent of the rest, residue, and remainder of my estate, including property over which I have power of appointment; or
- d. All the rest, residue, and remainder of my estate, including property over which I have power of appointment.

The Foundation’s Board of Trustees has established the “Legacy Society” to honor those who have made the extra step in leaving a legacy of worker freedom by including the Foundation in their estate plans. If you have or are considering such a gift, please let us know so we can include you in this special circle of Foundation supporters.

For more information on giving options, please contact Ginny Smith at 1-800-336-3600 or gms@nrtw.org.

Additionally, we recommend you consult your tax advisor or estate attorney before making a planned gift, will bequest, or estate gift for you and your family.

Jury Awards TWU Union Critic Millions

continued from page 1

of the lawsuit, while awarding Carter \$950,000 in damages against the TWU union local and more than \$4 million in damages against Southwest.

Union Zealot Advocated ‘Targeted Assassinations’ of Union Dissidents

In email communications unearthed and introduced at trial by Foundation staff attorneys, TWU union militants advocated for “targeted assassinations” of union dissidents and mocked Carter for being unable to stop her money from going toward union-backed causes she opposed.

Carter’s Foundation-backed lawsuit also revealed ugly examples of the hostility TWU officials and activists had for workers like Carter who spoke out against the incumbent union hierarchy. Foundation staff attorneys are preparing to counter already-announced appeals by both Southwest and TWU.

“This long-awaited verdict vindicates Ms. Carter’s fundamental right to dissent from the causes and ideas that TWU union officials support while forcing workers to bankroll that agenda,” commented National Right to Work Foundation President Mark Mix. “Verdicts like this show not only that one brave worker standing up to union bullies can make a difference, but also send a message to union bosses that their unlawful tactics will not go unpunished or unchallenged.” ✚

**Watch Charlene Carter
Discuss Her Victory
with Mark Mix and
Rob Schmitt on
NEWSmaxTV !**



Scan the QR code or visit:
www.nrtw.org/cartervictory

Bus Driver Battles Vicious Union Retaliation

continued from page 2

can to insulate themselves from accountability, yet that's how ATU officials have treated it, complete with threats and violence against me for calling out union officials' shortcomings," McLamb told *The Washington Free Beacon* shortly after a trial was scheduled in his case.

Case Highlights Need for Right to Work Protections

"No American employee should have to go to work thinking that they could be fired, mugged, or slandered merely for exercising their right to oppose union officials. The NLRB's issuance of a complaint against the ATU in Mr. McLamb's case is a small but significant step toward justice," commented National Right to Work Foundation Vice President Patrick Semmens. "However, due to Maryland's lack of Right to Work protections for its private sector employees, Mr. McLamb is still required to sacrifice part of every paycheck to the same union hierarchy that is now facing prosecution for instigating violence against him."

"Although we're happy that the scales are finally tipping in Mr. McLamb's favor, it's unfortunately the reality in the 23 non-Right to Work states that workers are forced to pay fees to union hierarchies that act against their interests, sometimes even violently so." ✚

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Message from Mark Mix

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter:

Standing up to Big Labor bullies is never easy.

Time and time again, union militants utilize vicious threats, workplace retaliation, and outright violence to intimidate workers who dare to oppose the agenda of union boss elites.

Fortunately, the victims of such tactics can turn to the National Right to Work Foundation to fight back and win!

You'll read in this issue of **Foundation Action** about a case in which flight attendant Charlene Carter was fired in violation of federal law (see page 1) for disagreeing with the politics of union elites and opposing how union bosses spent the money she was forced to pay them because of federal law. After a lengthy legal battle, your National Right to Work Foundation recently won a \$5.1 million verdict for Charlene.

Also in this issue (on page 2), you can read about an ongoing case brought for Maryland bus driver Thomas McLamb, who faced retaliation all because he spoke out against union bosses' agenda. One union thug physically assaulted Thomas, while another union bigwig arranged to have Thomas fired illegally.

Over more than five decades, Foundation staff attorneys have assisted the victims of nearly every form of union thuggery: illegal fines, unlawful firings, identity theft, union violence -- we have even assisted the families of murder victims.

These workers and their families need the Foundation by their side in their fight, because far too often the union militants responsible would otherwise go unpunished or be let off with a slap on the wrist.

That is what makes ongoing assistance from Right to Work supporters like you so important. Without your generosity union thugs would be free to attack independent-minded workers with virtual impunity.

Sincerely,