



Foundation Action

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

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Flight Attendants Challenge Big Labor Payback at National Mediation Board

*Obama appointees change
rules to push railway and
airline employees into
forced union ranks*

WASHINGTON, DC — A group of Delta Air Lines flight attendants and customer service representatives, concerned about one of President Barack Obama's many political paybacks to Big Labor, has appealed to the National Right to Work Foundation for help.

As reported in the January/February issue of **Foundation Action**, the National Mediation Board (NMB) — charged with mediating labor disputes within the railroad and airline industries — is by federal bureaucratic fiat stacking the deck in favor of forced unionization of America's railway and airline employees.

For decades, Big Labor demanded the NMB grant them monopoly bargaining control over every worker in a bargaining unit if a simple majority of those voting said yes to union organizing. And while there are certain rights that should never be subject to an election, for 75 years the NMB required a majority of all workers to vote for union bargaining. The Obama NMB is set to



Delta flight attendant Ashton Therrel is part of a group of independent-minded employees who are being targeted for unionization by Big labor bosses and their allies on the National Mediation Board.

change that.

This would help union bosses impose unionization without an actual majority of employees ever showing support for a union, making it even more difficult for independent-minded employees to resist professionally coordinated union organizing drives.

Union officials appointed to board

In March 2009 President Obama appointed to the three-member board a second former union official of the very unions pushing for the payback scheme. And the Obama appointee-dominated NMB granted Big labor's wish. The previous NMB chairwoman expressed complete dismay about the majority members' collusion with their former union bosses.

When the Right to Work Foundation

learned about the NMB's under-the-radar attempt to institute yet another Obama Big Labor

payback, Foundation attorneys submitted Freedom of Information Act (FOIA) requests with the NMB and filed a motion seeking the recusal of the two former airline union officials from the

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Zimdahl Studio Helps Spread Right to Work Message

Foundation videos have reached hundreds of thousands of concerned citizens

SPRINGFIELD, VA — Thanks to generous contributions from Right to Work supporters, the Norma Zimdahl Studio has helped the National Right to Work Foundation reach hundreds of thousands of concerned citizens through cutting-edge video technology.

After an expansion and extensive renovation, the studio has now nearly doubled in size. Foundation staff members have also acquired a number of new pieces of video equipment, including a refinished backdrop and new lighting for Right to Work video projects.

Among other projects, the new studio equipment has been used to record and edit videos of Foundation-assisted employees explaining their opposition to compulsory unionism.

'New media' technology helps spread Right to Work message

With the help of online social media, Right to Work staffers have been able to



National Right to Work videos produced in the Norma Zimdahl Studio have been viewed over half a million times on YouTube and other online video sites.

distribute videos explaining the dangers of Big Labor's political agenda to an unprecedented audience. Foundation videos hosted on the popular YouTube website — from a humorous look at the Obama White House's too-close-for-comfort relationship with Big Labor to videos of Right to Work experts on Fox News — have been viewed by hundreds of thousands of concerned citizens. This

new approach to online activism has inspired Right to Work supporters to put even more pressure on Big Labor's crony politicians and helped spread the Right to Work message to new audiences.

"We're extremely happy with the progress we've made with the Norma Zimdahl Studio," said Patrick Semmens, legal information director for the National Right to Work Foundation. "The combination of video technology and online social media has helped introduce hundreds of thousands of new supporters to the Right to Work issue."✶

Foundation Action

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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.



The generosity of Norma Zimdahl (pictured above) has allowed Right to Work to reach hundreds of thousands through online videos.

Workers Challenge Scheme to Unionize Airline Industry

continued from page 1

rule change proceedings.

In addition, Foundation attorneys — on behalf of America's independent-minded employees — argued against the scheme at the NMB's public hearing on the changes. After the NMB's public hearing, a courageous group of Delta employees led by Ashton Therrel — a flight attendant for 15 of his 26 years with the company — approached Foundation attorneys.

Flight attendants to be herded under union control

Delta Air Lines flight attendants are just one of the prominent groups in the industry that have managed to stave off Big Labor's monopoly unionism drives. International Association of Machinists (IAM) and Association of Flight Attendants (AFA) union organizers have for years unsuccessfully tried to corral Delta flight attendants and other employees into their ranks.

Therrel noted that the AFA tried to unionize him and his Delta coworkers three times since he became a flight attendant in April 1995. Meanwhile, IAM union organizers are making unannounced "home visits" to Delta customer service workers.

The new transportation union organizing rules would make it nearly impossible for independent-minded Delta employees to contend with Big Labor's well-funded, professional organizing machine, particularly since union organizers run their campaigns across entire, usually-nationwide bargaining units.

"I was extremely disappointed to learn that the NMB had changed the voting rule," reflected Therrel. "I truly believe that the burden for representation must be from the majority of the

workers in that class and craft... The law is stacked up against the worker. We do not have the right 'not to join' a union once a union is voted in and once a union is voted in they are here to stay as it is an impossible feat to vote them out."

IAM and AFA union chiefs undoubtedly are salivating at the prospect that they will now be able to force Delta flight attendants and customer service workers to accept their unwanted "representation" as a result of the NMB's rule changes, but first they will have to defeat Foundation attorneys and Delta workers in federal court and in the court of public opinion.

Foundation intervenes in federal suit

Providing free legal aid to the Delta employees, Foundation attorneys filed a motion to intervene in a federal lawsuit brought forward by the Air Transport Association (ATA) that seeks to overturn the NMB's dramatic rule changes.

In their motion, Foundation attorneys argue that the NMB's new union election procedures are unconstitutional because they violate workers' rights of freedom of association and due process, especially when the union can only demonstrate support from a minority of workers in the class or craft.

Foundation attorneys also argue that the Obama appointees who approved the scheme, Harry Hoglander and Linda Puchala, should have recused them-

selves because of their prejudgment of the regulations and their obvious conflicts of interests.

Meanwhile, the Foundation's legal information department exposed the nefarious scheme in the media, bringing to light Big Labor's sneak attack on workers in the *Atlanta Journal Constitution*, the *Washington Examiner*, the *Dallas Morning News*, with nationally syndicated radio show host Neal Boortz, and numerous other business journals and trade publications such as the *Washington Business Journal* and *Aviation Week*.

Rule change delayed, Foundation prepared

On May 26, a federal U.S. District Court judge granted the Foundation's motion to intervene on behalf of the Delta workers. On the same day, the NMB agreed to delay the scheduled implementation of its controversial rule change for an additional 20 days while the court considers a motion to preliminarily enjoin the new rule from taking effect.

"The Foundation is prepared to defend America's railway and airline employees' rights in federal court against this unconscionable Big Labor political payback scheme," said Foundation president Mark Mix. "No one should ever be forced to accept unwanted union boss 'representation' and pay union dues in order to keep their job."✚

"The law is stacked up against the worker."

Union Bosses Illegally Threaten Workers with Termination

Union bullies threatened employee for questioning union officials

LANSING, MI — With free legal assistance from the National Right to Work Foundation, a Lansing worker is fighting back at the National Labor Relations Board (NLRB) against union harassment. Robert Sherman, a Dean Transportation employee, filed charges against the Dean Transportation Employee Union (DTEU) in late May, alleging that union officials failed to provide him with accurate information about his workplace rights and threatened to have him fired for refusing to pay full union dues.

Although Sherman and several of his coworkers are not union members, Dean Transportation employees are forced to accept the DTEU's "representation". And, because Michigan lacks a Right to Work law, Sherman can also be required to pay certain union dues just to keep his job.

Union officials issue threats after keeping workers in the dark

Under the Foundation-won Supreme Court precedent *Communications Workers v. Beck*, nonunion workers can only be forced to pay dues related to workplace negotiations. Nonunion employees cannot be forced to pay union dues or fees for the purposes of lobbying, political activism, or members-only activities. Federal law also requires union officials to provide an independently audited breakdown of union expenditures to help nonunion employees determine which activities they can be forced to pay for.

Despite these requirements, DTEU officials failed to provide Sherman and

other employees with information about union expenditures or their right to pay less than full union dues.

In late April, DTEU officials sent Sherman and other nonunion employees a letter that threatened to have them fired if they refused to pay union dues. In the face of union threats and obstruction, Sherman still



Lansing union bosses are shaking down workers for forced dues, and threatening the jobs of any worker who resists.

attempted to assert his *Beck* rights, but DTEU officials still refused to provide him with any information about union expenses. DTEU officials told Sherman that he did not receive information about his workplace rights because he expressed "anti-union views" and did not attend union meetings.

Forced unionism abuse highlights need for Right to Work laws

As ground zero for both the recession and several Big Labor-dominated industries, Michigan is a telling example of how unchecked forced unionism hurts workers' rights and economic growth. In the case of Robert Sherman, unscrupulous union bosses were able to extract forced dues and obscure his workplace rights because of the lack of Right to Work protections.

"If union bosses are able to demand tribute from unwilling workers as a condition of employment, there's very little to stop them from using that money for political lobbying, activism, and other activities that nonunion employees might object to," said Ray LaJeunesse, Legal Director and Vice President for the National Right to Work Foundation.

State Right to Work laws ensure that no worker can be forced to pay union dues to get or keep a job. In Right to Work states, union officials must rely on monies paid by voluntary union members to fund their activities.

"Workers shouldn't be compelled to pay for union activities against their will," continued LaJeunesse. "Voluntary membership and dues-payment keeps union bosses accountable to their members and ensures unwilling workers are not dragooned into Big Labor's ranks."✚

Avoid Stock Market Uncertainty with a Charitable Gift Annuity

Help the Foundation battle forced unionism while gaining financial security

In many issues of **Foundation Action**, as well as mailings to loyal Right to Work supporters, we have discussed the many exciting ways you can set up your estate planning goals while helping the Right to Work cause for the long haul. Not only can donors meet tax efficiency with a charitable gift to the Foundation, but they can save on hefty estate tax bills in the future.

Through a strategic use of planned giving, Foundation donors can receive a steady income stream and excellent tax benefits by considering a Foundation Charitable Gift Annuity (CGA).

Now is the time to act! Beginning in July, annuity rates will move slightly higher. Gift annuities offer tax benefits and attractive payout rates to annuitants age 65 or older. The amount of the **guaranteed payment** — distributed either monthly, quarterly, or annually — is set for the rest of the annuitant's life. The amount is based on the current age(s) of the annuitant(s) and the amount of the gift to the charity.

Generous Tax Savings Now

Because a portion of your gift annuity will be considered a charitable gift, you will be entitled to an income tax deduction for the year of your gift. In addition, part of each payment may be received free of income tax or taxed at a lower capital gains rate for a period of time. The amount used to fund your gift annuity (with a minimum of \$10,000) may also be free of gift and estate taxes.

The Foundation maintains a partnership with

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Remember, to participate you must be 65 years of age and contribute a minimum of \$10,000 toward your Foundation Charitable Gift Annuity.

Of course, we recommend that our generous donors consult with their own tax or estate advisors before making a planned gift of any kind. The information contained in this article is, of necessity, general in nature.

If you are interested in a Foundation Charitable Gift Annuity or any other planned gift, please call Ginny Smith at 1-800-336-3600, Ext. 3303.†

**Charitable Gift Annuities are not available in all states.*

Here's how a gift annuity works:

- You irrevocably contribute a principal of \$10,000, or more, in exchange for a Foundation Gift Annuity;
- The Foundation makes monthly, quarterly, or annual annuity payments to you for the rest of your life. The amount of the payment depends on your current age and the amount of your investment. Larger gift annuities give donors, and the Foundation, proportionately larger benefits. Once you have completed a gift annuity, the payout rate will never change;
- As an itemizing taxpayer, you can receive a substantial charitable federal income tax deduction in the year you establish your Right to Work Foundation Gift Annuity. And, a portion of the payment you receive back from the Foundation would be tax free to you for a number of years;
- Finally, the Right to Work Foundation retains your gift once you pass on. Your original gift (which may have even increased in value) is then available to support the Foundation's strategic litigation program in the future.

Workers Take Stand Against Teamster Union Boss Intimidation

Teamster union thugs threaten independent workers with termination

SEATTLE, WA — Two courageous workers who exercised their rights to refrain from full dues paying union membership are fighting back after a prolonged Teamster union boss campaign of intimidation and harassment.

Patricia Allen and Gayle May are employees of Alan Ritchey, Inc. in Auburn, Washington and are forced to accept the unwanted “representation” of Teamsters Local 117 union bosses.

Allen, who performs many duties at her job, including auditing and inspecting inventory, filling orders and even running heavy equipment, has worked at the mail transportation equipment repair and service center facility for 11 years. She says, “I always love learning new things. You can’t learn things if you don’t ask to be taught.”

Forced unionism partisans assault independent-minded workers

That love of asking questions and learning new things probably came into play significantly when Allen and some of her coworkers started to become more aware of their workplace rights.

“(We) did some research and found out we had options,” stated Allen. “(But) when we shared the news with others, all we got was harassment.”

“People mocking us behind our backs, name calling, someone slashed the tire cover on my car, saying things to us when supervisors or management weren’t around, (and even) physically being pushed,” added Allen.

Not to be dissuaded, the courageous employees decided to exercise their Foundation-won rights



Big fish Teamster union boss Jimmy Hoffa's bullies met their match with Patricia Allen, who said, “I don't feel like a little fish in a big pond. Thank you National Right to Work Foundation for being by OUR side.”

Foundation). National Right to Work helps us with a lot of things.”

With the help of

upheld by the U.S. Supreme Court in *Communications Workers v. Beck* (1988), in which the Court affirmed employees’ rights to refrain from formal union membership and pay a reduced amount of forced dues.

Teamster union bosses threaten workers with firings

However, Teamsters Local 117 union officials refused to allow the independent-minded employees to exercise their *Beck* rights. Instead, the Teamster union hierarchy illegally threatened to have the employees fired and confiscated an excessive amount of forced dues from their paychecks, while refusing to follow federal disclosure guidelines.

“Anyone that wants money from me and doesn’t explain everything makes me wonder,” reflected Allen. “(We) did some research and found National Right to Work. (We) read some articles and spoke with someone from (the

National Right to Work Foundation attorneys, Allen and her coworkers forced the Teamster union bosses into a settlement. Unfortunately, the union boss intimidation did not end there.

Teamster union bullies seek to stall worker election

True to form, Teamster union officials began sending letters threatening certain Alan Ritchey employees, including Allen and May, with job loss if they did not join the union or declare again their non-member status within three days.

With help from the National Right to Work Foundation, Allen and May — acting for dozens of other similarly situated employees — filed charges against the Teamster union bosses with the National Labor Relations Board (NLRB).

After experiencing Teamster union boss coercion and intimidation firsthand, a group of concerned employees also filed a petition seeking a deauthor-



The Detroit News

Michigan will benefit with workplace choice

By Mark Mix

For the first time in our nation's history, more union members work for the government than in the private sector.

In Michigan, the largest United Auto Workers local union in the state is now a government sector union, after the total number of UAW members dropped 18 percent in the last year.

Michigan's economic climate drives young workers to other states, and the unemployment rate, at more than 14 percent is among the highest in the nation. As organized labor's ranks shrink in the private sector, it increasingly turns to the government to corral more workers.

The most recent example is Gov. Jennifer Granholm's scheme to put 40,000 home-care providers into "Child Care Providers Together Michigan" (CCPTM), a group run by the UAW and American Federation of State, County, and Municipal Employees (AFSCME).

The case exemplifies the need for right-to-work protections, which allow workers to opt-out of joining a union. Just 15 percent of eligible day-care providers participated in the mail-in election, but CCPTM now bargains for more than 40,000 Michigan home-care providers.

No worker should be forced to associate with or pay tribute to a union just to get or keep a job, and polls show that 80 percent of Americans agree.

The media has widely reported that nearly half of all Michigan public university graduates leave the state to find work. The National Institute for Labor Relations Research (NILRR) examined data collected by the Census Bureau and found that none of the 13 states — Michigan included — with the most young workers fleeing to seek employment elsewhere have Right to Work laws. Meanwhile, from 2000 to 2007, the eight states with the fastest growth of college-educated workers all protect the right to work.

Forced unionism also leads to bigger government and higher taxes.

Also, using statistics provided by the Bureau of Labor Statistics and the Commerce Department, NILRR found that from 2004 to 2009, workers and other people in Right to Work states saw their real personal income rise by 9.6 per-

cent, double the rate of forced-unionism states. When adjusting for cost of living, residents in Right to Work states have more disposable income and greater purchasing power.

Forced unionism also leads to bigger government and higher taxes. Every year, the non-partisan Tax Foundation puts out a list of every state's "Tax Freedom Day" — the day when the average worker has earned enough money to pay his or her taxes for the year. Last year, that day came an average of nine days earlier in Right to Work states, increasing those workers' take home pay.

But the benefits don't end there. Unions will have to be more responsive to the rank-and-file and justify the benefits of dues payments.

Samuel Gompers, the founder of the American Federation of Labor, understood this clearly when he said: "No lasting gain has ever come from compulsion."

A Right to Work law in Michigan would put an end to compulsion, and the state's economy would reap the benefits.

Mark Mix is president of the National Right to Work Legal Defense Foundation.

Teamster Intimidation

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rization election which would strip the Teamster union hierarchy of their forced dues privileges.

Fearing lack of support in the upcoming election, Teamster union lawyers desperately sought to delay the employee vote by responding to Allen's and May's charges with their own charges against the Foundation. The NLRB regional office in Seattle promptly dismissed the union bosses' frivolous charges.

Workers' charges lead to federal prosecution

After reviewing Allen's and May's latest charges, the NLRB decided to prosecute Teamsters Local 117 union officials and issued a federal complaint against the union hierarchy for intimidating the independent-minded employees. The NLRB's prosecution continues on August 3 before an NLRB Administrative Law Judge.

"Independent-minded employees should not be forced to subsidize Teamsters Local 117 union thugs who threaten them with firings for exercising their rights," said Mark Mix, President of the National Right to Work Foundation. "That is why Washington needs a state Right to Work law protecting workers from union boss intimidation and abuse."

Newsclips Requested

The Foundation asks supporters to keep their scissors sharp for clipping news items exposing the injustices of forced unionism in your local paper.

Please send clippings to:

NRTWLDF
Attention: Newsclip Appeal
8001 Braddock Rd. · Springfield, VA 22160

Supporters can also email online stories to wfc@nrtw.org



Message from Mark Mix

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter,

Last month, former union officials on the National Mediation Board brazenly revoked 75 years of precedent — eliminating the requirement that a transportation union demonstrate the support of a majority of *all* workers in a bargaining unit to become their monopoly agent.

The airline companies quickly sued, and union despots are defending this latest payback from their cronies in the Obama Administration.

But only the National Right to Work Foundation's attorneys have the experience and expertise to fight for the independent-minded rank-and-file workers victimized by this new forced unionism privilege granted to union officials.

In fact, Foundation attorneys were monitoring this threat since Obama's election. Before the rule change, our experts testified and filed written comments stating our opposition to this forced unionism scheme. We also filed Freedom of Information Act requests seeking communications between the NMB partisans and their union boss allies.

And although the union officials on the NMB went ahead with their plot, our efforts still paid off. The Delta Air Lines employees now represented by Foundation attorneys turned to us for help when they heard about our actions opposing the rule change from the very beginning.

You and I both know how difficult it is right now to stand up for freedom in the workplace. The forced unionism proponents in the White House and Congress are doing everything they can to stack the deck against independent minded workers and for that matter all of us.

That's why we have to stay vigilant. With your help, we'll continue and expand our cutting-edge legal aid program.

After all, the Obama Administration wants to keep making sweetheart deals with Big Labor behind closed doors. Together, we can expose them in the public light — and defeat them.

Thank you for your partnership in this important work.

Sincerely,

Mark Mix