



Foundation Action

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

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Poll Confirms: Union Bosses Out of Touch with Rank-and-File

*Scientific poll shows
union members
overwhelmingly
oppose union boss
political spending*

WASHINGTON, DC — Despite union bosses' repeated claims that they represent the interests of union members, a newly-released opinion poll showed quite the opposite.

A nationwide poll of 760 union members commissioned by the National Right to Work Foundation and conducted by experienced pollster Frank Luntz just before the 2010 midterm Congressional elections demonstrates the staggering disconnect between union members and the national union officials who claim to represent them.

Union boss spending spree wildly unpopular

The scientific survey asked union members from both the private and government sector various questions regarding their union hierarchy and the elections. And the results should be enough to send union bosses into a panic.



Union bosses spent one billion dollars to keep Nancy Pelosi and Harry Reid in power even though rank-and-file union members overwhelmingly disagree with union bosses' political priorities.

In their drive for more power, top union officials spent nearly a billion dollars of workers' union dues in an attempt to re-elect unpopular pro-Big Labor incumbent politicians.

American Federation of State, County, and Municipal Employees (AFSCME) union chief Gerry McEntee spearheaded Big Labor's political spending blitz with a "massive incumbent protection program."

While McEntee claimed that union members were "damn happy" that his union alone was spending \$87.5 million of workers' union dues to protect incumbent politicians in the U.S. House and Senate, the poll showed that 61 percent of government union workers actually indicated that a mostly even balance of power between Republicans and Democrats on Capitol Hill is best for America.

Further proving McEntee wrong, 60 percent of union members opposed their union bosses' record midterm political

spending, viewing it a complete waste for union bosses to use union dues and treasuries to protect unpopular incumbent

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Rank-and-File Workers Fed Up with Union Boss Politics

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Democrat politicians in Washington, D.C. Ironically, a majority of America's union members believe if union bosses were going to use their union dues for political spending, then the best use of that money would have been spent to "throw the bums out."

Rank-and-file disagree with union bosses on stimulus, Obamacare

Union members not only disagree with how union operatives spend dues money

"59 percent of union membership would actually vote to replace their own 'union leadership' if given a secret ballot election to do so."

for political campaigns, they also outright oppose Big Labor's political agenda. For example, a clear majority view Presi-

dent Barack Obama and the Democratic Congress's stimulus bill as a resounding failure and overwhelming majorities oppose future government spending and debt to rejuvenate the economy.

Despite Big Labor's millions of forced-dues dollars and massive lobbying effort to secure passage of Obamacare, half of all union members view the mandate as a failure, while only 37 percent view it as a success.

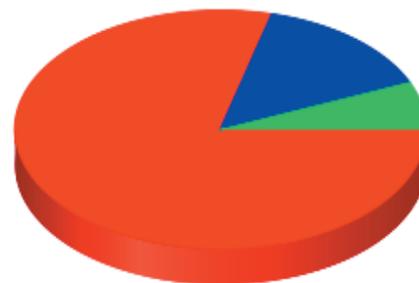
"As top union officials are pouring an estimated one billion dollars into re-electing Democrats into Congress, a large majority of union members actually oppose the union bosses' political agenda" said Mark Mix, President of the National Right to Work Foundation. "No wonder 59 percent of union membership would actually vote to replace their own 'union leadership' if given a secret ballot election to do so."

Union members support Right to Work, higher accountability

Union bosses enjoy government-granted special privileges to extract forced union dues from hard-working Americans' paychecks — most of whom want nothing to

Union Member Support of Right to Work Principle

- 80% Support
- 14% Oppose
- 6% Don't Care



A poll commissioned by the National Right to Work Foundation reveals that 80% of union members support the Right to Work principle, which would protect workers from paying union dues just to get or keep a job.

do with the union or its politics — to pay for their political activism, extravagant lifestyles, and posh offices with very little oversight and accountability.

Encouragingly, a whopping 90 percent of union employees favor more union hierarchy disclosure and 72 percent think union bosses should be held more accountable to workers. As such, 80 percent support the Right to Work principle that union membership and dues payment should be voluntary and not required as a condition of employment, perfectly mirroring the same number of Americans in general who support Right to Work.

"Our poll shows that union officials do not espouse the beliefs of the rank-and-file members that they claim to represent," added Mix. "That's why it comes to no surprise that union members strongly support the Right to Work principle for all of America's workers." ✎

Foundation Action

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Workers Fight for Secret Ballot Vote after Card Check Campaign

Union bosses conspire to remove secret ballot protection

SEATTLE, WA — A group of Wallula, Washington-based Tyson Foods Inc. employees recently prevailed in a protracted legal battle to have a secret ballot vote to remove a local union from their workplace after a coercive “card check” unionism campaign.

Unfortunately, the results of their election may not be known until the National Labor Relations Board (NLRB) reconsiders its 2007 *Dana Corporation* decision, in which National Right to Work Foundation attorneys won new rights for employees intended to counteract the intimidation and harassment waged by aggressive union operatives that frequently occurs during union organizing campaigns, most often as a result of card check.

Workers challenge coercive card check campaign

In the *Dana* ruling, the NLRB majority pointed out that “card checks are less reliable because they lack secrecy and procedural safeguards...union card-solicitation campaigns have been accompanied by misinformation...workers sometimes sign union authorization cards...to get the person off their back.”

Dana allows workers an opportunity to demand a secret ballot election to toss out union officials from the workplace within 45 days after an employer notifies employees that it has recognized a monopoly bargaining agent without a secret ballot vote. This check gives workers some ability to prevent unwanted union organizers from gaining monopoly control over a workplace.

Last year, Tyson recognized the United Food and Commercial Workers (UFCW) Local 1439 union as the employees’ monopoly bargaining agent after a controversial “card check” union organizing campaign.



Union bosses are trying to outfox Tyson Food workers by taking away any recourse they have after a card check forced unionism scheme.

In response, a group of independent-minded employees attempted to file a decertification petition with the NLRB seeking a secret ballot election to determine the fate of their bargaining status. Tyson company officials reprimanded the employees and confiscated the employees’ petition.

Union officials then gave employees only 24 hours to vote on whether or not to ratify the union’s contract with the company, and required employees to sign union dues deduction authorizations in order to vote.

Afterwards, another group of employees successfully filed a second petition with the NLRB to obtain a vote to remove the union from their workplace.

Union lawyers seek to obstruct workers’ will

UFCW union lawyers promptly disputed the employees’ petition before the NLRB regional office in Seattle, arguing *Dana* should not be followed because Big Labor lawyers are challenging it in five different cases across the country before the NLRB. Union lawyers argued federal labor law before *Dana* — which says the

existence of the union’s new contract with the company prohibits an employee election to remove the union — should instead decide the employees’ fate.

Subsequently, the besieged workers turned to the National Right to Work Foundation for free legal representation.

The NLRB Regional Director in Seattle rejected the union lawyers’ arguments to prevent an employee election, but did order that the employees’ votes be impounded pending the conclusion of the Board’s reconsideration of *Dana*.

Obama Labor Board poised to strip workers of *Dana* protections

The very Foundation attorneys who originally won the landmark *Dana* case are providing free legal assistance to workers in Minneapolis, Minnesota and Houston, Texas in two of the five *Dana* challenges pending before the NLRB. In both cases, more than the required number of employees asked for a secret ballot election to decertify the newly installed union. Yet, union lawyers insist the elec-

see **OBAMA NLRB** page 8

Union Bosses Forced to Drop \$200,000 Lawsuit Against Worker

Foundation defends carpenter sued for working to 'put food on the table'

CHICAGO, IL — Richard Crenshaw, an unemployed Chicago area carpenter who specializes in doors, finally had enough of waiting on carpenter union bosses to uphold their promises.

"I called my local 1539 and told them my situation of being out of work since I had been laid off," recalled Crenshaw. "And the union president gave me a list of door companies that were not hiring."

In the meantime, Crenshaw took up side jobs and handyman work "to pay my bills and to put food on the table" while he continued to pay quarterly union dues in the hopes of getting called back to his old job or getting another job.

"It did not happen. And so after six years of not having a union job, I decided to resign from the union."

Union trouble comes a-knockin'

Crenshaw continued to do residential and homeowner jobs to make a living. Then one day, Crenshaw was working for a friend and was spotted by a Chicago

Regional Council of Carpenters (CRCC) union official at the jobsite.

"He just stood there staring at me, then, proceeded to ask me if I was in the union and if I had a card...I did not since I had already resigned" said Crenshaw. "When I continued working, he said, 'I'll see you downtown.' I said, 'no you won't.' I had no idea they could put me through what they did."

Union czars abuse worker behind closed doors

CRCC union brass accused Crenshaw of stealing work from the union and demanded he appear at an internal union disciplinary hearing. He showed up to plead his case — or so he thought.

During the "kangaroo court" proceedings, Crenshaw's union accusers claimed they never received his union resignation letter, despite him sending it in three separate times. As a result,

the union tribunal held Crenshaw to the union's internal rules.

"It was a horrible experience!

It seemed like they had already convicted me

before I ever said a word,"

stated Crenshaw.

"They wouldn't answer any of my questions. All I

can say is that the experience was horrible. I had been unfairly accused and was about to be put through the ringer!"

After the proceedings, the union hierarchy levied a fine of \$201,250 and filed a civil lawsuit against Crenshaw in the Circuit Court of Cook County.

"[It was] unbelievable!" Crenshaw remarked. "And totally unwarranted since I had already resigned [union membership]."

Crenshaw appealed to the National Labor Relations Board (NLRB) for help. But unfortunately, Crenshaw's case was stymied at the NLRB because the short statute of limitations had run out.

Because CRCC union bosses were suing Crenshaw, he had to get an attorney. And after a year and a half of legal wrangling, the legal bills and stress were starting to become a heavy burden.

"It was devastating and cruel what they put me and my family through," Crenshaw stated.

Then, after seeing his case before the NLRB, National Right to Work Foundation attorneys reached out to Crenshaw offering help.

Union bosses drop suit after Right to Work steps in

"Immediately I felt at ease and began to have hope that there might be a way out of this mess," Crenshaw said.

Shortly thereafter, as the case was moving into the discovery phase, CRCC union lawyers decided to fold.

"I had went through this horrible ordeal...and within 2 months it was over!" Crenshaw said. "I am so thankful to the National Right to Work Foundation and to [Foundation staff attorney] John Scully for helping me get this resolved."

"I got my life back" concluded Crenshaw. "I am sincerely grateful." ✠



Union bosses often resort to kangaroo courts and heavy financial penalties to force workers to toe the union line.

Flight Attendants Picket Posh Union Boss Headquarters

Delta employees fight union election rules power grab

WASHINGTON, DC — On a cold, blustery day in December, over 30 bundled-up Delta Air Lines flight attendants from at least seven different airports across the nation, including several who are represented by Foundation attorneys, gathered in Washington, DC.

Their mission: to picket the Association of Flight Attendants (AFA) union bosses' posh headquarters and reiterate the point that AFA union bosses should respect their rights.

"Each flight attendant carried homemade signs with messages, ranging from 'Respect Our Choice,' to 'No Means No,' and 'No Union, No Dues, No Problem,'" reported one participating Delta flight attendant.

Employees repeatedly reject AFA union bosses

For decades, Delta Air Lines flight attendants have repeatedly rebuked AFA union organizers' attempts to take monopoly bargaining control over their workplaces.

These courageous employees are just one of the prominent groups in the transportation and shipping industry that have managed to stave off Big Labor barons' repeated attempts to grasp onto their hard-earned paychecks.

Unfortunately, the federal agency charged with mediating labor disputes within the railroad and airline industries recently gifted AFA union organizers an easier way to force the flight attendants into forced dues-paying union ranks via bureaucratic fiat.

With these new rules in place, AFA union operatives are attempting to force thousands of unwilling flight attendants into forced dues-paying ranks.

Federal agency grants union bosses long-sought payback

As reported before in *Foundation Action*, the three-member National Mediation Board (NMB) earlier this year changed its 75 year old union organizing election rules to favor more forced unionization of Amer-

ica's railway and airline employees.

The two Obama appointees comprising the majority that approved ramming the new rule through, Linda Puchala and Harry Hoglander, are former union officials with the AFA and Air Line Pilots Association (ALPA) unions.

The new procedure stacks the deck in favor of unionization by granting a union

monopoly bargaining power over railway or airline industry workers if the union acquires support from just a bare majority of workers who turn out for an election, no matter how few actually vote.

NMB rule change puts employee freedom at risk

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

"I was extremely disappointed to learn that the NMB had changed the voting rule," reflected Delta flight attendant Ashton Therrel. "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

see **FLIGHT ATTENDANTS** page 7

"The law is stacked up against the worker. We do not have the right 'not to join' a union."



Over 30 Delta flight attendants picketed AFA union boss headquarters on their day off to show their displeasure with the union organizers' strong-arm tactics.

Teamsters Have Mechanic Fired Because Wife Opposed Union

Right to Work attorneys intervene to protect employees who refuse to toe the union line

GRAND JUNCTION, CO — With free legal assistance from the National Right to Work Foundation, husband and wife Clark and Traci Kelley are pursuing unfair labor practice charges against local Teamster union officials.

Clark Kelley was employed as a mechanic by First Student for over 20 years and Traci Kelley worked as a First Student bus driver. Mrs. Kelley vocally opposed a Teamsters organizing campaign in late 2009, and subsequently filed unfair labor practice charges against Teamster officials for attempting to force her to join the union. Although Clark Kelley was also employed by First Student, he did not work in the same bargaining unit and was not a union member.

“I definitely don’t want to be a Teamster — or a member of any other union,” said Traci.

Union officials retaliate for opposition to organizing

A month after she filed unfair labor practice charges, Traci Kelley and her husband were suspended from their jobs. In April of last year, Clark Kelley was fired from First Student allegedly in retaliation for his wife’s refusal to join the Teamsters union and for her decision to file unfair labor practice charges.

Although First Student claims he was fired for faulty maintenance records, Clark Kelley believes that this was a pretext for retaliation against Traci Kelley. No other employee was terminated for similar maintenance issues, and several other First Student employees believe that Kelley was fired to get back at his wife for opposing the Teamsters’ presence.

Because Colorado has not yet passed a Right to Work law, workers can be forced to pay certain union dues as a condition of employment. However, even in states

without Right to Work protections, employers cannot lawfully discipline employees for opposing unionization or refusing to join a union. Companies are also prohibited from using disciplinary action to discourage independent-minded workers from speaking out against union officials.

Union boss objects to being labeled “thuggish” after having an employee fired to get to his wife

After the unfair labor practice charges were filed with the National Labor Relations Board (NLRB), Foundation staffers alerted local media outlets about the Kelleys’ efforts to fight back against union intimidation.

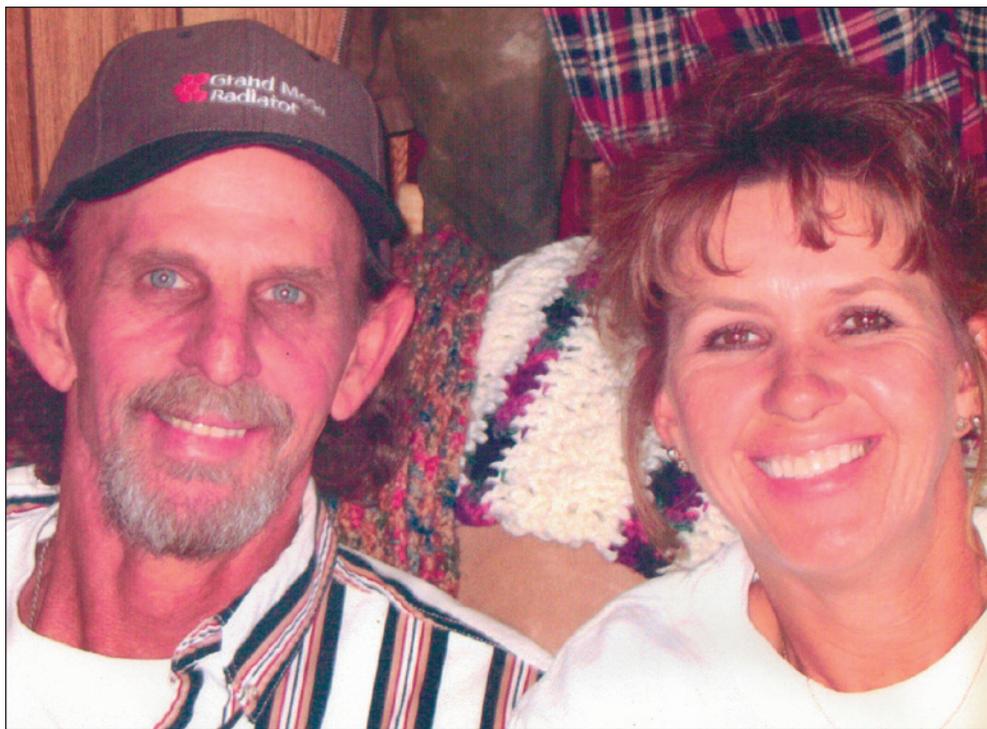
One union official had the temerity to complain about being labeled “thug-

gish” by Right to Work Communications Director Patrick Semmens in *The Grand Junction Sentinel*, a local paper that covered the story.

The Kelleys responded by pointing out that having Clark fired because of his wife’s opposition to the Teamsters has made the union an organization to be feared.

“If Teamster bosses don’t want their actions labeled ‘thuggish,’ they shouldn’t indulge in workplace intimidation,” said Semmens. “This is a clear-cut case of union bullying aimed at stifling workplace dissent.”

“The Kelleys’ legal fight also highlights the need for a Colorado Right to Work law,” continued Semmens. “Without Right to Work protections, employees like Traci Kelley can be forced to financially support unions they want no part of just to keep their jobs.”



Husband and wife Clark and Traci Kelley filed federal unfair labor practice charges against the Teamsters after union officials fired Clark to retaliate for his wife’s stand against forced union dues.

Flight Attendants Picket

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and once a union is voted in they are here to stay as it is an impossible feat to vote them out.”

Despite the rule change, Delta flight attendants staved off yet another intense AFA union organizing campaign.

But, due to their blind lust for more forced union dues dollars, AFA union bosses refuse to leave Delta’s independent-minded employees alone. So the 30 picketing Delta flight

attendants decided to take their fight for

workplace freedom to the union bosses’ doorstep in Washington on their day off.

Their effort drew the gawking attention of passersby and motorists alike, and generated a buzz in the local media.

“Delta’s independent-minded flight attendants continue to take a courageous stand against forced unionism,” said National Right to Work 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.”

“No one should ever be forced to accept unwanted union boss ‘representation’ and pay union dues in order to keep their job.”

Advantages of Stock Contributions

A gift to the Foundation of appreciated securities (held for one year or more) allows you to avoid capital gains taxes **and** makes you eligible for a charitable deduction in 2011 up to your AGI limits. Please contact Ginny Smith at (800) 336-3600 Ext. 3303 for more information, or to inform the Foundation of your intention to give a gift of stock.

Stock Transfer Information
UBS Financial Services, Inc.
DTC # 0221

Acct # WS-39563

c/o National Right to Work Legal Defense and Education Foundation, Inc.

Charitable Giving Incentives Extend to 2011

The National Right to Work Foundation has some welcome news! The Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010 was signed into law on December 17, 2010. This bill restores the Individual Retirement Account (IRA) Charitable Rollover for 2010 and permits its use in all of 2011.

If you own an IRA and are over the age of 70 ½, you may transfer up to \$100,000 directly from your IRA to the National Right to Work Foundation, a “qualifying charity” described under Internal Revenue Code Section 170(b)(1)(A)(vi) and 509(a)(1). Distributions should be made payable to: **National Right to Work Legal Defense and Education Foundation, Inc.**

Please review the following special incentives for a Right to Work Foundation gift in 2011 for this extended bill:

- You may make charitable gifts aggregating up to \$100,000 in 2011 directly from your traditional IRA or Roth IRA without including the distributions in your “gross income.”
- Your contributions would count for purposes satisfying your required minimum distribution (RMD) for 2011.
- Additionally, if you do not itemize your tax deductions, a gift from your IRA would achieve the same tax benefits as if your gift were fully deductible.
- Finally, if you have retirement assets in other types of plans, such as a 401(k), you may be able to transfer those assets to an IRA and then make your charitable gift to the Foundation.

Making gifts from IRA funds that would normally be subject to income tax if withdrawn voluntarily or under mandatory withdrawal requirements may be the answer you seek as a generous contributor to the Foundation. Of course, with the income exclusion, qualified distributions are not additionally allowed as itemized charitable deductions, and certain limitations and special rules may apply.

As with all planned gifts you are considering, please consult your own legal or tax advisor to receive the utmost tax benefits.

If you have any questions regarding charitable or planned gifts to the Foundation, including an IRA gift, please contact Ginny Smith, Director of Strategic Programs, at 703-770-3303 or gms@nrtw.org.

Obama NLRB

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tion petitions be dismissed, arguing that the precedent giving employees the right to ask for a secret ballot election after a card check forced unionism campaign is somehow a “radical departure” from established law.

The NLRB, which now has a majority of former union lawyers appointed by Barack Obama, is poised to reconsider *Dana* this spring.

“Because the Dana election process inherently undermines Big Labor’s case to permanently end secret ballot elections, union lawyers are determined to undo this check on union intimidation,” said Ray LaJeunesse, Vice President and Legal Director of the National Right to Work Foundation.

“The fact that many employees corralled into a union through the card check scheme have almost immediately thrown the union out through a private ballot vote demonstrates card check’s unreliable and coercive nature,” added LaJeunesse. “A secret ballot election gives workers at least a fighting chance to prevent union bosses from springing their unwanted ‘representation’ on unsuspecting or vulnerable workers.”

Newsclips Requested

The Foundation asks supporters to keep their scissors sharp for clipping news items exposing the role union officials play in disruptive strikes, outrageous lobbying, and political campaigning. Please clip any stories that appear in your local paper and mail them to:

NRTWLDF
Attention: Newsclip Appeal
8001 Braddock Road
Springfield, VA 22160
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,

The numbers don’t lie.

Poll after poll shows that nearly 80 percent of the American people believe in the Right to Work principle.

As you’ll read in this month’s cover story of **Foundation Action**, our new scientific poll by Frank Luntz demonstrated that actual union members themselves agree — at the same rate — that no worker should be forced to join or pay a union to get or keep a job.

To be sure, we were not surprised by the results. But many in the mainstream media were, or they acted surprised, anyway.

The staggering poll results reveal a deep distrust by the rank-and-file of the union bosses who claim to represent them. In question after question, sizeable majorities of union members reject their union hierarchy’s priorities and practices, including:

- Big Labor’s massive 2010 election spending to protect incumbents who promised more wasteful spending and debt;
- Fat cat salaries and perks for the union bosses, who do more to look out for themselves than “the little guy”; and,
- Insufficient disclosure and a lack of accountability, keeping union members in the dark about their rights and where their money is going.

I’m sure you’ll agree that the results confirm what you and I already know: Union bosses are out-of-touch with hardworking Americans — and forced unionism is wrong, no matter who you ask!

That’s why the National Right to Work Foundation’s legal aid program is so vital. Our dedicated staff attorneys’ work protects union members and independent-minded nonmembers alike.

Sincerely,

Mark Mix