



# Foundation Action

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of the National Right to Work  
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## Foundation Brings Another Case Before U.S. Supreme Court

### *High Court to Re-Examine Scope of Forced Union Dues from Non-Union Workers*

WASHINGTON, DC – The U.S. Supreme Court has granted a petition for a writ of *certiorari* filed by National Right to Work Foundation attorneys and agreed to hear the case of twenty Maine state employees objecting to the misuse of their compulsory union dues.

The appeal represents the 14th time that the nation's premier organization fighting against forced unionism has brought a case before the U.S. Supreme Court.

In *Daniel Locke v. Edward Karass*, the nine Justices will confront whether non-union employees can be forced to pay for litigation activities far removed from their workplaces. But the U.S. Supreme Court's ultimate ruling may provide much-needed clarity to the criteria that determine what union activities employees can be lawfully forced to fund.

Union officials spend billions of dollars each year on activities such as politics, organizing, litigation, lobbying, and a wide range of other ideological and non-bargaining activities. Yet, union bosses often claim that non-union members must foot the bill for these activities or be fired from their jobs.



**Maine state employee Dan Locke is the lead plaintiff in a case that has become the National Right to Work Foundation's 14th U.S. Supreme Court showdown.**

“No one should be compelled to pay union dues just to get or keep a job,” said Mark Mix, president of the National Right to Work Foundation. “But where union officials have obtained this special privilege from the legislature, they still have no legal authority to make non-union public servants in Maine pay for union activism across America.”

### **Forced-dues seizures anger Pine Tree State employees**

In 2005, Locke and his coworkers charged in a federal lawsuit filed by Foundation attorneys that Maine State Employee Association (MSEA) union officials were acting unconstitutionally in concert with State of Maine officials to seize compulsory union dues from nonunion state employees' paychecks. The union had not first provided them with a legally mandated independent audit of union expenditures. Later,

union bosses scrambled to provide disclosure, but they attempted to charge for activities outside the workers'

see **HIGH COURT** page 7

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# Union-abused Technician Wins Right to Reclaim \$100,000

*Foundation attorneys' threat of federal court appeal forced NLRB to reverse decision*

LAS VEGAS, NV – Under threat of another embarrassing slap-down by a federal appellate court, the National Labor Relations Board (NLRB) reversed itself and authorized an employee to obtain over \$100,000 in compensation for union discrimination.

The ruling comes in a case brought by National Right to Work Foundation attorneys to punish the corruption inherent in exclusive, union-only hiring halls.

Steven Lucas, an audio-visual equipment technician employed in the Las Vegas trade show and convention industry, brought the case against the International Alliance of Theatrical Stage Employees (IATSE) Local 720 union because it blackballed him from getting job referrals.

Union brass also unlawfully expelled Lucas from the union hiring hall and offered him no means of reinstatement.

“Even in a Right to Work state like Nevada, union officials still used their monopoly bargaining power to punish workers that refuse to toe the union line,” said Stefan Gleason, vice president of the National Right to Work Foundation.

## Union officials blacklisted employee from getting work

The case is “Exhibit A” of why the NLRB process is generally stacked in favor of union bosses and why the agency is a laughingstock even among other abusive federal agencies. It took more than 10 years and multiple appeals to get a favorable outcome for the union-abused worker.

In the most recent round of appeals, the NLRB in Washington, DC, had upheld a ruling by NLRB Region 28 in Las Vegas which would only allow Lucas to reclaim

approximately \$16,000 in lost wages from a single lost job opportunity due to the unlawful union discrimination.

In reality, union officials' illegal blacklisting of Lucas cost him work with more than a dozen employers during 1995 and 1996, and his losses were many times the amount calculated by NLRB Region 28.

Lucas was a union member from 1981-1992 and used the hiring hall until 1994, when union officials illegally and arbitrarily expelled him from the hiring hall.


Union bosses commonly use their monopoly bargaining privileges to set up “exclusive hiring halls” under which union officials decide which employees to refer for work at conventions, trade shows, and construction sites. Subsequently, workers are forced to pay money – often called a “referral fee” – to the union to be eligible for work.

## Previous NLRB position “not substantially justified”

Lucas' case has been a source of embarrassment for the NLRB over the years.

Several years ago, the Ninth Circuit Court of Appeals reprimanded the agency for taking positions that were “not substantially justified.” This reprimand caused the agency to pay certain attorneys' fees under the Equal Access to Justice Act (EAJA).

Consequently, under threat of a new appeal by Foundation attorneys and further embarrassment, the NLRB had no choice but to reverse its previous ruling and allow Lucas to reclaim what was rightfully owed to him, an amount calculated to be over \$100,000.

“The prospect of even more embarrassment for the NLRB in enabling this outrageous union discrimination forced the agency's hand,” ended Gleason. 



*The NLRB's slow moving bureaucracy is generally beneficial to the union bosses.*

## 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.

# Hoosier State Workers Capitalize on Right to Work Win

*Foundation gives America's employees facing "card check" some ability to fight back*

ALBION, IN – A group of Dana Corporation employees recently won a secret ballot “decertification” election, voting to oust the unwanted United Auto Workers (UAW) union from their automotive workplace.

UAW union officials had conducted a “card check” instant organizing campaign, where they misled and harassed employees in order to get them to sign authorization cards favoring unionization.

Fortunately, after the National Right to Work Foundation’s Dana/Metaldyne breakthrough victory at the National Labor Relations Board (NLRB) late last year, workers who want to resist a union’s card check organizing scheme have a small escape hatch after the union bosses muscle themselves into the workplace.

The employees’ decertification election was the first successful secret ballot election in the nation resulting from the Dana victory. Under the ruling, employees must be given notice they have 45 days after the card check recognition to file a decertification petition to obtain a secret ballot election to vote out an unwanted union.

“This is a victory for the employees at this Indiana Dana facility who fought for their right to negotiate over their own wages and working conditions, free from the coercion of union monopoly bargaining,” explained Mark Mix, president of the National Right to Work Foundation. “However, passage of an Indiana Right to Work law to free Hoosier State workers from forced unionism would do even more to help workers maintain their freedoms. And a Right to Work law is within reach.”



*“I want to make my own choice,” Dana Corp. employee Rita Murphy (left) said about joining a union. View Rita, coworker Beverly Musolf (also pictured), and others telling their story at [www.youtube.com/RightToWork](http://www.youtube.com/RightToWork).*

## Dana workers resisted union harassment, intimidation

Like so many other Dana facilities, employees in Albion experienced constant harassment and intimidation as union officials tried to bully them into signing authorization cards. And Dana Corp. management then recognized the union.

Fortunately, Larry Getts and other Dana employees armed themselves with information on how to free their workplace from the UAW union’s coercive tactics after the high-pressure card check campaign.

“It seems like they were there every day, harassing us, wanting us to sign the cards,” Dana employee Beverly Musolf told *Foundation Action*. “They were verbally abusive and out-and-out lied.”

And with help from the National Right to Work Foundation’s website, the employees learned of the step-by-step

process of how to go about filing for a decertification election under the Foundation’s recently won Dana/Metaldyne case.

Soon after, Getts and his workers were granted the decertification election and voted to throw out the unwanted UAW union.

“I would’ve had to think strongly about working there,” Getts said about the professional lives they would have lived without help from the Foundation. “Because, I’ve worked [in a union shop] before, and I don’t agree with their tactics or what they do.”

## Ruling sparks trend of employees fighting back

Unfortunately, employees across the nation are increasingly preyed upon by Big Labor organizers.

However, the Right to Work Dana/Metaldyne victory is providing workers with a way out when they are forced into union ranks by the card check scheme.

In fact, as of mid-February, employees receiving Dana “voluntary recognition” notices across the country have filed eight decertification petitions to toss out an unwanted union.

“The growing trend is clear: employees are revolting when they find themselves dragooned into union ranks by card check instant organizing drives,” stated Mix.

*“It seems like they were there every day, harassing us, wanting us to sign the cards,” Dana employee Beverly Musolf told *Foundation Action*.*



# Union Bosses Try to Shatter Glassmakers' Free Choice

*Union officials misled and bribed employees to gain monopoly bargaining privileges*

BANNING, CA – As an assembly line machine operator for a window manufacturing company, Maria Estrada enjoys her line of work.

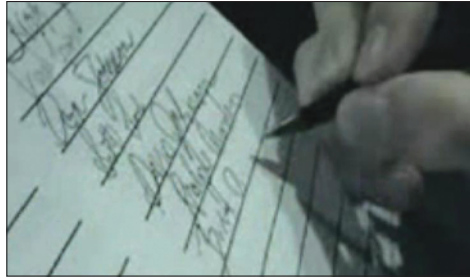
But she knew she would enjoy her job a whole lot more without the interference of a union.

But union officials at the Coastline Manufacturing, Inc. factory refused to heed the wishes of Estrada and her coworkers to cancel the union's monopoly bargaining privileges at their workplace.

As a result, National Right to Work Foundation attorneys are helping Estrada send their message loud and clear – by helping her file unfair labor practice charges at the National Labor Relations Board (NLRB) against the Painters & Allied Trades District Council 36, Glaziers, Architectural Metal & Glassworkers Union Local 636.

## Union bosses ignore workers' needs until forced-dues revenues are threatened

With a growing distaste for the union's so-called "representation," Estrada gathered a majority of her coworkers' signatures and submitted a petition to Coastline Manufacturing officials demanding an end to the company's recognition of the union as the monopoly bargaining agent.



With the expiration of the union's contract quickly approaching, Coastline officials were obliged by law to break off contract negotiations due to clear proof of majority opposition to the union.

However, when union officials finally caught wind that the union had lost workers' support, they got motivated and officials began giving out free food to the employees in a silly attempt to bribe and sweet talk them into changing their minds.

"It comes as no surprise that union officials use desperate, last-ditch attempts to keep the forced union dues flowing," explained Stefan Gleason, vice president of the National Right to Work Foundation.

## Union bosses try to dupe employees into supporting union

As January came to a close, Glassworker union officials held a meeting where they attempted to collect signatures from all employees with the secret purpose of reinstalling the unwanted union.

Union officials misled Estrada and her coworkers into believing that the signatures were to be tallied as votes on the new benefits provisions of the contract. They further told the employees that the most recent version of the contract needed to be ratified by the

*Union officials lied to Maria Estrada and her coworkers, telling the employees that by signing, they were merely voting on workplace benefits, not the fate of the union.*

workers before it could become binding on the employer.


"It's commonplace for union bosses to lie through their teeth to try to dupe workers into signing documents used to entrench a union," continued Gleason.

## Employees' election to oust unwanted union an uphill struggle

The NLRB is now investigating the federal charges brought by Foundation attorneys, including the union bosses' improper attempt to act as the workers' representatives and lying to employees about ratifying a contract, even though contract negotiations had ceased.

Meanwhile, to help ensure that biased NLRB officials are less able to undo the employees' will by scuttling their unfair labor practice case, Estrada and her coworkers are also pursuing a formal "decertification" election. They want to make it perfectly clear the unwanted union should be booted from their workplace for good.

As is common, union officials are trying to block this election from occurring by filing "blocking" charges with the NLRB alleging unfair labor practices by the employer.

"Uprooting an entrenched union is always a challenge for workers because the federal labor law is designed to insulate union officials from workers, but with guidance from the Foundation's expert legal staff, employees have a fighting chance for freedom," concluded Gleason. 

*Visit our website  
for breaking news:  
[www.nrtw.org](http://www.nrtw.org)*

## Gift Annuities Pay High Income, Avoid Stock Market Turmoil

Through the strategic use of planned giving, Foundation supporters can advance the cause of individual liberty while, at the same time, receiving a steady income stream and excellent tax benefits.

In particular, the National Right to Work Foundation's Charitable Gift Annuity Program is paying significant income to an increasing number of Foundation donors who, at the same time, help secure the future of the Right to Work movement.

Assets accumulated during one's lifetime usually go to one or more of three places: family, charity, or taxes. Fortunately, effective estate planning can ensure that loved ones and favorite charities receive most of those assets – rather than the tax man!

The Foundation has a partnership with Comerica Charitable Services Group and stands ready to work with any supporter who wishes to establish a gift annuity or any other form of planned gift. It can be surprisingly easy to do, and the Foundation's team will do virtually all the work.

Of course, Foundation supporters are encouraged to consult with their own tax or estate advisors. The information contained in this article is, of necessity, general in nature.

Supporters may obtain a no-obligation personal gift annuity analysis simply by contacting Ginny Smith at 1-800-336-3600 or [gms@nrtw.org](mailto:gms@nrtw.org).

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

### Single Life Annuity Rates

*Effective April 1, 2008*

DONOR AGE	ACTUAL PAYOUT RATE	EFFECTIVE PAYOUT RATE
65 years	6.5%	8.26%
70 years	7.0%	9.15%
75 years	7.6%	10.24%
80 years	8.5%	11.80%
85 years	10.0%	14.27%
89+ years	11.5%	16.76%

*Gift annuity rates are determined on the date of the gift according to the age of the person or persons who receive the payments, and according to the type of asset given.*

*The effective rate assumes the gift is cash and the donor is in the 25% federal income tax bracket, and it takes into account the value of the charitable income tax deduction and tax free annuity income. Rates are subject to change.*

### 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.



# High Court to Re-examine Scope of Forced Union Dues

continued from cover

bargaining unit – such as lawsuits filed by Service Employees International Union affiliates.

Months earlier, MSEA union officials had craftily snuck language into a contract covering most state employees that originally imposed the forced-dues requirement. For the first time, union bosses had gained the power to force nearly 3,000 Maine state government employees to pay union dues, even though they were not union members.

“That’s where a lot of animosity comes from. It was suddenly sprung

upon us,” Brian Hodges, an employee of Maine’s Department of Administrative and Financial Services, told local news outlets at the time.

The High Court will likely revisit the three-part test it had created in the Foundation-won *Lehnert v. Ferris Faculty Association* decision. It was this 1991 case that established the criteria for determining what activities workers could be forced to fund as a condition of employment.

“According to Big Labor, everything union officials do anywhere in the world

‘benefits’ each worker and this therefore justifies forcing workers to foot the bill,” said Mix. “For example, union bosses insist that suing companies, organizing unions, and destroying jobs in California somehow ‘benefits’ workers in Maine. And electing tax-and-spend politicians in Michigan ‘benefits’ workers in New York.

“We are confident that the U.S. Supreme Court will reject union lawyers’ arguments that the standards for protecting employee freedom should be lowered even further.”<sup>4</sup>

## Remembering Hugh Reilly, Right to Work litigator

At 67 years of age, a beloved member of the Right to Work movement, Hugh Lawrence Reilly, passed away on January 17, 2008 in Boston, Massachusetts.

Reilly served as a dedicated Staff Attorney for the National Right to Work Legal Defense Foundation from 1972 through 1981 and again from September 1987 through April 1995.

He litigated several landmark cases for the Foundation, the most significant of which was *Communications Workers v. Beck*, which he filed and litigated successfully in the trial court. The case ultimately resulted in what is arguably the Foundation’s greatest



U.S. Supreme Court victory to date, extending the right not to subsidize union political activities to most private-sector workers.

Governor Mitt Romney nominated Reilly to the Massachusetts Labor Relations Committee in 2003, where he proudly served until August 2007. At the federal level, Reilly also served as Solicitor for the National Labor Relations Board in Washington, DC, and was Executive Assistant to Assistant Secretary of Labor Donald Dotson.

Reilly is survived by his wife, Sharon Daniels Reilly; two sisters, two sons, and three step-children.

## 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](mailto:wfc.nrtw.org)



## Workers Revolt

*continued from page 3*

“While this is an inspiring moment for those fighting for their right to a union-free workplace, we must not forget that federal law still stacks the deck against independent-minded employees.”

## Bill to mandate coercive union organizing looms large

Though union officials failed to ram it through Congress in 2007, the diabolically named “Employee Free Choice Act,” seems destined to resurface soon. Under the bill, coercive card check instant organizing would become the law of the land, and it would effectively end the less-abusive secret ballot election process for deciding representation.

While the “card check” bill was successfully blocked in the Senate earlier this year, it remains Big Labor’s number one priority, and support for the bill remains a litmus test for politicians seeking union cash during the 2008 elections.

Hypocritically, the card check bill’s lead sponsor, Congressman George Miller (D-CA), knows his bill facilitates a process that is rife with abuse. Seven years ago, Miller and more than a dozen of his bill cosponsors threatened the Mexican labor commission for doing the same thing: “We feel that the secret ballot is absolutely necessary to ensure that [Mexican] workers are not intimidated into voting for a union they might not otherwise choose.”

“I feel like the ‘card check’ system is un-American,” said Getts. “The very people that...want the ‘free choice’ bill passed tell these people in Mexico a free ballot election is the best way to go and then come back and tell your own citizens, no this isn’t the way we want to go. I mean, I don’t understand that.”



## Message from Mark Mix

President  
National Right to Work  
Legal Defense Foundation

Dear Foundation Supporter:

Do you want the government to decide who gets your money?

If your answer, like mine, is “No,” then I hope you will take a look at the article on Charitable Gift Annuities on page 5 of this issue. In addition, please check your mailbox in the next few weeks – I’ll be writing to Right to Work supporters about exciting ways for donors to help the cause while also gaining valuable tax advantages.

Options available to Foundation supporters include the Reed Larson Legacy Fund to provide a permanent endowment for the Foundation’s program, as well as a brand-new planned giving option for donors - Pooled Income Funds.

We’re also continuing to build the National Right to Work Legacy Society as a means of recognizing Foundation supporters who have made planned gifts.

There is a sense of peace that comes from knowing that the people and causes we care about will be provided for after we are gone. That’s why I’m especially grateful when Right to Work supporters remember the Foundation through planned giving.

If you have recognized the advantages of planned giving and have decided to include the Foundation in your plans, please consider letting us know.

If you wish, we can help advise you on various ways to achieve the maximum tax advantage for your estate. For more information, I urge you to call me or my assistant Ginny Smith at 1-800-336-3600, or e-mail [plannedgiving@nrtw.org](mailto:plannedgiving@nrtw.org).

Thank you for propelling our movement forward with your gifts.

Sincerely,

Mark Mix