



Foundation Action

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Foundation Fights to Keep Airport Screeners Free of Forced Unionism

**White House urged to act
to defend national security,
employee freedom**

WASHINGTON, DC – The National Right to Work Legal Defense Foundation swung into action to block attempts by union officials to grab monopoly bargaining power over security screeners at America’s airports.

In arguments filed at the National Labor Relations Board (NLRB), Foundation attorneys laid out how forced unionization of airport screeners would pose a grave risk to the country, because union officials could hold America’s national security hostage to extortionate demands. Even more disconcerting is the potential for terrorist infiltration of an airport screeners union.

The brief filed by Foundation attorneys responded to a June ruling by the NLRB to review a decision by one of the agency’s Regional Directors to apply the National Labor Relations Act (NLRA) to screeners working for a private contractor called Firstline Transportation Security at the Kansas City International Airport. The Security, Police and Firefighters Professionals of America (SPFPA) union is trying to



If airport security screeners are forcibly unionized, national security could be held hostage to outrageous demands by union bosses.

gain monopoly bargaining power over Firstline’s airport screeners that would ultimately allow it to collect compulsory union dues.

A ruling in the case could immediately authorize similar forced unionization at four other airports that currently use private security screeners: Rochester, New York; San Francisco, California; Tupelo, Mississippi; and Jackson Hole, Wyoming. An SPFPA spokesman recently told *Government Executive* magazine that the case has the potential to “change the whole industry” and open the door for “more national security officials to unionize.”

National security should trump forced unionization of security screeners

In response to the September 11th attacks, Congress created the Transport-

ation Security Administration (TSA), and made all airport screeners federal employees except for those in pilot programs at five airports. Meanwhile, the TSA has exercised its discretion not to grant monopoly bargaining power to union officials over any federally employed airport screeners.

The Foundation’s legal brief notes that, in creating the TSA

and authorizing the pilot program for privately hired airport screeners, such as those in Kansas City, Congress specified that the “TSA directs these

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Michigan Court Reverses Forced Unionization of Religious Schools

Appeals Court agrees with Foundation and rejects union power grab at Catholic Schools

BLOOMFIELD HILLS, MI – A recent victory aided by the National Right to Work Legal Defense Foundation protects the religious freedoms of teachers and the private Catholic school where they work. The Michigan Court of Appeals unanimously ruled that imposing monopoly collective bargaining on Brother Rice High School is not authorized under state law.

Three judges unanimously overturned the unprecedented Michigan Employment Relations Commission's (MERC) ruling that private religious schools fall under Michigan's coercive collective bargaining laws. If the MERC ruling had not been overturned, union officials were expected to forcibly unionize numerous other religious institutions in Michigan, and to leverage this tactic to attempt to impose compulsory unionism on religious school teachers across the country.

The Michigan Education Association (MEA) union, an affiliate of the National Education Association (NEA) union, had first targeted teachers at the Brother Rice High School for forced



Foundation attorneys successfully assisted Brother Rice High School in fighting to keep the school's Catholic education and doctrine free from meddling by union officers.

unionization several years ago. When the MERC gave the union scheme a greenlight, Foundation attorneys filed an *amicus curiae* brief in support of Brother Rice for the Acton Institute (a religious liberty public policy group) and three faculty members.

The Foundation brief demonstrated that Catholic Church doctrine and the ideology of the MEA union are incompatible, and that Michigan state law was not written to include religious institutions such as Brother Rice in the

jurisdiction of union representation and state regulation.

School's moral values conflict with union agenda

Foundation attorneys argued that giving MERC oversight of monopoly bargaining agreements could lead to the MEA union using monopoly bargaining to hijack the religious school's policy-making and allow the MEA union's radical political agenda to influence the religious instruction given by Brother Rice teachers.

The MEA union's advocacy of abortion on demand and support of special rights for homosexuals—positions opposed by many MEA members—directly conflict with Catholic doctrine. These and other fundamental differences could have been the subject of state-mandated monopoly bargaining between the school and the MEA.

Because hiring practices at the school necessarily involve religious beliefs, an MEA union victory would have meant that the state's labor agency could end up in the position of passing judgment upon church doctrine to determine whether the school's refusal to bargain over certain terms of employment is legitimately based on religious belief. Such a scenario would clearly violate of the school's First Amendment right to practice freely its religious beliefs.

"It would be unconscionable to force religious schools to bargain with union officials who have an agenda that runs afoul of the church's teachings," said staff attorney Bruce Cameron, Director of the Foundation's Freedom of Conscience Project. "Moreover, teachers should not be forced to accept the

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Ray LaJeunesse, Jr.	Vice President and Legal Director

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Conference Advances Nation's Independent Teacher Movement

Foundation helps independent teachers preserve professionalism



CEAFU attendees listen eagerly to the distinguished speakers at this year's conference.

WASHINGTON, DC – This past June, the Foundation brought together leaders of the nation's independent teacher groups for its annual Concerned Educators Against Forced Unionism (CEAFU) conference in Washington, DC. The conference helps professional educators confront the injustices perpetrated by union officials against the millions of teachers forced to pay compulsory dues just to keep their jobs.

CEAFU, a special project of the National Right to Work Legal Defense Foundation, was established in 1975 to “take dead aim at one of the most serious threats to academic freedom in America today—compulsory unionism.”

As the largest independent teachers' organization in America, CEAFU is an umbrella organization under which 29 different state professional teacher groups and four national associations gather. Unlike teacher unions, each group reflects the diverse educational interests and concerns of its members, finding common ground in CEAFU's dedication to defending every teacher's right to freedom of association.

In all but seven states, teachers are required to endure some degree of compulsory representation by either National Education Association (NEA) or American Federation of Teachers (AFT) union officials.

Teachers focus on academic freedom

This year's CEAFU conference addressed the ever-growing need to provide teachers with a viable professional alternative to forced unionism.

The program was specially prepared to meet the needs of those leaders who face the challenges of today's education field, which is suffocating under the chokehold of teacher union officials. One challenge facing educators today is the threat that compulsory unionism presents to academic freedom.

CEAFU advisory board member Leon Knight, retired English teacher and onetime state Democrat Party activist, summarized CEAFU's position accurately, “... if [union officials] can determine not what I teach in the classroom, but whether I teach at all, that is the ultimate threat to academic freedom.”

Foundation attorneys educate teachers on compulsory unionism injustices

Foundation attorneys Bruce Cameron, Milton Chappell, and Jim Plunkett briefed educators about current legal efforts to confront compulsory unionism and its adverse effects on teachers. In a presentation titled “The Bargaining Imbroglio,” Cameron took a critical look at how monopoly bargaining harms teacher freedom and bars teachers from obtaining information on professional membership alternatives.

Chappell categorized each state's public sector teacher monopoly bargaining laws by degree of severity, and explained the complexity of overcoming the restrictions these laws engender. Plunkett presented an overview of the

Foundation's “Equal Access Project” in which he defined the legal terms under which independent educator group leaders must operate, and offered effective solutions to their dilemma of not having a forum in which to be able to communicate with prospective teacher members.

Congressmen honor independent teachers at CEAFU gala

The opening day of the CEAFU conference concluded with a congressional reception in the House Speaker's press room in the U.S. Capitol building.

Congressman Joe Wilson (R-SC), sponsor of the National Right to Work Act, joined Congressmen Bob Beauprez (R-CO), Gresham Barrett (R-SC), Henry Brown (R-SC), Howard Coble (R-NC), Jeff Miller (R-SC), Bob Inglis (R-SC), and Senator Richard Burr (R-NC) in a special tribute to Dr. Elizabeth Gressette.

After a career spanning more than 25 years as a kindergarten teacher, local chapter, state president, and Executive

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South Carolina Congressmen Henry Brown (right) and Joe Wilson (left) speak to CEAFU attendees at the Congressional reception.

Tennessee Court Upholds Teacher's Cutting-Edge Lawsuit

Suit asserts full union members' right to cut off union dues spent on politics

KNOXVILLE, TN – The Court of Appeals of Tennessee ruled that a groundbreaking lawsuit filed by National Right to Work Legal Defense Foundation attorneys on behalf of a Tennessee educator will go forward. The suit seeks to halt union officials' practice of compelling teachers to support political activities as a condition of union membership in the union.

The state appellate court agreed with arguments made by Foundation attorneys that the trial court improperly dismissed a lawsuit filed by Foundation attorneys on behalf of Polk County teacher Dewey Esquinance.

Monopoly bargaining is the root of forced unionism

While Tennessee's Right to Work law protects Esquinance's right to resign from the union and withdraw all financial support from the objectionable union, he suffers significant discrimination as a result of the injustice of union monopoly bargaining.

For example, because union officials exercise their monopoly bargaining privileges to foist their representation on all employees—regardless of membership—Esquinance still cannot negotiate his own employment contract. And, as a non-member of the union, he cannot even cast a vote regarding the monopoly bargaining agreement that binds him to certain terms and conditions of employment. Nor may he have any voice in selecting union officials who govern workplace matters. Moreover, non-members lose completely their already limited voice in determining the criteria for teacher evaluations, control of sick bank donations, and access to teacher training.

Because of this unfair “Hobson's Choice,” Esquinance is making a constitutional challenge to a statewide teacher union policy that, in effect, forces teachers to sacrifice their voice in workplace matters in order to exercise their political and religious freedoms.

“This case further demonstrates that NEA union officials are most concerned with shaking teachers down to finance a radical political agenda,” said Foundation Vice President and Legal Director Ray LaJeunesse.

Objecting teacher fights for workplace voice

Esquinance, with the help of Foundation attorneys, filed the suit in April 2003 against the National Education Association (NEA) union's affiliates, the Polk County Education Association and the Tennessee Education Association union, in Tennessee's Circuit Court of Polk County.

If Esquinance prevails, teachers will be able to remain union members but still withhold dues spent by the union on political and ideological activities. Currently, teachers must resign from union membership under the state's Right to Work law in order to withhold that part of dues.

Teacher stands up to radical NEA political agenda

Like many educators, Esquinance objects to many aspects of the NEA's agenda for religious and political reasons, including the NEA's controversial stances of promoting public funding of abortion on demand, gun control, and special rights for homosexuals. Every year, the NEA spends

millions of the compulsory dues dollars it collects to support political views and candidates that many teachers find objectionable.

Esquinance is challenging the membership dues based on the rights established in the Foundation-won U.S. Supreme Court decision in *Abood v. Detroit Board of Education*. Under *Abood* and subsequent rulings, employees have a constitutional right to refuse to pay for union non-collective bargaining activities and ideological activities—such as politics.

“Union officials have no right to force teachers to choose between a voice in the workplace and their beliefs,” stated LaJeunesse. “Big Labor's message to teachers is clear: pay up and shut up.”



Even in Right to Work states, monopoly bargaining puts teachers in a pickle: either pay for politics you may not agree with, or sacrifice any say in your workplace.

New Book Chronicles History of the Right to Work Movement

Celebrates five decades battling Big Labor to preserve worker freedoms

SPRINGFIELD, VA – For 50 years the Right to Work movement has fought to protect American workers' most fundamental workplace freedoms. Now, with *Free Choice for Workers: A History of the Right to Work Movement*, George C. Leef has written the ultimate in-depth story of this vital struggle for freedom.

Released just in time for Labor Day, the book coincides with the 50th anniversary of the formation of the National Right to Work Legal Defense Foundation's sister organization, the National Right to Work Committee.

Leef tells of the "David and Goliath" struggle between individual workers and union officials, the fight of American citizens against the powerful Big Labor interests for individual liberty and workers' freedom. He notes that far too often Big Business and the Republican Party have abandoned the principled struggle against compulsory unionism and left National Right to Work and its thousands of grassroots supporters to stand up for workers' fundamental rights.

Free Choice for Workers exposes as a fraud the myth propped up by union bosses that the National Right to Work movement is an arm of the Republican Party or the business community and tells of the nationwide grassroots support for the Right to Work cause—a cause supported by nearly 80% of all Americans.

Account details in-the-trenches battles of Right to Work

Beginning by tracing the roots of the Right to Work movement back to a group of brave railroad workers who objected to the decision of union bosses to switch from voluntary to compulsory

membership, Leef recounts the history of the fight to ensure that individuals are free to join a union, but never forced to do so.

Leef exposes the coercive New Deal legislation that gave union bosses unprecedented legal privileges to force workers into union membership, violating workers' basic Constitutional freedoms. Later, he gives blow-by-blow accounts of the attacks by militant union bosses on the Right to Work movement, and chronicles the noble efforts of the National Right to Work organizations to counter these attacks.

Recounting examples of violence by union thugs and harassment by hostile government officials, Leef also tells of widespread misuse of union funds for political purposes and of relentless assaults by Big Labor on workers' rights. While describing these appalling violations by corrupt labor bosses, the book also recounts the stories of heroic workers who have stood up for freedom in the face of violence and persecution.

Author profiles victories for worker freedom by National Right to Work

Free Choice for Workers highlights legislative victories of the National Right to Work Committee in Congress and in state legislatures across the country. It also details triumphs by the National Right to Work Legal Foundation's attorneys at all levels of the

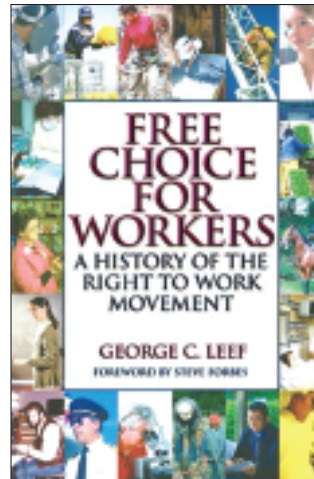
judicial system, including several cases in the Supreme Court affecting the rights of all working Americans.

Finally, Leef grounds the Right to Work principle in the fundamental American beliefs in limited government, free markets, and individual liberty. He projects how much less freedom workers would have now if the National Right to Work organizations had not fought relentlessly for the past five decades, and looks at how much work is left to be done battling the money and influence Big Labor wields to stifle workers' rights.

The foreword by former Presidential candidate Steve Forbes says "with the publication of

this book, author George Leef gives us a much-needed overview of the Right to Work movement. It's about time that we had a book on this important topic." Indeed, for anyone interested in the essential liberty that is the right to be free from compulsory unionism, *Free Choice for Workers* is a must read.

Foundation supporters may obtain a complimentary copy of *Free Choice for Workers: a History of the Right to Work Movement*, by contacting Jean Griffith at (800) 336-3600 or via email at jmg@nrtw.org. ↗



George Leef's new book, Free Choice For Workers, chronicles a "David and Goliath" struggle.

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Introducing the National Right to Work Legacy Society

Over the past few years the Foundation's planned giving program has seen significant growth. This has led staff to look for ways to reach out in a special way to supporters who have made planned gifts.

While the Foundation greatly appreciates the generosity of each supporter, planned giving donors make a very personal commitment to the future of the Foundation's important work. By including the Foundation in a will or trust, or by supporting it through a charitable gift annuity, such donors have included Right to Work in their plans for the future in much the same way as they have planned for their families.

This has led the Foundation to create the new **National Right to Work Legacy Society**. Officially launched on October 1st, the Legacy Society is our way of thanking donors who have made planned gifts to the Foundation. All donors who have made a planned gift, or indicated that the Foundation has been included in their will or trust, are now part of this special circle.

Legacy Society members are a very special part of the Right to Work family, and as such will be entitled to certain special benefits. Among these benefits will be a new annual newsletter and invitations to special Right to Work events. The Foundation has also designated a staff member who is available to assist all Society members with any questions they may have about Foundation activities.

The Foundation has commissioned a "Legacy Society Plaque," which will be on display at Right to Work headquarters and at private Right to Work functions and board meetings. We wish to offer society members recognition for their dedication to the Foundation without compromising the confidentiality that they have come to expect. For this reason, we will only inscribe the names of those members who give us permission, and their names will not be published elsewhere.

"I'm very excited that we have created a suitable way of thanking these individuals," said Mark Mix, President of the Right to Work Foundation. "I want Society members to know that I am personally available to them."

**Planned gifts include charitable gift annuities, pooled income funds, charitable trusts, gifts of life insurance or retirement fund assets, gifts to the fledgling endowment fund, bequests, and other gifts designed to serve the long-term needs of the Foundation.*



The National Right to Work Legacy Society is our way of thanking donors who have made a personal, long-term commitment to the future of the movement.


CEAFU

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Director of the Palmetto State Teachers Association, and as an activist and key leader of CEAUFU efforts in South Carolina, Dr. Gressette retired earlier this summer.

The following day, Hoover Institution and Stanford University Department Chairman and Professor Terry Moe discussed his findings on forced unionism as viewed by individual teachers. And Dr. Phil Bigler, 1998 National Teacher of the Year, shared his reflections on what it takes to sustain the role of the professional educator.

Finally Stan Greer, Senior Research Fellow for the National Institute for Labor Relations Research, explored the NEA union's involvement with radical ideological organizations such as ACORN and MoveOn.org, and presented a study he has published about these alarming developments.

"CEAFU is an invaluable service provided by the Foundation," said CEAUFU Director Cathy Jones. "Compulsory unionism is the enemy of teacher professionalism." 



Hoover Institution and Stanford Professor Terry Moe speaks to a listener after presenting his study.

Airport Security

continued from cover

screeners, and the screeners are subject to TSA's policies and guidelines," and that "TSA uses Firstline's workforce at TSA's discretion." Additionally, TSA sets the pay range for Firstline's screeners, trains the screeners, and provides and maintains the equipment used.

Further supporting the Foundation's arguments, while testifying before the House Committee on Homeland Security, Subcommittee on Economic Security, Infrastructure Protection, and Cyber Security, TSA Acting Deputy Administrator Thomas Blank told committee members, "Our policy has been that screeners may not, whether they are federal or private, engage in collective bargaining."

Foundation questions TSA bureaucracy's undermining of Administration policy

The TSA's own filing in the case tacitly approved forced unionization of private screeners, directly undermining the Bush Administration's policy regarding the national security implications of unionization. Foundation President Mark Mix wrote a letter to President Bush expressing deep concern over the policy reversal, while a Foundation news release blew the whistle in the media.

Mix urged President Bush to correct the TSA bureaucracy's sudden change in policy, explaining that it not only opens the door to violations of employee freedom of association, illegal strikes, and even the possibility of terrorist infiltration of unions, but it also contradicts TSA's earlier directives.

Mix reminded President Bush that a 2003 directive from then TSA head Admiral J.M. Loy made the Admin-



Forced unionization of airport security screeners means an estimated \$30 million in forced dues to greedy union bosses, paid for at the expense of national security.

istration's position clear. Loy's directive explicitly stated that he would not allow union officials to engage in monopoly bargaining over TSA screeners due to national security concerns.

Union officials lust for compulsory union dues

Union bosses' main motivation in the forced unionization of 50,000 airport screeners across America is the potential for up to \$30 million in new forced union dues every year.

Foundation Vice President Stefan Gleason stated, "this scheme is the 'camel's nose under the tent.' It not only jeopardizes America's national security, but would provide millions of dollars to be spent for Big Labor's political agenda."


"Aside from violating workers' freedom of association, history tells us that injecting forced unionism into such sensitive areas could have severe ramifications for Americans," Gleason continued.

The Foundation's brief cited several examples of illegal strikes by government union bosses causing massive disruptions and sometimes even deaths.

In one case the brief cited, illegally striking fire fighter militants formed picket lines around burning buildings. In another, 20 people died during an illegal strike ordered by firefighter and paramedic union officials in Chicago.

Meanwhile, Senator Jon Kyl of Arizona, Chairman of the Senate Terrorism, Technology and Homeland Security Subcommittee, expressed concern about an increasing number of instances in which Wahhabists have successfully penetrated key U.S. institutions.

Much like the WWII era infiltration of unions by Communist Party operatives who triggered strikes in defense-related industries, terrorists could attempt to use unions for their ends.

As it happens, a rapper, who goes by the name "the Arabic Assassin" and describes himself as a "crazy, suicidal Arabic...equipped with bombs," was recently fired from his position as a TSA security screener at George Bush Airport in Houston. Criticizing the recent position taken by the TSA, journalist Joel Mowbray observed in his syndicated column, "what would've happened if the 'Arabic Assassin' worked for a union?... [Would he still be on the job] because his union filed a grievance?" 

Teachers

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monopoly 'representation' of union officials whose agenda they may believe to be morally reprehensible."

Religious school teachers remain free from compulsory unionism

The appeals court agreed that Michigan state law should be interpreted so that parochial schools are not placed under the jurisdiction of state labor laws. This ruling means that, despite the MEA's aggressive attempt, the teachers at Brother Rice remain free from the injustices of compulsory unionism. More importantly, the victory undercuts union designs to target religious schools not only throughout Michigan, but across America.

Cameron concluded: "The MEA and other NEA affiliates have already done immeasurable damage to our country's public education system. Thankfully, this victory helps prevent the NEA from doing the same damage to private and parochial schools in Michigan." ✚

Free Newsletter

If you know others who would appreciate receiving **Foundation Action**, please provide us with their names and addresses. They'll begin receiving issues within weeks.



Message from Mark Mix

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter:

Union bosses have a long history of ignoring the public interest to pursue their own selfish interests, through such means as illegal strikes, violence, and intimidation.

That's exactly what they did in 1981 when Air Traffic Controllers union bosses shut down the nation's air travel system with an illegal strike. Fortunately, President Ronald Reagan had the courage to fire the lawbreakers.

Would union bosses be similarly irresponsible today, even if their actions endangered national security?

You and I know they would.

That's why the Bush Administration, when it created the Transportation Security Administration (TSA) following the September 11, 2001 terrorist attacks, made the right decision in refusing to allow the forced unionization of airport security screeners.

Now, as the cover story of this issue makes clear, some TSA bureaucrats are backtracking on the President's earlier commitment. Too much is at stake to allow this to happen.

Forced unionization of airport screeners would be damaging enough, opening the door to a catastrophic nationwide strike, but the union bosses have made it clear that they also have a bigger goal in mind.

If Big Labor wins this battle, it's goal is to make all homeland security workers, both public and private, subject to compulsory unionism.

That's why the Foundation took the urgent action detailed in the cover story of this **Foundation Action** as soon as the threat appeared.

With your support, we will continue with these actions and also bring this issue to the attention of the American people through an aggressive media and public information program.

With the stakes so high, we must do everything possible to thwart Big Labor's power grabs, protect worker freedom, and defend America's national security.

Thanks for all you do to help!

Sincerely,

Mark Mix