

Foundation Action

The bi-monthly newsletter
of the National Right to Work
Legal Defense Foundation, Inc.

Vol. XXX, No. 3

8001 Braddock Road • Springfield, Virginia 22160

www.nrtw.org

May/June 2010

Foundation Attorneys Demand Obama Recess Appointee's Recusal

*Craig Becker won't give
independent-minded
workers a fair hearing*

WASHINGTON, DC — Last year, the National Right to Work Foundation's educational campaign about AFL-CIO and SEIU union lawyer Craig Becker shined a light on his radical views, and public pressure caused a bipartisan vote in the Senate to stall his nomination to the National Labor Relations Board (NLRB) in February.

Nonetheless, President Barack Obama eagerly installed Becker as a recess appointment in March, bypassing another Senate vote.

Becker's placement on the federal board immediately endangers the thousands of independent-minded workers who turn to the National Right to Work Foundation each year for free legal aid, as well as the millions of workers who benefit from Foundation-won legal precedents securing their rights against forced unionism abuses.

That's why Foundation attorneys have demanded Becker's recusal in 15 pending cases — a groundbreaking action that has caught the attention of national media outlets like the *Wall*



Mark Mix appeared on Fox News to discuss the National Right to Work Foundation's motions asking President Obama's labor board recess appointee Craig Becker to recuse himself from all pending Foundation-supported cases.

Street Journal, Washington Examiner, and Fox News.

Obama appointee openly admits hostility to independent employees

Foundation attorneys have closely investigated Becker's decades-long career as a top union lawyer and discovered his dangerous proclivity to support any means necessary to force workers into dues-paying ranks.

Central to the Senate debate over Becker's nomination are his views on the procedures by which a union can be certified as the monopoly bargaining agent of all workers, even those who would prefer to negotiate for themselves or join another union altogether. In most cases under current law, the secret ballot provides a limited safeguard to ensure that workers are voting according to their consciences. But Becker calls the secret ballot "profoundly undemocratic."

Perhaps more troublingly, Becker has

argued that union "action necessarily involve[s] coercion" — and thus he sees nothing wrong with union goons making "home visits" to harass workers until they sign so-called union authorization cards. In fact, Becker even suggested in his writings that the NLRB could replace the secret ballot with coercive card

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Illinois Providers Challenge Big Labor Payback Scheme

Foundation attorneys assist home-based personal care providers pushed into SEIU union ranks

CHICAGO, IL — A courageous group of Illinois home-based personal care providers — with free legal aid from National Right to Work Foundation attorneys — filed a class-action lawsuit in federal court against their governor and union officials for their collusion to force personal care providers under unwanted union boss control.

Shortly after he was elected, disgraced former Governor Rod Blagojevich issued an executive order in which over 20,000 personal care providers who care for individuals with disabilities were designated as “public employees” of the state for the purpose of granting Service Employees International Union (SEIU) bosses monopoly “representation” and forced dues privileges over them.

Following the Rod Blagojevich blueprint of forced unionism, current Illinois Governor Pat Quinn signed an executive order last June that made an additional 4,500 home-based personal care providers susceptible to unwanted union boss bargaining and political



Pam Harris, who cares for her adult son, found the National Right to Work Foundation online:

“[Foundation attorney] Bill Messenger made me feel that I was validated in thinking this was wrong... It was a life preserver.”

“representation.”

Not coincidentally, Quinn received the SEIU union bosses’ political endorsement and support during his recent closely contested primary campaign for the Democratic nomination for Governor. And the small margin of victory Quinn received in the razor-thin primary election contest can be

largely attributed to the SEIU union bosses’ political support.

Providers reject SEIU union; union organizers make “home visits”

The additional 4,500 home-care providers who are not yet under union control soundly rejected union membership by a two-to-one margin in a mail-in vote. However, per Quinn’s executive order, the home-care providers may again be subject to out-of-state SEIU and American Federation of State, County, and Municipal Employees (AFSCME) union organizers making “home visits” attempting to organize the home-care providers through coercive “card check” unionization tactics.

Pam Harris, who provides personal care for her adult son with special needs and is the lead plaintiff in the suit, found the National Right to Work Foundation online and contacted Foundation attorneys. Joined by several others, Harris

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Foundation Action

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Distributed by the
National Right to Work Legal Defense and Education Foundation, Inc.
8001 Braddock Road, Springfield, Virginia 22160
www.nrtw.org • 1-800-336-3600

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.

Help Defend Individual Freedom Through Your Estate Plans

Planning now can ensure freedom will be defended later

Many recent issues of **Foundation Action** have offered numerous ideas on how you can benefit from careful estate planning to further the Right to Work movement. We are extremely grateful when supporters like you remember the Foundation through a planned gift.

Of course, outright gifts of cash and securities to the Foundation offer immediate help to the overall strategic litigation and media programs while yielding tax deductions. Gifts of appreciated securities are normally subject to a capital gains tax when sold, but when they are contributed to the National Right to Work Foundation, a public charity, these securities (if owned for more than one year) are **not subject** to capital gains taxes while yielding a charitable tax deduction for the full fair market value of the securities.

Now may be the perfect time to consider a gift of stock to the Foundation. (Please see the box in the upper right corner of this article, with information on how you can make a gift of stock to the Foundation's work today.)

As a supporter of the Right to Work

cause, you know that the Foundation's strategic litigation program attacking coercive union power plays a vital role in our battle to help secure individual rights now and in the future to pass along to our future generations.

Have You Updated Your Will or Estate Plan?

There is a sense of peace that comes from knowing that you have provided for your family and causes after you are gone. In addition, we recognize that having a will or trust document in place will help provide significant probate expense savings and speed the process of estate settlement.

Language similar to that displayed below may be used when making a bequest to the Foundation in your will or trust, or when amending your will or trust document.

Of course, as with all estate plans, we urge you to consult your tax advisor or attorney to review the best planned giving options available for you and your loved ones.

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c/o National Right to Work
Legal Defense and
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If you decide to give a gift of stock, please let us know at 1-800-336-3600 ext. 3303.

If you have recognized the advantages of planned giving and have decided to include the Foundation in your estate plans, please let us know now so we can thank you. The future of the Right to Work movement rests in the hands of generous individuals like yourself who choose to put the Foundation in your will or estate plans. Your investment will make a difference!

Please contact Ginny Smith, Foundation Director of Strategic Programs, if you would like additional information, at 1-800-336-3600, ext. 3303. ☎

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

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



Foundation Attorneys Take Illinois Governor to Court

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filed a federal suit for all personal care providers unionized by Blagojevich and providers threatened by forced unionism as a result of Quinn's executive order.

Primary concern is for the best care of son

"My primary concern is that someone else will be telling me how to best care for my son," said Harris. "Union dues would be a deduction from what we have available to provide for my son's needs. And then I would be giving my money to a union to exercise their political muscle on issues I may vehemently disagree with."

The Foundation's suit challenges the Blagojevich/Quinn forced-unionism scheme on the grounds that it violates the providers' rights of free political expression and association, and their right to petition their political representatives

with grievances as guaranteed under the U.S. Constitution.

"In effect Governor Quinn is picking the lobbyists of Illinois's personal care providers, all in exchange for the union bosses' support and political contributions," stated Ray LaJeunesse, legal director of National Right to Work. "This unconstitutional scheme is nothing more than pure political payback."

Illinois provider case part of nationwide forced unionism battle

As the last **Foundation Action** reported, in February Foundation attorneys filed a similar class-action lawsuit for Michigan day-care providers against a similar Michigan scheme. The Blagojevich/Quinn and Michigan schemes are part of a nationwide effort

by Big Labor to force more workers into union dues payments. Union power brokers in 19 states across the country have used their political control over bought-and-paid-for politicians to force more than a quarter of a million home-based care workers under union control.

As in the case of Illinois, Big Labor funnels forced-union-dues dollars to the political campaigns of their political cronies, and those politicians then push home-care providers to pay millions of dollars into union boss bank accounts.

Joined by independent-minded workers across the country, Foundation litigators will continue to use the National Right to Work Foundation's strategic legal aid program to roll back this corrupt Big Labor organizing scheme. [T](#)

Spotlight on...

Erin Smith
National Right to Work
Foundation Staff Attorney



The National Right to Work Foundation's legal team now has a new member: Erin Elizabeth Smith. She will assist the Foundation's burgeoning, cutting-edge legal strategies to blunt Big Labor's well-funded, politically connected attack on individual worker rights — including its coercive 'card check' forced union organizing scheme and misuse of compulsory dues for politics.

Originally from Georgetown, Texas, Smith brings to the Foundation's legal aid program a real commitment to defending and advancing individual liberty against the looming threat of compulsory unionism.

Smith holds bachelors degrees in History and Political Science from Wake Forest University, where she graduated with honors in 2006. Smith graduated

from the Wake Forest University School of Law in 2009 and is a recently sworn-in member of the North Carolina State Bar.

She was also a member of the legal honor society Phi Alpha Delta and an executive staff member of the Wake Forest Journal of Intellectual Property Law. Before joining the Foundation, Smith served as an intern for both the National Labor Relations Board regional office and for a federal public defender in Winston-Salem. She also was a law clerk for Davis & Hamrick, LLP of Winston-Salem and for the Institute for Justice in Washington, DC.

As the newest of the Foundation's eleven staff attorneys, Smith will help build on the Foundation's litigation record for union-abused workers. [T](#)

UFCW Union Bosses Trick Workers into Paying Full Union Dues

Illegal scheme highlights dangers of pending “card check” legislation

FALLS CHURCH, VA and ESCONDIDO, CA – With the help of the National Right to Work Legal Defense Foundation, two workers are fighting a United Food & Commercial Workers (UFCW) scheme that misleads employees into paying full union dues.

A Giant Foods employee from Falls Church, Virginia who requested anonymity and Nestor Mendez, a Vons Grocery employee in Escondido, California, were both nonunion employees. Despite telling union officials that they had no interest in subsidizing UFCW activities, union bosses directed their employers to continue deducting full union dues from their paychecks.

Union bosses have worker fired for refusing to pay full dues

In January 2008, union officials told Mendez that he could opt-out of union dues unrelated to workplace bargaining by writing “Beck Decision” on his union membership card. Although California lacks a Right to Work law making union dues payment strictly voluntary, the Foundation-won Supreme Court precedent *Communication Workers v. Beck* guarantees the right of nonunion employees to opt-out of dues used for political programs among other forced union activities.

Despite Mendez’s attempt to opt-out of those payments, in the fall of 2009 UFCW officials demanded he pay full dues, a union initiation fee, and a membership reinstatement fee. Although Mendez paid the amount he believed he lawfully owed, union officials refused to honor his check and insisted he be fired by Vons Grocery. As a result, Mendez



lost his job in December 2009.

In Virginia, another Foundation-assisted employee faced similar obstructions when he attempted to opt-out of union dues. Unlike Mendez, Virginia workers enjoy the full protections of a Right to Work law, which ensures that employees cannot be forced to pay any union dues to keep their jobs. Union officials told the Foundation-assisted worker to write and initial “no fees” on his membership and dues authorization forms. UFCW bosses then ordered dues to be deducted anyway and continued to deduct membership fees from the employee’s paycheck over the past six months.

“I checked my first paycheck, and after a month they started deducting money,” said the employee, interviewed on the condition of anonymity for fear of workplace reprisals. “I called them first. I told them, ‘You said I wouldn’t be charged.’ They said ‘No, you have to write a letter.’ [After I wrote a letter,] they claimed they never received anything. They gave me a fax number. After a few days, I followed up, and they said they didn’t receive anything.”

With the “Employee Free Choice Act” (better known as card check) on the horizon, UFCW operatives have already gotten plenty of practice misleading workers into signing union membership cards.

“Sometimes I work only one day or two days a week [at Giant], and union dues come to about half of my paycheck,” continued the employee.

UFCW scheme highlights dangers of card check legislation

With free legal assistance from Foundation attorneys, both workers have filed unfair labor practice charges with the National Labor Relations Board (NLRB) to challenge this abusive UFCW scheme. However, their experiences with union membership cards point to the dangers of coercive card check legislation.

Big Labor spent billions of dollars to elect pro-forced unionism politicians in 2008 and remains intent on cashing in on its investment. Despite a few initial setbacks, card check organizing legislation is still union bosses’ top political priority and they have vowed to move the bill before November’s election.

The Card Check Forced Unionism

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Obama Administration Installs Top SEIU Lawyer at NLRB

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check campaigns by fiat without a Congressional vote.

Worst of all, Becker has insinuated that workers should not even have “the choice to remain unrepresented,” complaining that the law does not “mandate” unionization on workers.

“The wishes of individual employees simply don’t matter to a forced unionism proponent as extreme as Craig Becker,” explained Mark Mix, president of the National Right to Work Foundation. “Now that Becker is on the NLRB, he is in a position to deny these independent-minded workers their rights, especially if they turn to our organization for help.”

Foundation demands Becker’s recusal in 15 pending cases

The radical union lawyer has taken aim at the United States Supreme Court for what he calls “a virtual obsession” with cases argued by the National Right to Work Foundation. Indeed, Foundation attorneys have argued before the High Court 14 times, winning many important precedents protecting American workers from the kind of union boss abuse Becker would apparently rather have our federal courts and agencies approve.

Moreover, Becker has openly criticized the NLRB — the very agency on which he now sits — for “seemingly embrac[ing] a litigation strategy initiated by the National Right to Work Legal Defense Foundation.”

Foundation attorneys provide free legal aid to thousands of employees every year before the NLRB in important cases holding union bosses accountable for their unfair labor practices, and yet Becker has written that the Foundation

only “purports to represent employees.”

Because of his personal animosity and bias towards the Foundation, its attorneys, and the workers who rely on those attorneys’ experience and expertise to exercise their rights, Foundation attorneys have asked Becker to recuse himself in 15 cases currently pending at the Board.

Several of the cases deal with some of the most toxic and abusive union boss practices, like card check forced unionism. Union lawyers across the country have asked the NLRB to overturn *Dana Corp*, an important Foundation-won

precedent securing the right of workers to demand a secret ballot election after union organizers have achieved monopoly bargaining status through a card check campaign. But Becker appears to have pre-judged the case.

And this is just the beginning because Foundation attorneys are involved in over 150 additional cases working their way through the NLRB process.

Role in crafting pro-forced unionism executive orders

But it’s not just Becker’s published writings that are a cause for concern to freedom-lovers and job-providers across the country. His actions as a top union lawyer are directly responsible for forcing workers into dues-paying ranks against their will.

Becker admitted a role in “drafting” an early executive order by President Obama aimed at keeping employees of federal contractors in the dark about

their rights to opt out of formal union membership. At the time, however, Becker was still a paid lawyer for the SEIU and AFL-CIO. “The White House has made a public show of banning paid lobbyists from certain Administration jobs, but it let a paid union operative draft government

documents benefiting unions,” the *Wall Street Journal* noted in October.

It’s easy to see why the White House put Craig Becker in this position. As a

top SEIU lawyer in Chicago, Becker also appears to have played a significant role in disgraced former Illinois Governor Rod Blagojevich’s scheme to force 5,000 home-care workers and 48,000 child-care workers — including parents and grandparents accepting state funds to take care of their sick and disabled children — to pay dues to the radical union.

Becker’s involvement in forcing unionization on home-care providers in Illinois and California even earned the praise of ACORN co-founder Wade Rathke, who called Becker a “secret weapon.”

“Craig Becker has made a career out of devising practices and theories to deny workers their legal right to protect themselves from forced unionism,” explained Mix. “On this federal agency tasked with protecting workers’ rights, Becker is a fox guarding the henhouse, and we expect him to quickly foist his radical agenda on American workers.”

“Becker has made a career out of devising practices and theories to deny workers their legal right to refrain from union membership.”

Sticky-Fingered Union Bosses Caught in PAC Fundraising Scheme

FEC confirms postal union improperly diverted worker's dues to Political Action Committee

WASHINGTON, DC – After receiving a complaint from National Right to Work Foundation attorneys, the Federal Election Commission (FEC) recently confirmed that bosses from a postal union were up to partisan shenanigans. However, the FEC decided to give the union officials the benefit of the doubt — underscoring once again why Right to Work protections are so important for America's workers.

In July 2006, Nashua, New Hampshire postal worker Philip Wakeman paid \$429 in membership dues to join the National Postal Mail Handlers Union (NPMHU) and on the “Memo” line at the bottom of the check, he wrote “Union Dues.”

However, in October 2008, Wakeman discovered over the Internet that his union dues were diverted to the NPMHU's Political Action Committee (PAC). Surprised that his union dues were laundered to the union's political slush fund, Wakeman then contacted the Foundation.

FEC investigates and confirms union boss thievery

After receiving Wakeman's call, Foundation attorneys wasted no time to file a formal complaint with the FEC asking the agency to investigate the NPMHU union brass and to determine if a larger scheme was afoot.

“National Right to Work was quick to respond to my questions and quick to decide that they would help me,” noted Wakeman, a postal service employee since 2001.

It is illegal for union officials to fund union PACs using “dues, fees, or other



Postal union bosses had no reason to burn the evidence of any wrongdoing, as the FEC declined to investigate them to see if a larger scheme was afoot.

moneys required as a condition of membership in a labor organization.” It is also a violation of federal election law to make a political campaign contribution in another person's name and to solicit political contributions under false pretenses.

The FEC investigated and ultimately substantiated the Foundation's complaint. However, NPMHU union officials blamed it on a “technical error” and redirected the portion of funds not intended for union political activities back to membership expenses after the 2006 midterm elections — prompting the FEC to dismiss the charges without investigating the matter further.

And it is possible — and even likely — that this is just the tip of the iceberg.

Under current FEC law, only aggregate contributions over \$200 in a year must be reported by name on FEC reports. If Wakeman's check had have been for \$199 or less, he would have never known about this diversion of funds.

The Foundation's experience shining a light on illegal union politicking reveals how easy it is for union bosses to get away with their corrupt schemes. In 2007, the FEC — prompted

by a complaint filed by the Foundation — levied record fines against Americans Coming Together, an SEIU-backed “527” group, for illegally spending fees seized from employees as a condition of employment on partisan electioneering, but even

that record fine was only a small fraction of the dues union bosses diverted in violation of the law.

Right to Work shields workers from union boss corruption

Even if the NPMHU union bosses' dubious claims that it was a mistake are to be believed, in effect Wakeman was forced to give an interest-free loan to the union to use his union dues for politics.

“We will work to ensure that the FEC's lack of action in this case does not embolden union bosses to concoct similar schemes to funnel union dues for politics as long as they ‘fix’ it later,” said Mark Mix, president of National Right to Work. “However, granting America's workers Right to Work protections is the only way to hold corrupt union bosses accountable to the rank-and-file.”

“A national Right to Work law would empower workers to withhold their hard-earned money from corrupt union bosses without having fear of losing their livelihood and their means to provide for their families,” added Mix. ☛



Organizers Lie

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bill would allow union operatives to effectively eliminate the secret ballot process to determine whether a workplace unionizes. Workers would face the prospect of being pressured by aggressive union organizers to sign union authorization cards, which are then counted as “votes” for unionization.

The risks of intimidation and bullying in this process have been amply documented elsewhere, but union authorization cards could also allow aggressive union operatives to mislead workers about the documents they’re signing. In these particular cases, both Foundation-assisted employees thought they were signing forms to opt-out of union dues. Instead, deceptive UFCW union organizers used the signatures — obtained under false pretenses — to illegally seize full union dues.

“If UFCW officials are willing to trick two grocers into signing membership forms, you can imagine the potential for abuse when Big Labor starts collecting cards for unionization elections,” said Patrick Semmens, legal information director for the National Right to Work Foundation. “With so many forced-dues dollars on the line, union operatives will go to great lengths to manipulate the results, ensuring more workers are forced to pay dues and accept union ‘representation.’”

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 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,

Since 1968, the National Right to Work Legal Defense Foundation has provided free legal aid to nearly 400,000 workers victimized by compulsory unionism abuses.

Using groundbreaking and cutting-edge legal strategies, Foundation attorneys have shaped the law to protect the basic constitutional rights of the nation’s workers. In fact, our success — including 14 trips to the United States Supreme Court — is now being used against us.

The cover story of this issue of **Foundation Action** highlights some of the disturbing writings of President Barack Obama’s controversial recess appointee Craig Becker. The former Service Employees International Union (SEIU) lawyer doesn’t just hate us because we fight for employee freedom and stand up to corrupt and powerful union bosses — he hates us because we win.

Our victories at the nation’s highest court and numerous successes in the lower courts and the NLRB have placed important limitations on the forced dues powers of Big Labor. But Becker complains that the Supreme Court has a “virtual obsession” with these cases brought by Foundation attorneys.

Similarly, Becker attacked our 2007 win at the National Labor Relations Board which gives workers the right to demand a secret ballot election after a union is installed through the coercive card check process.

The Foundation is a target of Big Labor because of our success. In a way it is flattering.

Our success makes us a target of Big Labor and union boss cronies like Becker. But futher, the attacks serve to remind us of how critical and effective we’ve been in defending workers from the injustices of forced unionism and how we must keep the pressure on those who promote and defend this compulsion.

Thanks to your continued generosity we will continue to stand guard and oppose union bosses seeking to expand their power. We must, because individual liberty as well as the freedom and prosperity of our country is at stake.

You are making a difference! Thank you.

Sincerely,

Mark Mix