



Foundation Action

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

Vol. XXVIII, No. 3

8001 Braddock Road • Springfield, Virginia 22160

www.nrtw.org

May/June 2008

Foundation Helps Volvo Workers Targeted By Union Terror

*Employees endure vandalism
and stalking while police
turn a blind eye*

DUBLIN, VA – A recent strike at a Volvo plant in Dublin, Virginia may have ended, but fear lingers among workers due to a vicious campaign of abuse and intimidation.

For weeks, union militants targeted employees who refused to walk off the job during a United Auto Workers (UAW) union strike with a variety of harassment tactics, including vandalism, threats of physical violence, and verbal abuse. Union thugs even made public death threats, placing a coffin on display outside the union hall that read “All Scabs Welcome Here.”

As the in-your-face intimidation escalated, several workers contacted the National Right to Work Foundation for help. Some employees had car windows smashed; some found “jack-rocks” or nails scattered across their driveways, while others reported being followed home after work.

“All those elementary, high school, middle school, even daycare kids ride by that coffin every day and want to know ‘What is that there for?’ ‘Who’s going in that coffin?’ That’s the lowest of



the low,” said Abraham Street, a Volvo employee targeted by union operatives.

All the while, the employees had to endure a hellish swarm of union picketers cursing at them, making crude gestures at them, and spitting on their vehicles on their way in and out of work for weeks.

“History shows that union militants are encouraged to commit acts of ugly retaliation against non-striking workers,” stated Mark Mix, president of the National Right to Work Foundation. “Without the Foundation’s help, many victims of this dark form of forced unionism abuse would be hung out to dry.”

Police turn a blind eye to union intimidation

Outrageously, local police were initially unwilling to investigate allegations of union bullying. One officer, citing his close personal ties to picketers, chastised Volvo employee Drema Dominguez for exercising her

*Union death threats or actual
violence against workers who
refuse to abandon their jobs
are all too common.*

constitutionally protected Right to Work and said he “could understand” why the picketers were upset with her.

Foundation staff attorneys responded to this outrage by calling on the Virginia Attorney General and the Pulaski County Commonwealth’s Attorney to investigate “ethical and professional breaches” by local police.

“I still can’t sleep at night,” Dominguez told *Foundation Action*, barely able to keep her composure. “I can’t even go to a movie or watch TV without my mind wandering and seeing those faces of the people I work with.”

see **VOLVO STRIKE** page 7

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Foundation Fights Labor Board's Erosion of Worker Rights

Bureaucracy's proposed rules would accelerate coercive union organizing campaigns

WASHINGTON, DC – In late March, the National Right to Work Legal Defense Foundation led national opposition to a package of sweeping rule changes proposed by the National Labor Relations Board (NLRB) bureaucrats that would further undermine the right of American workers to freely choose whether or not to be represented by a union. The Foundation filed its formal position statement on behalf of itself and three employees victimized by coercive “card check” unionization drives in California, Ohio, and South Carolina.

Under the new rules proposed by the agency, union representatives could bully company officials into jointly triggering a quick-snap union “certification” election – *even where not a single employee has expressed interest in unionization*. The proposed changes would neuter the limited NLRB certification safeguards that currently exist while effectively barring employees who will be forced under a union control from challenging any misconduct or unfair labor practices that may occur during such an election.

The new rules would allow union officials to obtain monopoly bargaining



The NLRB bureaucracy has a long record of undermining employee freedom. The bureaucrats have difficulty accepting that union bosses often have very different priorities than the workers.

power through strategic gerrymandering of bargaining units.

“The NLRB should not further erode employees’ freedom to resist unwanted unionization, nor should it so crassly provide a veneer of legitimacy to coercive and often illegal union organizing tactics,” said Stefan Gleason, vice president of the National Right to Work Foundation.

Proposed rules make a mockery of current law

The proposed NLRB rules appear to contradict the National Labor Relations

Act by unilaterally shortening the statute of limitations for filing unfair labor practice charges from six months to seven days. The new rules would also leave determination of employee allegations of misconduct to the NLRB’s Regional Directors, cutting the Board and appellate courts out of the process and foreclosing any avenue for appeal.

The Foundation’s opposition also demonstrates that the proposed changes would rapidly accelerate a trend of coercive “top down” union organizing drives. These organizing drives often feature ugly “corporate campaigns” that subject nonunion companies to public relations broadsides, trumped-up lawsuits, and political pressure.

If the NLRB’s devious new procedures go into effect, union officials will obtain the government’s stamp of approval by holding coercive quick snap elections under dubious circumstances.

Other groups filed negative comments about the proposed NLRB rules; however, disturbingly, the U.S. Chamber of Commerce was not among them, essentially endorsing the proposal – even though it will almost certainly lead to an escalation of vicious union organizing attacks against many Chamber members. ⚡

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.

Big Labor to Dump Hundreds of Millions into 2008 Elections

Right to Work Foundation leads efforts to halt use of forced dues for politics

SPRINGFIELD, VA – As the battle for the White House and Congress continues for both political parties, Big Labor's forced-dues political spending spree is heating up.

Union bosses are using hundreds of millions of workers' forced-dues dollars to subsidize political action committees, political contributions, and boost the election hopes for candidates sympathetic to forced unionism.

Big Labor bosses take aim at a 2008 'trifecta'

With this year's election season in full swing, Americans are staring down the barrel of a radical expansion of union special privileges.

For starters, American Federation of State, County, and Municipal Employees (AFSCME) union chief Gerald McEntee laid out Big Labor's plan for this election cycle, "We're going for the trifecta: the House, the Senate, and the White House."

And the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) union already committed a record-breaking \$53 million in its campaign to mobilize grassroots efforts and elect a Big Labor-friendly president and Congress. AFL-CIO member unions as well as other unions have publicly announced at least \$250 million more in spending.

AFL-CIO union boss John Sweeney confirmed, "the labor (sic) movement has taken over the functions at the grassroots level that the Democratic Party used to exercise."

"A core priority for the Right to Work Foundation's program is to force union officials to comply with prohibitions against collecting and using employees' forced dues for politics," said Mark Mix,

president of the National Right to Work Foundation.

Foundation attorneys help employees fight forced dues for politics

But, with its re-energized fervor, the Big Labor bosses are just inches away from reaching a great expansion of their coercive union power.

Consequently, Right to Work attorneys seek to block much of the forced-dues-funded political electioneering.

For example, as detailed in the November/December 2007 *Foundation Action*, Robert Prime, an L-3 Communications employee from Pensacola, Florida, recently prompted an administrative law judge of the National Labor Relations Board (NLRB) to strike down a nationwide international union policy that requires employees to object annually to prevent union officials from spending their compulsory union dues for political activities.

The policy is a pervasive tactic used by union officials to prevent dissenting employees from reclaiming forced union dues used to promote political causes they oppose.

And this past summer, Right to Work attorneys won a defensive victory at the U.S. Supreme Court in *Davenport v. Washington Education Association (WEA)*, where the High Court ruled that union officials have no constitutional right to spend employees' forced dues for politics. And another sweeping case is scheduled for argument this year.

"Although we have won some crucial legal battles at all levels of the nation's



Union officials like the AFL-CIO's John Sweeney are placing an "all-in" bet on the 2008 elections by pouring roughly one billion dollars, much of it in forced dues, into the campaigns of candidates sympathetic to forced unionism.

court system, you can bet that union officials will continue to press for more forced-dues power," cautioned Mix.

Unions face multiple Foundation class-action lawsuits

Meanwhile, Right to Work attorneys are hitting union bosses hard in a variety of class-action lawsuits when employees object to paying for a union's political agenda.

For example, in Philadelphia, a group of twenty-one nonunion city employees filed a lawsuit with help from Foundation attorneys after union officials illegally deducted forced dues from their paychecks that were used for union political activities.

There, Right to Work attorneys are fighting for the employees' back dues used unlawfully for politics and other nonbargaining activities and to stop such uses in the future.

Similarly, Right to Work attorneys are helping a large group of Pennsylvania Turnpike employees, who resigned their formal union membership in opposition to the union's use of forced dues seized from their paychecks.

THE WALL STREET JOURNAL.

The Union Agenda

by Kimberly A. Strassel for The Wall Street Journal

Hillary Clinton and Barack Obama visited the House of Labor this week, and Labor can't wait to invite one back. Which one? Who cares.

To read the press coverage, unions over a Democratic nominee. The giant AFL-CIO has yet to endorse. Locals fight it out state-to-state, squaring off into their candidates' corners. The upcoming Pennsylvania primary has devolved into a slugfest over a huge union vote, one reason why both Mrs. Clinton and Mr. Obama planned their weeks around speeches to an AFL-CIO convention in Philly.

Republicans are gleeful about these divides, but the guys grinning widest are union bosses. They understand long ago what even today the GOP and the business community have yet to grasp: This election is their best shot in a half-century of making over Washington. Not everyone is thrilled with a Clinton or an Obama, but this matters little next to the big prize. As Gerald McEntee, the head of the American Federation of State County and Municipal Employees, succinctly put it, Big Labor is looking for a "trifecta" - the House and a filibuster-proof Senate. And after that, the biggest rewrite of labor law in modern America.

"This is an all-in bet for them in 2008," says Mark Mix, president of the National Right to Work Committee, a group that fights down in the trenches against coercive union power. "As muck as they're in, they're looking for a run in an all-in bet for them in 2008."

How bad does Big Labor want this? Consider the desperation. A global economy has meant higher-paying, more flexible jobs, and a U.S. workforce that sees little value in unions. Union membership has been in a free-fall for years, with private-sector membership now at just 7.4% of the labor force. Fights over how to stop this bleeding have fractured the movement. Labor leaders worry that if they don't reverse the trend soon, they'll be out of a job.

This is their shot. Unions are confident the House will be Democratic and pliant. By holding off on big endorsements, they've forced both Mrs. Clinton and Mr. Obama to pander to their demands, creating some of the most pro-union presidential candidates in recent history. The Senate, labor bosses see a chance to add three to seven seats, enough when combined with wobbly Republicans, to do away with filibusters. They're already out spending in New Hampshire, Minnesota, Colorado, New Mexico, Virginia, Alaska and Maine.

How bad does Big Labor want this? Consider the money and manpower so far. The AFL-CIO has approved a record political budget of \$53 million to help fund 200,000 union workers on the street. Its affiliated national and international unions have pledged another \$200 million. The National Education Association will throw \$40 million to \$50 million at races. The Service Employees International Union has marked off \$100 million for politics, and intends to pay 2,000 union members the equivalent of their salaries to work on Democratic campaigns. Add in union money for federal or state political action committees, for 527s, and for local and state races, and some astute members of the business community - those who have seen this coming "tsunami" (as one puts it) - estimate union political spending may top \$1 billion in 2008.

How bad does Big Labor want this? Consider what it will get if that money pays off. Mrs. Clinton and Mr. Obama have already pledged a rewrite of Nafta and an end to more trade deals. Both promise to throw government money at new union-only jobs, to boost unemployment insurance, to penalize companies that hire overseas, and to take a run at "universal" health care. Then there's the biggie - which would be a "card check," which would outlaw secret ballots in union organizing elections. Alongside will be legislation to make union officials the exclusive bargaining agents of most police, fire and rescue personnel. Then there's the biggie - so big that most officials don't talk about it publicly. Tucked into the 1947 Taft-Hartley Act is a provision called 14(b), which allows for "Right to Work" states. Big Labor last took a run at deleting this section, and forcing more unionization, in the Johnson administration. With a filibuster-proof Senate, they'd have a far better shot.

Unions want a Department of Labor - will sit on corruption rules, water down - disclosure rules, and turn a blind eye to union decisions that influence pension plans. The National Labor Relations Board has three vacancies, which Senate Democrats will refuse to fill this year. Big Labor's own slate would include people favorable to proposals to allow "mini-unions" within corporate workplaces, or to rework job definitions to bring more positions under the union umbrella.

The biggest obstacle to all this would normally be the business community. But with Democrats strongly positioned to upset the political masters, corporate world's list of political problems has also grown so large - trade, healthcare, environmental paid leave, that it has barely been able to focus on the union threat.

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High Court to Review Union PAC Deductions

Idaho law limited use of taxpayer funds to help union political fundraising

WASHINGTON, DC – On March 31, 2008, the United States Supreme Court granted a writ of *certiorari* in the National Right to Work Foundation-supported case of *Ysursa v. Pocatello Education Association*.

The nine justices will review a Ninth Circuit Court of Appeals decision that limits the applicability of an Idaho state law banning payroll deductions for union political action committees (PACs) from state employees' paychecks.

The National Right to Work Legal Defense Foundation, the Sutherland Institute, and the Utah Taxpayers Association filed a joint *amicus curiae* ("friend of the court") brief urging the Supreme Court to grant an appeal filed by the Idaho Attorney General.

"We applaud the Supreme Court's decision to revisit the wrongheaded ruling by the 9th Circuit Court of Appeals," said Stefan Gleason, vice president of the National Right to Work Foundation. "Just like state governments,

local governments should not act as bagmen for union political funds."

Activist ruling threatens employees' freedom

Idaho's Voluntary Contributions Act outlaws payroll deductions by state and local governments for union political activity, but the Ninth Circuit Court's decision invalidated key segments of the legislation.

The Ninth Circuit ruling concluded that the payroll deduction ban could only apply to union payroll deductions at the state government level, and that local government bodies were independent political entities outside the reach of state law. In fact, the federal appellate court, often criticized as activist by the legal community, created First Amendment protections for union payroll deductions equivalent to the protections enjoyed by citizens making

political speeches in a public park.

But the joint *amicus* brief filed by the National Right to Work Foundation noted that the decision forces Idaho taxpayers to subsidize union political activities by offering valuable payroll deduction services to union officials.

Even more alarmingly, union lawyers could seize upon the Ninth Circuit Court's reasoning to launch fresh attacks on state Right to Work laws as applied to local governments.

"Stripping union officials of their payroll deduction privileges is good public policy," said Gleason. "In fact, the State of Idaho should have gone much further than it did - by banning outright the use of public facilities to collect any union funds whatsoever."

Foundation attorneys are already working on an additional legal brief on the merits of the issue. The case will be argued before the U.S. Supreme Court in the fall 2008 term. 



The United States Supreme Court will examine the practice of local governments acting as bagmen for union political funds.

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for breaking news:
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Important Tax Benefits to You

Tax-deductible gifts of cash are excellent. But a gift of stock or other securities to the National Right to Work Foundation can provide donors with an even bigger tax break.

Not only will you be able to support the Foundation and our expanding strategic litigation and media programs right now, but you can save significantly on taxes at the same time. Appreciated securities are subject to a capital gains tax when they are sold. If you donate a gift of stock (that you have owned for more than one year) to the Foundation, the capital gains are not taxable to you. At the same time, you will benefit from a charitable tax deduction for the FULL fair market value of the securities as of the date of the gift.

Please, consider a gift of stock today.

The Foundation's investment account information is as follows:

Electronic Transfer of Securities:
c/o National Right to Work Legal Defense
and Education Foundation, Inc.
UBS Financial Services, Inc.
DTC#0221 Account # WS-39563

If you do decide to send a gift of stock, please let us know at 1-800-336-3600 Ext. 3303.

28,000 Employees May Reclaim \$3 Million in Forced Dues

Foundation wins battle against 2005 political campaign expenditures

SACRAMENTO, CA – A federal judge has ordered the California State Employees Association (CSEA) union to offer rebates to as many as 28,000 nonunion state employees totaling up to \$3 million. The ruling was a result of a class-action lawsuit brought against the CSEA by nine state employees with free legal help from the National Right to Work Legal Defense Foundation.

The employees objected to a 2005 CSEA “supplementary assessment,” which forced through a 25% increase in union dues to pay for a political campaign against Governor Arnold Schwarzenegger’s reform initiatives on the 2005 statewide ballot.

CSEA union officials are now required to provide nonunion state employees with full financial disclosure, notice that they may object to the use of the forced dues for political activities, and retroactive refunds to all who object to the political expenditures.

CSEA officials imposed an “Emergency Temporary Assessment to Build a Political Fight-Back Fund” for a broad range of political activities, including advertising, direct mail, and get-out-the-vote drives. The additional assessment was completely unrelated to workplace representation and included no provision to allow nonunion employees to opt-out. Union officials raised approximately \$12 million in supplementary dues in 2005, \$3 million of which came from workers who were not union members.

California District Court Judge Morrison C. England Jr. noted that “a contrary decision from the one reached today would allow unions to run roughshod over dissenting non-members...”

“Though an encouraging victory for these employees, this ruling only removes a few warts from the witch,”



Nearly 100 crazed union militants surrounded a Foundation press conference in Sacramento to shout down the employee plaintiffs. Foundation vice president Stefan Gleason is pictured here with California State Senator Tom McClintock (left).

stated National Right to Work Foundation Vice President Stefan Gleason.

“Only by passing a Right to Work law that would ban forced union dues completely can the Golden State shelter its employees from similar future union abuse of their constitutional rights.”

Multiple RTW Foundation-aided lawsuits inspire employees to defend rights

The plaintiffs were inspired to stand up for their rights by the actions of several California teachers, who found themselves in the same boat and sought legal aid from the Foundation as well. Four elementary school teachers and two university professors courageously stepped forward to object to a similar “special assessment” imposed by California Teacher Association (CTA) and California Faculty Association (CFA) union officials.

Teacher Judy Liegmann aptly summarized the central objection to unions’ extortionate political fundraising: “I resent having a monolithic, powerful, coercive organization like the CTA announce to me what I think, and then tell me, ‘And by the way, we’re seizing

your money to support what you’re supposed to think.”

In the Foundation-won decision *Chicago Teachers Union v. Hudson*, the U.S. Supreme Court ruled that public employees have a right to due process under the First and Fourteenth Amendments that requires notification of how their forced union dues are spent.

While public employees unfortunately can be compelled to pay for unwanted forced union “representation” that undermines their individual interests, they cannot be unlawfully required to fund union political activities. But CSEA union officials didn’t even bother to give California state employees an opportunity to object to their politically motivated “special assessment.” The CSEA union hierarchy must now give workers 45 days to object to the fee hikes.

Golden State still rife with forced unionism abuse

Despite the court’s favorable ruling, Golden State employees continue to suffer from a lack of Right to Work protections.

However, the U.S. Supreme Court recently agreed to review a California law that rubberstamps coercive union organizing in the Foundation-supported case, *Chamber v. Brown*. Read more about this case in the cover story of the January/February 2008 edition of *Foundation Action*. 

Volvo Strike Again Reveals Union Intimidation Tactics

continued from cover

Foundation supporters may watch Dominguez and her coworkers tell their compelling stories online at www.youtube.com/RightToWork.

Police chief denies reports but apparently covered tracks

After media reports surfaced documenting police inaction, Pulaski County Police Chief G.W. Roche released a misleading statement to the press, stating that the allegations were “totally, completely, categorically false.”

The conduct of local law enforcement, however, suggests otherwise. In fact, one officer was reportedly disciplined after reports of police inaction were made public.

Foundation staff attorneys immediately responded to Roche with a letter and a Virginia Freedom of Information Act request for all documents regarding any disciplinary action taken against police officers who refused to protect the public.

“The law is being ignored while an ugly campaign of union terror has been waged against my client and other non-striking workers,” Foundation Staff Attorney Derek Poteet wrote to Roche.

Although Pulaski County Volvo employees suffered greatly, their plight is symptomatic of a broader pattern of abuse. Data from the National Institute for Labor Relations Research suggests that union-related violence is consistently under-reported and rarely results in successful prosecutions.

Strike retaliation often uglier and more widespread

Fear of retaliation can be a powerful motivator, and intimidated workers are often unwilling to come forward under duress. Meanwhile, local police who lack the resources or the political courage to take on powerful union interests in their communities often turn a blind



Drema Dominguez of Pulaski County, Virginia could barely keep her composure as she described her encounters with union militants.

eye to union-related violence.

Union militants frequently initiate physical violence to intimidate dissenters. In one high-profile case, Foundation attorneys helped former University of Miami football player Rod Carter after he was beaten and stabbed several times with an ice-pick by Teamsters union militants for continuing to do his job during a Teamsters strike. Foundation attorneys won Carter an undisclosed settlement.

“Violence constitutes the ugly underbelly of compulsory unionism,” stated Mix. “Foundation attorneys stand ready, willing, and able to help workers resist this most outrageous form of forced unionism abuse.” †

Remembering Charlton Heston: Legendary Actor and Right to Work Champion

BEVERLY HILLS, CA – A self-described “union man” and, at the same time, champion of the Right to Work principle, legendary actor Charlton Heston passed away on April 5, 2008 at the age of 84. Best known for roles in such films as “El-Cid,” “Ben Hur,” and “The Ten Commandments,” Heston passionately believed in the right of Americans to work without being forced to join or pay dues to a union.

Though he founded one union, belonged to four others, and served as president of the Screen Actors Guild,



formal union membership.

Heston was publicly involved in several high-profile Right to Work political battles and made a number of television appearances on behalf of the National Right to Work Committee. For example, in 1993, he starred in a series of

Heston led a public campaign in the early 1980s to inform other actors of their right to refrain from

television advertisements opposing the Pushbutton Strike Bill, a measure that would have allowed union bosses to make extortionate demands and win virtually any strike they ordered.

Throughout his professional life, Heston served as a principled advocate for the cause of human liberty. His contributions will be fondly remembered. To see a video clip featuring Heston’s support for the Right to Work cause, please visit <http://www.youtube.com/RightToWork>.

Big Labor

continued from page 3

According to Foundation-won precedents, workers are entitled to an audited disclosure of the union's expenditures and union official must give employees an opportunity to object to paying forced dues spent for activities unrelated to collective bargaining.

Right to Work pushes back against unions' politicking

As the AFL-CIO union boasts its "program is the biggest political program in the country," Right to Work attorneys are working overtime to protect the limited legal rights of employees who protest using their forced-dues dollars for political advocacy.

"The Right to Work Foundation is the only organization of its kind that stands up for employees' rights when union bosses confiscate and misuse their forced dues for politics," ended Mix. †

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 passing of Charlton Heston marks a sad loss for all of us at the National Right to Work Legal Defense Foundation. Heston (as detailed on page 7 of *Foundation Action*) was a great champion of the rights of individual employees.

Few successful Hollywood actors stick their necks out to defend freedom, but Heston did so repeatedly.

Even though he founded one union, was a member of four others, and even served as president of the Screen Actors Guild union, Heston was a dedicated and effective champion of liberty and an opponent of forced unionism.

Heston led efforts from inside unions to educate actors about their rights not to pay for union politics, as secured in Foundation-won Supreme Court cases, and he starred in television advertisements to stop union boss power grabs in Congress. He also lent his name and his voice to our efforts to recruit thousands of new supporters of the National Right to Work Foundation.

I was fortunate enough to meet Mr. Heston, and you will not be surprised to know that he was not only a patriot, but a true gentleman. His passing reminds me of how grateful I am to be working for all the great people who fight against forced unionism and for every person who supports the National Right to Work Foundation with their talents and gifts.

Charlton Heston's dedication – and yours – to our crusade is what makes it possible to beat back the scourge of compulsory unionism.

Many thanks for your continued support.

Sincerely,

Mark Mix