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Right to Work Battles to Rein in Obama NLRB *Legislative Challenge to 'Ambush' Election Scheme Now Pending*

On Capitol Hill, in federal court, and at the National Labor Relations Board (NLRB), Right to Work proponents are now helping spearhead efforts to stop the Obama Administration and Big Labor from dragooning hundreds of thousands, if not millions, of additional workers into forced-dues-paying ranks every year.

President Barack Obama instigated his latest showdown with Right to Work proponents on January 4, when he installed three new members on the five-member NLRB through "recess appointments," despite the fact that the U.S. Senate was manifestly not in recess.

"The phony 'recess' appointments to the NLRB that President Obama made at the beginning of this year illegally circumvented at least two sections of the U.S. Constitution," charged National Right to Work Committee President Mark Mix.

"First, Article II, Section 2 grants to the chief executive the power to appoint 'officers of the United States,' but only 'by and with the advice and consent of the Senate.'

"The Constitution makes it clear that only in cases when 'vacancies happen during recesses of the Senate' may the President make temporary 'recess' appointments to offices that normally require confirmation by Congress's upper chamber."

President Claims Constitutional Definition of 'Recess' Can't Be Used to Limit His Power

"Second, Mr. Obama and his Justice Department have attempted to justify his so-called 'recess' appointments by effectively asserting that it is the President's prerogative to declare that the



CREDIT: FOX NEWS

Mark Mix: President Barack Obama is jeopardizing the very constitutional balance of the United States in order to

pay off his union benefactors. But Right to Work officers and supporters are fighting back.

Senate is in recess at any moment when the chamber is not actually conducting business," Mr. Mix continued.

"But the constitutional definition of 'recess' in Article I, Section 5 contradicts this theory. That's why the White House is now contending this provision can't be used to restrict the President's appointment power."

Mr. Mix observed: "One might ask, what prompted the White House to embrace this extraordinary and unprecedented view of executive power? The answer is obvious. Top union bosses publicly egged on the White House to abuse its authority.

"At this time, union bigwigs are relying heavily on NLRB activism to help them corral more workers into

union ranks and fill their treasuries with additional forced-dues billions.

"And Big Labor bosses are understandably doubtful that the current Senate would confirm the kind of radical NLRB appointees they want: appointees who are willing and even eager to rewrite federal law so as to greatly intensify its pro-forced unionism bias.

"Union-label Democrats hold a 53-seat Senate majority. But a Right to Work filibuster of a pro-forced unionism nominee lacking any 'mainstream' credibility would stand a good chance of success.

"Big Labor wanted NLRB extremists. In order to deliver for this

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Constitutional Balance Shaken

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crucial constituency for his re-election bid this year, President Obama was willing to violate the U.S. Constitution," Mr. Mix explained.

Two 2012 Recess Appointees Have Been Professional Forced-Unionism Advocates

The résumés of two of the recess appointees Mr. Obama named in January include years of employment as professional advocates of compulsory unionism.

One of the new NLRB members, Sharon Block, has over the past couple of years been employed in the Obama Labor Department as deputy assistant secretary for congressional affairs. Ms. Block reported directly to Labor Secretary Hilda Solis, one of the most rabid proponents of forced unionism on Capitol Hill.

Previously, Ms. Block helped lead the charge for enactment of "card check" forced-unionism legislation as senior labor and employment council for the Senate HELP Committee. At that time, Ms. Block worked directly for dyed-in-the-wool Big Labor partisan Sen. Ted Kennedy (D-Mass.), who passed away in 2009.

Another new NLRB appointee, Richard Griffin, was at the time of his selection employed as the top lawyer for the International Union of Operating Engineers (IUOE), notorious for its corruption- and violence-ridden locals in the Northeast and Chicago.

On the board, Ms. Block and Mr. Griffin are almost certain to be soul mates of Obama-appointed Chairman Mark Pearce, another ex-union lawyer.

Employers May Soon Be Forced to Hand Worker Phone Numbers, E-Mail Addresses to Union Dons

Over the next few months, unless they are stopped by Congress or the federal court system, Mr. Pearce, Ms. Block, and Mr. Griffin are poised as a three-member NLRB majority to impose sweeping changes to the current procedures under which Big Labor may obtain monopoly-bargaining power over workers.

Among the harmful proposals Mr. Pearce is admittedly considering are new rules mandating that the employer hand over employee phone numbers and e-mail addresses to union organizers at the outset of each certification campaign.

"Current NLRB rules already seriously infringe on employees' privacy by requiring employers to hand over their names and their physical addresses to union officials," said Mr. Mix.

"But the new scheme Chairman Pearce is pushing for would expose employees who don't sign a union card or promise to vote for a union to even more intense Big Labor intimidation."

Joint Resolution Now Pending on Capitol Hill Would Overturn Late 2011 NLRB Power Grab

Fortunately, pro-Right to Work members of Congress are now fighting to stop the Obama NLRB from wielding its regulatory powers to eviscerate the limited protections employees who don't want to join a union have long had under federal law.


Companion joint resolutions (H.J.Res.103 and S.J.Res.63) now before the U.S. House and Senate would overturn a late 2011 Obama NLRB power grab that sharply reduces the normal five-and-a-half week time frame between the filing of a union "representation petition" and the conduct of a union election.

"The Obama NLRB's 'ambush' election scheme is designed to deny employers the time to make their case to their employees regarding the effects of unionization. Ipso facto, employees will be denied the opportunity to hear both sides of the story before voting to unionize," said Mr. Mix.

"The congressional 'resolutions of disapproval' of this cynical power grab are a good first step, and the Committee is supporting them. But much more needs to be done."

To halt the current, illegally constituted Obama NLRB in its tracks, attorneys for the Committee's sister organization, the National Right to Work Legal Defense Foundation, filed a motion in the U.S. District Court for the District of Columbia January 13 challenging the constitutionality of all the 2012 appointments.

And on January 30, Foundation attorneys filed motions with the NLRB to disqualify all three 2012 appointees from participating in the Foundation's six cases pending before the board.

"Right to Work supporters are now prepared to consider all appropriate means, including defunding the NLRB entirely, to protect independent employees and firms," Mr. Mix concluded. 



CREDIT: NEW PITTSBURGH COURIER

Big Labor President Barack Obama insists *he* gets to decide when the Senate is in recess, and never mind what the

Constitution's Article I, Section 5 says regarding congressional adjournments. Union chiefs heartily concur.

Edict Creates 'an Unlevel Playing Field'

President Obama Foisting Union-Only PLAs on Hardhats, Taxpayers

Over the course of the severe 2008-2009 national recession and the current lackadaisical recovery, construction firms and their employees have been hit especially hard in many states, including New Hampshire.

For that reason, Granite State contractors and hardhats were extraordinarily pleased to learn in 2009 that the U.S. Department of Labor had decided to build, at an estimated cost of \$35 million, a new, federal taxpayer-funded Job Corps Center in Manchester, New Hampshire's largest city.

Unfortunately for local construction employees and employers, this winter, well over two years after the project was announced, construction on the Job Corps Center hasn't started yet.

The main reason for the frustrating delay is Executive Order 13502, issued by President Barack Obama on February 6, 2009, just a couple of weeks after he took office. E.O.13502 heavily promotes the use of so-called "project labor agreements" (PLAs) that discriminate against union-free hardhats and contractors.

Under this edict, to participate in public works using \$25 million or more in federal funds, nonunion companies typically have to consent to a PLA imposing union monopoly bargaining on their employees and mandating that they hire new workers through discriminatory union hiring halls.

PLAs also routinely force employees who already have their own retirement funds to contribute to Big Labor-manipulated pension funds.

Just 14% of New Hampshire Construction Workers Are Currently Unionized

Rather than compromise the freedom of their employees and the efficiency of their operations, most independent construction firms ultimately opt not to submit bids on PLA-controlled projects in which they might otherwise have sought to participate.

"Since just 15% of construction employees nationwide are unionized, that sharply reduces the number of potential bidders for public works and, inevitably, also jacks up taxpayer costs," explained Greg Mourad, vice president of the National Right to Work Committee.



The Obama White House's relentless promotion of union-only "project labor agreements" has stalled many federal-

taxpayer-funded projects in recent years, including construction of a new Job Corps Center in Manchester, N.H.

The Obama Labor Department originally tried to foist a PLA on Manchester Jobs Corps Center construction in 2009, but temporarily backed off when North Branch Construction of Concord, N.H., filed a bid protest.

Not to be deterred, Labor Department operatives subsequently commissioned two shoddy studies with a strong pro-PLA bias, at a total cost to taxpayers of \$430,000, to provide a fig leaf for proceeding with the Manchester PLA, despite the fact that just 14% of New Hampshire hardhats are currently unionized.

Late this January, the Labor Department issued a new solicitation for the Manchester Job Corps Center mandating submission to a PLA.

Four 2012 White House Hopefuls Have Pledged to Oppose Federal Taxpayer-Funded PLAs

"The fundamental problem with E.O.13502 is that it creates an unlevel playing field for bidders on federal public works," said Mr. Mourad.

"Moreover, the nonpartisan, Boston-based Beacon Hill Institute has

estimated that construction costs for taxpayers will be inflated by 12% to 18% on every federal project that uses a PLA as a consequence of this Obama edict.

"To protect hardhats, independent construction firms of all sizes, and taxpayers alike, the Committee is backing S.119 and H.R.735, measures now pending in Congress that would prohibit PLAs and restore fair competition for all contractors wishing to bid on federal public works.

"At the same time, Committee members and supporters have recently, through the Right to Work candidate survey program, convinced four 2012 presidential hopefuls -- Mitt Romney, Rick Santorum, Ron Paul, and Newt Gingrich -- to pledge to oppose all federal taxpayer-funded PLAs if they are elected this fall.

"Thanks to grass-roots Right to Work activists' hard work, the question of whether E.O.13502 should be perpetuated any longer will be on the table when Americans choose our next President in November. I am cautiously optimistic that the days of this power grab are numbered." 📞

Right to Work Meets Campaign 2012's 'Goal #1'

Four Presidential Hopefuls Now Pledging to Oppose Forced Unionism

When the 2012 presidential primaries and caucuses began in January, millions and millions of Americans were looking for a clear alternative to the Obama Administration's relentless promotion of compulsory unionism.

Ever since he became U.S. President more than three years ago, Barack Obama has eagerly championed Big Labor power grabs in Congress and selected forced-unionism zealots for leadership positions at the National Labor Relations Board (NLRB), the Labor Department, and other federal bureaucracies.

But polls show the vast majority of all Americans who regularly vote in federal elections believe the Obama Administration is just plain wrong to favor forcing workers to pay union dues to get a job.

"The Obama Administration's schemes to promote compulsory unionism have offended the American public time and again," said Mark Mix, president of the National Right to Work Committee.

"Presidentially-appointed Acting NLRB General Counsel Lafe Solomon's cynical bid last year to prosecute Boeing for expanding production in Right to Work South Carolina is an egregious example.

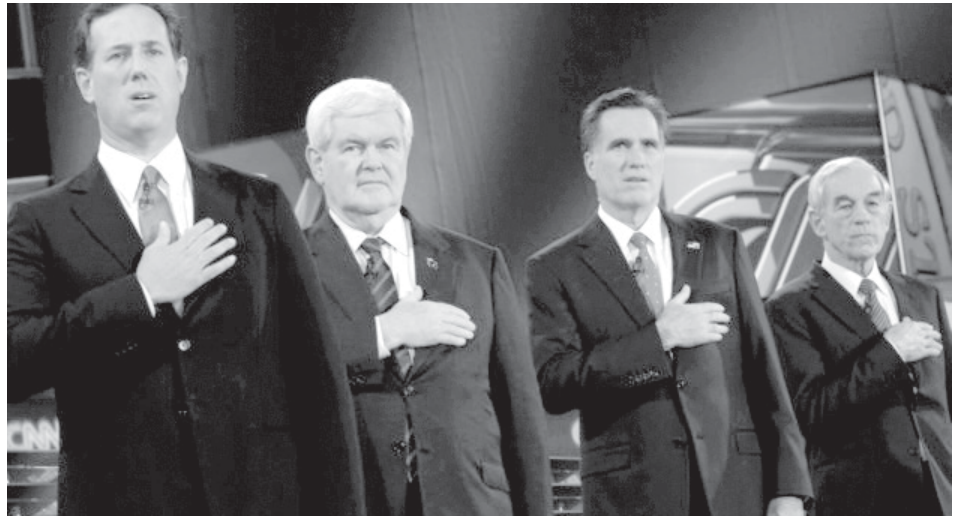
"Taking his cue from machinists' union bosses, Mr. Solomon claimed Boeing had no right to initiate a new Dreamliner 787 production line and create over 1000 jobs in Right to Work South Carolina so as to cut the cost to employees, shareholders and customers of disruptive Big Labor strikes.

"The Boeing case itself is now over, but Mr. Solomon's crusade to intimidate forced-unionism state businesses from relocating to or expanding in Right to Work states goes on. And the American people sense that such Big Labor-inspired power grabs have a chilling impact on job creation across the country."

'Will the Next President Of the United States Stand up to Big Labor?'

Mr. Mix continued:

"As an alternative to President Obama, freedom-loving Americans of all parties want a President who's ready



CREDIT: CHIP SOMODEVILLA/GETTY IMAGES

Thanks to determined and effective lobbying by Committee members and supporters, all four of the current 2012

GOP presidential hopefuls have signed and returned surveys pledging 100% support for Right to Work if elected.

to fight for the Right to Work principle. Will the next President of the United States stand up to Big Labor?

"Or will he spend the next four years avoiding confrontation with the union bosses because they're 'too powerful' to take on?"

To encourage all major party 2012 presidential candidates to pledge to support Right to Work 100% if elected, months before the Iowa caucuses the Committee began mobilizing grass-roots citizens in key targeted states to contact the candidates and urge them to take a clear stand against forced unionism.

On February 21, the Committee's months-long mobilization in primary and caucus states paid off as Mitt Romney joined all three of the other remaining candidates in the GOP presidential primaries in responding to his Right to Work Survey 2012, pledging to oppose compulsory unionism consistently.

Now grass-roots Right to Work proponents can rest assured that, regardless of whether Mitt Romney, Rick Santorum, Ron Paul, or Newt Gingrich is the 2012 GOP nominee, there will be a major party presidential candidate on the ballot this fall who is standing up to union bigwigs and their forced-union-dues agenda.

"Goal #1 has been accomplished. The next stage is to mobilize millions of additional citizens on the Right to Work issue as the general elections

draw nearer," Mr. Mix commented.

Union Kingpins Will Pour Even More Forced-Dues Money Into Politics This Year

"We Right to Work supporters will have our work cut out for us," he added.

"A recent National Institute for Labor Relations Research analysis conservatively estimated that the union machine spent a total of \$1.4 billion on politics and lobbying in the 2009-2010 election cycle.

"Forced dues-fueled treasuries paid for union phone banks, get-out-the-vote drives, propaganda mailings, and much more. Such hidden, 'in-kind' support for candidates dwarfs direct union PAC contributions.

"And AFL-CIO Political Director Mike Podhorzer recently boasted to the L.A. Times that the union political machine will be 'even more engaged in 2012' than it was in 2010 or 2008.

"But a GOP nominee who offers a clear alternative to Mr. Obama's dead-end agenda of compulsory unionism can defeat him, for all the forced-dues money the Big Labor machine can generate.

"And Right to Work members and supporters can have a very positive impact by helping millions of other Americans see how important the Right to Work issue is, and letting them know exactly where the candidates stand." 📣