



# NATIONAL RIGHT TO WORK NEWSLETTER

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## ‘Right to Work Majority’ on the Horizon Spread of State Bans on Forced Union Dues Changing U.S. Economy

Even as Right to Work measures to repeal the provisions in federal labor law that authorize the firing of employees for refusal to pay dues or fees to an unwanted union remain bottled up in congressional committees this year, compulsory unionism is clearly on the defensive in state after state.

As this Newsletter edition goes to press, it's been just three months since the nation's 24th Right to Work law took effect in Michigan, a longtime stronghold of compulsory unionism.

This year, roughly 45% of total private-sector workers are employed in one of the two dozen states that prohibit forcing workers to bankroll a union as a job condition.

As recently as 2010, fewer than four in 10 private-sector employees held jobs in states protected by Right to Work laws. And just a little over two decades ago, fewer than 34% of private-sector jobs were located in Right to Work states.

### ‘Where Indiana Goes, So Goes the Nation’?

“The enactment of the Indiana Right to Work Law in February 2012 and the Michigan Right to Work Law 10 months later have, it seems, greatly loosened Big Labor’s grip over elected officials in many other states,” commented National Right to Work Committee President Mark Mix.

“Early last year, Abby Rapoport, a staff writer for the pro-forced unionism *American Prospect*, publicly expressed her fear that the Right to Work victory in Indiana would represent ‘a turning point in American labor history’ and ‘not simply a loss in power’ for Hoosier union officials.

“An article by Ms. Rapoport published online the day then-Gov. Mitch Daniels

signed the Right to Work Bill into law even bore the title, ‘Where Indiana Goes, so Goes the Nation.’

“And since Indiana’s ban on forced union dues was adopted, Right to Work activism has indeed spread like wildfire in state after state.

“It seems the fears of Abby Rapoport and the *American Prospect*’s editors were well-grounded.”

### Support to Pass Right To Work Laws Advancing In Multiple States

Mr. Mix cited Pennsylvania as just one example of a longtime Big Labor dominion

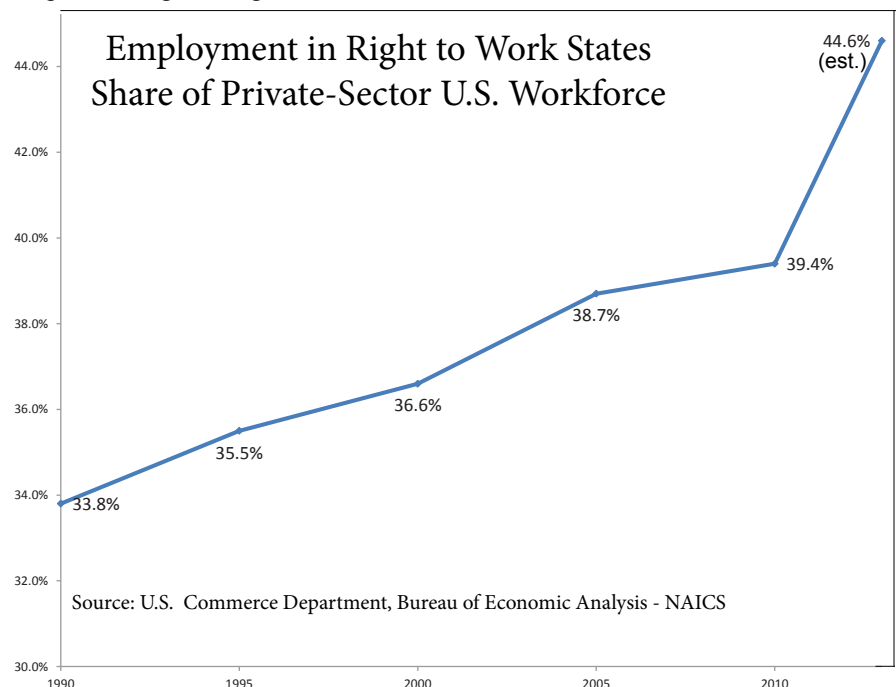
where momentum for enactment of a state Right to Work law has been building this year.

“On April 30,” he noted, “state Rep. Daryl Metcalfe [R-Cranberry] introduced H.B.50, a measure to make Pennsylvania America’s 25th Right to Work state, as well as several incremental bills protecting some employees.”

This summer, Mr. Mix added, National Committee members and other grass-roots activists in Pennsylvania are working to get companion legislation introduced in the state Senate.

Citizen efforts to pass Right to Work

See **Monopolistic** page 2



**Right to Work states’ economic growth has long exceeded the U.S. average. Now it seems possible that within a few**

**years most U.S. employees will reside in states with laws barring forced union dues.**

# Monopolistic Unionism Harms Workers

Continued from page 1

laws are also advancing this year, he noted, in Missouri, Maine, Kentucky, Montana, Ohio, and a host of other states.

## ‘Right to Work Laws Make Union Bosses More Accountable To the Rank and File’

State Right to Work laws are primarily a response to federal policies authorizing and promoting union monopoly control, in business after business, over front-line employees’ voices in negotiations over their pay, benefits, and work rules.

Henry Simons, one of the leading American economists of the 20th Century, once cogently summed up what the U.S. Congress wrought in pro-forced unionism statutes such as the 1935 National Labor Relations Act (NLRA): “Government, long hostile to other monopolies, suddenly sponsored and promoted widespread labor monopolies . . . .”

Since the NLRA makes so-called union “exclusive” representation in the private-sector the law of the land in all 50

states, and no state law can preempt the NLRA, state legislators have no power to revoke Big Labor’s monopoly-bargaining privileges over business employees.

However, Right to Work laws greatly mitigate the harm monopolistic unionism inflicts on millions of talented and conscientious employees by prohibiting the termination of any employees for refusal to pay union dues or fees to a union they personally don’t want, and never asked for.

“Right to Work laws make union bosses more accountable to the rank and file,” said Mr. Mix.

“Of course, they are only a partial solution to the problem of government-imposed union monopoly bargaining. A comprehensive solution would require federal legislation or a federal court decision or decisions overturning the NLRA and other such laws.

“But state Right to Work laws are an effective tool against Big Labor abuses. Unionized employees who lack this freedom typically find it extraordinarily difficult to stop corruption at the top.”

A sad case in point, recently in the news, is Local 983 of the District Council 37 union conglomerate in New York City.

Back in the 1990’s, peace officers, maintenance workers, tow-truck operators, and other traffic agents under Local 983 control were fed up with paying exorbitant forced dues out of their very modest salaries and getting virtually nothing in return from the union brass.

## Monopoly Privileges Transform ‘Working-Class Hero’ Into Just Another Union Fat Cat

In 1998, the rank and file celebrated when they ousted the old guard and installed putative “reformer” Mark Rosenthal as Local 983’s new president.

But as the New York *Post* reported last month, today Mr. Rosenthal, still the head of the local, squeezes an average of \$1080 a year apiece in forced union dues from the 3000 hard-pressed workers in the local so he can collect a \$156,000 a year salary plus ample additional perks.

And, as the *Post* documented in several photos such as the one reproduced on this page, Mr. Rosenthal apparently doesn’t see the need even to stay awake on the job for which he collects a fat forced dues-funded paycheck.

“Mark Rosenthal was once hailed as a ‘working-class hero.’ But after wielding monopoly privileges for a decade and a half, he’s become just another example of forced-unionism abuse,” commented Mr. Mix.

## ‘A Reform That Is Both Necessary and Feasible’


He continued:

“The case of Mark Rosenthal proves, yet again, how important it is for employees to have the power, as individuals, to refuse to pay dues or fees to a union that isn’t benefiting them.

“Virtually wherever workers have this power, there are far fewer union abuses.

“Right to Work is a reform that is both necessary and feasible.

“Because of the intense and tireless efforts of ordinary Americans in state after state, the possibility of a majority of all U.S. employees living in states with Right to Work protections is now on the horizon. In fact, that day could come within a few short years.

“But future progress will depend, as always, on the ongoing hard work of principled forced-unionism opponents nationwide.” 



CREDIT: NEW YORK POST

Once a putative union “reformer,” Big Apple union boss Mark Rosenthal today apparently doesn’t see the need

even to stay awake on the job for which he collects a generous forced dues-funded paycheck.

# China's Labor Policy Better Than America's??

## 'Bob King Will Seemingly Say Anything to Promote Forced Unionism'

Regardless of what they think about current labor policy in the U.S., virtually all Americans would surely agree that Chinese labor laws are not a model they would ever want to follow.

According to the group Human Rights in China (HRIC), an organization dedicated to institutional protection of human rights in the People's Republic of China, the only federation of trade unions permitted to operate in China is "essentially . . . a subsidiary organ of the Chinese Communist Party."

### Aim of ACFTU Is to 'Ensure the Continued Control Of the Working Population'

The main purposes of the so-called All-Chinese Federation of Trade Unions (ACFTU), charges HRIC, are to "facilitate and support government policies within enterprises and to ensure the continued control of the working population."

Chinese employees have no right to form or join any union that isn't controlled by the ACFTU, and they have no right, either individually or collectively, to stop ACFTU-affiliated union bosses from getting monopoly-bargaining power at the workplace and taking money out of wages and benefits for their own purposes.

Even American union bosses who openly oppose the individual worker's freedom to bargain for himself and refuse to pay union dues if a majority of his fellow employees want a union couldn't support such policies, could they?

### Union Boss Bob King: Chinese Operative 'Shocked' by U.S. Workers' Lack of Rights!

Surely, they would distance themselves from the tyrannical Chinese policy of imposing ACFTU-controlled unions in workplaces where a majority of the workers want another union, or no union at all!

Years ago, U.S. union officials, like others throughout the Free World, had a consistent message. They unequivocally denounced the ACFTU and denied it was a legitimate trade federation. But in recent years American Organized Labor has been sending out mixed messages regarding the totalitarian ACFTU.

The latest example of a union boss whitewashing the ACFTU is Bob King, president of the Detroit-based United



CREDIT: ACFTU

CREDIT: THE TRUTH ABOUT CARS

**It's illegal for Chinese employees to join any union not affiliated with a federation headed by Communist**

**Party boss Wang Zhaoguo (inset). Could Bob King really think "workers have more rights in China?"**

Auto Workers (UAW/AFL-CIO). In an interview aired on Detroit public TV May 12, King lambasted the shareholders and managers of the Nissan auto-assembly plant in Canton, Miss., for refusing to help his agents secure monopoly-bargaining power over employees at the facility.

Mr. King and company want Nissan and its managers to pledge not to share with employees any information, including purely factual materials, which might dissuade them from supporting unionization. As far as the UAW czar is concerned, making any such information available is a "violation of human rights."

At one point in the interview, Mr. King went so far as to quote approvingly an unnamed female ACFTU operative visiting Canton who was "shocked," he claimed, by U.S. workers' lack of rights.

### Bob King Says What He Evidently Knows to Be False For 'Propaganda Purposes'

By Mr. King's account, the operative told him, "We've got more rights to join a union in China than you do in the United States."

Rather than contradict such flagrantly false Communist boilerplate, Mr. King

simply added that it is "outrageous," from his perspective, that Chinese workers really do have more rights than American workers.

"It's impossible to believe Bob King really is as ignorant as he sometimes gives the impression of being," commented Greg Mourad, vice president of the National Right to Work Committee.

"In fact, a quick Internet search shows that, as recently as 2010, an official UAW press statement recognized that ACFTU-controlled unions are not 'real unions.'

"What this means, evidently, is that Mr. King says what he knows to be false for cynical propaganda purposes.

"Or, even worse, he sincerely believes that Chinese workers who have to join a Communist-affiliated union, and may not join any other kind, are 'freer' than Mississippi workers who collectively have the option to vote for or against unionization and individually are free to join any union or not.

"Either way, Bob King's appalling words in last month's TV interview are an excellent illustration of why independent employees in Right to Work Mississippi and elsewhere would be well advised to keep the UAW union hierarchy out of their working lives." 📢



# Labor Nominee ‘Happy to Stretch the Law’ Committee Fights Senate Confirmation of Forced-Unionism Ideologue

When President Obama’s first labor secretary, Hilda Solis, resigned at the beginning of this year, few political observers anticipated he could find a successor who surpassed her commitment to expanding Big Labor’s special privileges.

It was Ms. Solis, after all, who in 2009 publicly identified herself as the “humble servant” of AFL-CIO kingpins and their agents.

But in U.S. Justice Department enforcer and former Maryland Labor Secretary Thomas Perez, Mr. Obama may actually have found a U.S. Department of Labor (DOL) head who will, if confirmed by the U.S. Senate, do even more to corral and keep workers under union-boss control than did Ms. Solis.

## Mr. Perez Has Displayed an Affinity For the Hierarchy of ‘Corrupt’ Construction Union

“As a May 20 Wall Street *Journal* editorial observed, Mr. Perez’s record ‘clearly shows he’s happy to stretch the law for partisan and ideological purposes,’” said Mary King, vice president of the National Right to Work Committee.

“And his record also establishes that the ideology of compulsory unionism is one that is especially near and dear to Thomas Perez’s heart.

“This is evident, for example, from his habit as Maryland labor secretary of appointing union bosses to powerful positions in his agency.



**As bad as things have gotten at the DOL, Thomas Perez could easily make matters much worse.**

“Mr. Perez installed the president of the AFL-CIO-affiliated Baltimore Building and Construction Trades as Maryland commissioner of labor and industry.

“And Mr. Perez selected a former organizer for the notorious Laborers International Union of North America as executive director of the Maryland Home Improvement Commission, despite the fact that U.S. DOL investigators considered LIUNA to be a corrupt organization.”

Because of Hilda Solis’s intense anti-Right to Work bias, Big Labor got away with plenty during Barack Obama’s first presidential term.

For example, DOL officials willfully failed to enforce the Davis-Bacon Act’s

anti-kickback provisions -- and thus allowed workers’ wages to be kicked back to employers through union-sponsored “job target” funds.

DOL officials also rescinded an array of union financial disclosure rules, making union chiefs less accountable to rank-and-file employees.

## Last Month, Senate Committee Rubber-Stamped Nomination Despite Grass-Roots Opposition

“As bad as things have gotten at the DOL, Thomas Perez could easily make matters much worse,” warned Ms. King.

“He is a seasoned operative with far more experience managing bureaucracies than Ms. Solis had. He has the capacity and the will to make the DOL even more political and even more focused on serving union bosses’ objectives than she did.”

On May 16, the Senate Health, Education, Labor and Pensions (HELP) Committee green-lighted the Perez nomination by a 12-10 vote, despite an outpouring of opposition from Right to Work members and other concerned Americans.

But the fact that every single GOP member of the HELP panel, including even habitual Big Labor ally Lisa Murkowski (Alaska), voted against Mr. Perez is an “encouraging sign” that he could be blocked by an extended debate on the Senate floor, observed Ms. King.

As this month’s Newsletter goes to press, Big Labor Majority Leader Harry Reid (D-Nev.) is vowing to bring up the Perez nomination for a final vote some time this summer.

“To prevail in this important battle, Right to Work advocates across the country will need to keep turning up the heat on the Senate until the entire chamber is forced to go on the record, in vote after vote if necessary,” said Ms. King.

“The National Right to Work Committee has already communicated its opposition in a letter sent to every senator.

“But now it’s vital that senators hear from as many as possible of the 2.8 million Right to Work members around the country. You can reach your senators through the chamber’s switchboard, 202-224-3121.”

CREDIT: FRONTPAGEMAG.COM

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# Union Dons Get Volunteer Band Director Banished As Always, Big Labor Purports to Act ‘For the Good of the Kids’

Across the country, thousands and thousands of civic-minded Americans with valuable knowledge and skills volunteer to share them with public schoolchildren in their communities.

Typically, there is no legal requirement that such volunteer educators have full teaching credentials, and schoolchildren sometimes report that they learn more from “uncredentialed” volunteers than they do from fully-credentialed professionals.

But volunteers’ participation in K-12 public education almost always represents a burr under the saddle of teacher union bosses in states without Right to Work laws.

That’s because volunteers, unlike paid teachers in Big Labor-controlled states, cannot be forced to pay union dues or fees in order to share their knowledge and skills with schoolchildren.

## ‘Parents and Students Were Pleased’ With Lenie Duffy’s Work

One recent attack by teacher union bigwigs on school volunteering has received national attention thanks largely to the efforts of Katherine Mangu-Ward, the managing editor of *Reason* magazine.

As Ms. Mangu-Ward reported in a May 10 post on the *Reason* web site, the high school band in Gold Beach, Ore., held its practice sessions this spring at the offices of a small local publication, *Backwoods Home Magazine*, rather than at school.

The reason the 15-member band had to find a new home is that its conductor, Lenie Duffy, is no longer able to serve as a volunteer for Gold Beach High School.

Bosses of the Central Curry Education Association (CCEA) teacher union, a subsidiary of the Oregon Education Association union (OEA) and the mammoth National Education Association (NEA) union, engineered Ms. Duffy’s ouster by filing a complaint with the state’s Teacher Standards and Practices Commission (TSPC).

As Ms. Mangu-Ward’s account pointed out, “parents and teachers were pleased” with Ms. Duffy’s work. She had even recently been nominated for town “volunteer of the year.”

But that didn’t matter to CCEA union bosses, who were determined to avoid



CREDIT: BACKWOODS HOME MAGAZINE

**Lenie Duffy (conducting) has nine years’ experience as a credentialed teacher, and has long volunteered as a**

**high school choir’s piano accompanist. But union bosses say she isn’t “qualified” to teach music!**

setting a precedent of allowing positions that had once been held by paid (and forced dues-paying) teachers to be filled by volunteers.

Acting at the behest of the CCEA brass, during the 2012-13 school year TSPC bureaucrats instructed Superintendent Jeff Davis to cancel the class taught by Ms. Duffy, as well as a choral music class taught by another volunteer who wasn’t “certified” to teach in Oregon.

## ‘Uncredentialed’ Teacher Has Actually Worked Nine Years as a Credentialed One

“It’s plain to see that in this case, as in many others, the alleged ‘certification’ issue was just a lame excuse for teacher union bosses seeking to ensure an ever-increasing stream of forced dues flowing into their coffers,” said Matthew Leen, vice president of the National Right to Work Committee.

“In fact, Lenie Duffy has nine years’ experience as a credentialed teacher in California, and 15 years’ experience as a volunteer in Oregon schools, including five as the choir’s piano accompanist.

“Union bosses never would have complained about her deficit of Beaver State ‘credentials’ had she been a CCEA forced-dues payer.

“Teacher union chiefs justify every

power grab, no matter how outrageous, by purporting to act ‘for the good of the kids.’ That’s what they told the choir director who was banished along with Ms. Duffy.”

## ‘School Districts Can No Longer Afford the Existing Monopoly’

Mr. Leen continued:

“Fortunately, more and more Americans are seeing through the NEA union façade. As *Backwoods Home Magazine* editor Dave Duffy (Lenie’s husband) observed last month, ‘school districts can no longer afford the existing monopoly.’

“Thanks to the Duffys’ generosity in donating their time and office space, the Gold Beach High School band, now recast as an off-campus ‘club’ to escape the wrath of teacher union monopolists, has continued putting on concerts and participating in competitions.

“But all too often the greed of teacher union bosses for more and more forced-dues money results in diminished educational opportunities for schoolchildren and unnecessarily high costs for taxpayers.

“Legislators in Oregon and every other state that currently authorizes the firing of educators for refusal to pay union dues should deter such abuses by safeguarding employees’ Right to Work.” 📌

# 'Okay, We've Represented Workers Poorly'

## Top Union Bosses Admit to Flubbing Obamacare, Cling to Privileges

Multiple media reports over the past few months discuss a "surprising" development concerning the so-called Affordable Care Act (ACA) of 2010, otherwise known as Obamacare.

It turns out that Big Labor, which collectively spent hundreds of millions of dollars in 2008 and 2012, mostly forced dues-funded union treasury money, to get Barack Obama elected and reelected President, is now increasingly dubious about the ACA, the Obama Administration's single legislative achievement.

A May 25 Fox News analysis cited the mounting concerns of union officials such as Kinsey Robinson, president of the United Union of Roofers, Waterproofers and Allied Workers (UURWAW/AFL-CIO).

Mr. Robinson and other union bosses, the Fox report explained, "argue insurance costs for millions of workers will increase under [President Obama's] health-care plan so they might have to drop their existing plan," despite Mr. Obama's "promising the opposite."

Union chieftains in sectors like construction, transportation and retail are especially concerned because the frequently seasonal and/or temporary employees under their control are often covered by "multi-employer or so-called Taft-Hartley plans."

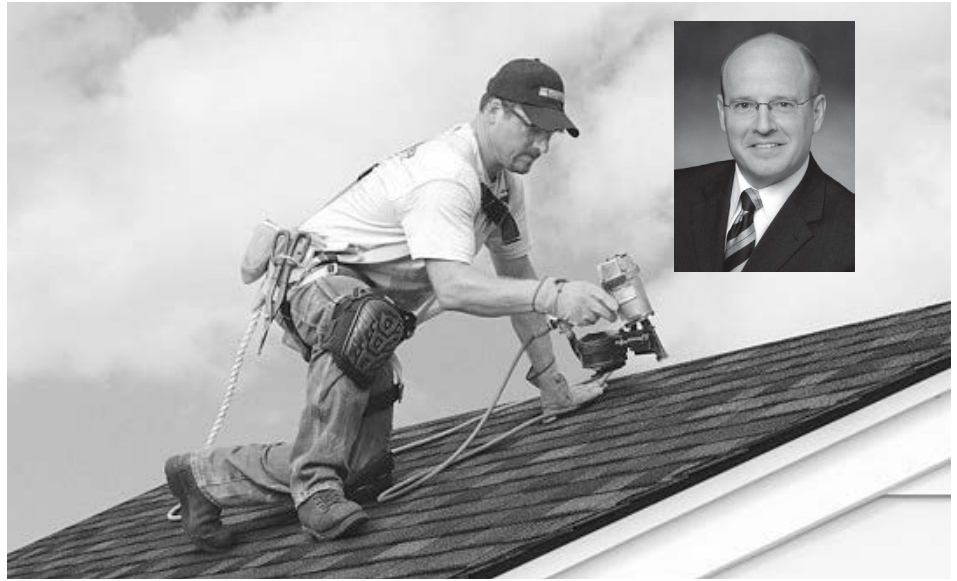
### Under ACA, Businesses Face Financial Pressure to Switch Full-Time Jobs to Part-Time

Union officials "say the roughly 20 million people" covered by such plans "will likely have higher premiums" as a result of the ACA.

A number of union bosses are now openly expressing their fear that, rather than try to deal with the higher costs brought about by Obamacare, many unionized employers will stop offering health insurance coverage or reduce the number of employees who receive it by switching positions from full-time to part-time.

Mr. Robinson has been one of the most outspoken born-again opponents of Obamacare in union officialdom. In April, the roofers union honcho blasted the three-year-old law:

"In the rush to achieve its passage,



CREDIT: PHOTO CREDIT GOES HERE

**Mark Mix: Why should federal policy continue forcing roofers and other workers to pay union dues as a**

**condition of employment to union bosses who now tacitly admit to having ill served those workers?**

many of the act's provisions were not fully conceived, resulting in unintended consequences that are inconsistent with the promise that those who were satisfied with their employer-sponsored coverage could keep it. . . . I am therefore calling for repeal or complete reform of the Affordable Care Act."

Previously, the roofers union hierarchy enthusiastically backed the election of Barack Obama as President in 2008, lobbied in support of the ACA, and supported the Obama/Biden ticket again in 2012.

### False Rationale For Forced Dues Is That Union Bosses Serve All Workers' Interests

"The 'man bites dog' story of union bosses like Kinsey Robinson turning on Obamacare is interesting, but so far media accounts are ignoring one important angle," noted Mark Mix, president of the National Right to Work Committee.

"The two pillars of federal labor law, the National Labor Relations Act as amended in 1947 and the Railway Labor Act as amended in 1951, explicitly authorize union officials, acting with employers' acquiescence, to compel unionized employees to pay dues or fees as a condition of employment.

"Even employees who would never voluntarily join the union wielding 'exclusive' bargaining power at their workplace are forced to fork over union dues or fees, or be fired.

"Labor laws covering state and local public employees in nearly two dozen states that are patterned after the NLRA also authorize and promote compulsory union dues and fees.

"The phony rationale for forced financial support for unions is that union officials allegedly act in the interest of all employees.

"This has never been true.

"But what's new in 2013 is that Kinsey Robinson and a number of other union bigwigs like Joe Hansen of the United Food and Commercial Workers, Jim Hoffa of the Teamsters, and Donald "D" Taylor of UNITE are effectively admitting it.

"Mr. Robinson et al now admit that, for several years at least, they have been acting contrary to the interests of the workers they purport to represent on matters concerning Obamacare.

"If a number of high-ranking union bosses now tacitly concede they have long represented workers poorly on a critical issue concerning their future health benefits, why should federal policy continue forcing workers to pay union dues as a job condition?"



# Senate Showdown This Summer

Continued from page 8

seat Senate majority in 2012, and that majority now stands at 54 seats. But a Right to Work filibuster of a pro-forced unionism nominee lacking any 'mainstream' credibility would still have a good chance of success.

"Big Labor wants NLRB extremists. In order to deliver for this crucial constituency for his 2012 re-election bid, Barack Obama was willing early last year to violate the U.S. Constitution.

"And according to the Third Circuit Court of Appeals, Mr. Obama also broke the law when he 'recess' appointed extremist ex-union lawyer Craig Becker to the Board in 2010. [Mr. Becker later left the NLRB to become the AFL-CIO's general counsel.]

"As Washington *Examiner* senior editorial writer Sean Higgins recently commented, the President 'has often gone to extraordinary lengths to appoint [Big Labor] activists' to key positions in his administration."

## Union Bosses Want NLRB to Give Them Access to Union-Free Workers' Phone Numbers

Now that the NLRB nominations of Mr. Pearce (whose current term expires in August), Mr. Griffin, Ms. Block and Republicans Phil Miscimarra and Harry Johnson have received HELP Committee approval, they could come to the Senate floor at any time.

That's why the Right to Work

Committee is now mobilizing its 2.8 million members to turn up the pressure on their senators to oppose the Obama NLRB nominations (which are expected to come before the chamber as a package) on all votes.

"Genuine opposition to the NLRB power grab must include votes against 'cloture' motions to end debate on the package of nominations, as well as against their final Senate approval," emphasized Mr. Mix.

"The stakes in this battle for the American employee's personal right to remain union-free are very high.

"Until the D.C. Circuit interceded, the NLRB had been expected early this year to impose sweeping changes to the longstanding procedures under which Big Labor may obtain monopoly-bargaining power over workers.

"Among the proposals the Obama NLRB has been considering are new rules mandating that employers hand over employee phone numbers and e-mail addresses to union organizers at the outset of each certification campaign.

"If [Majority Leader] Harry Reid [D-Nev.] succeeds in doing the union brass's bidding and procures a full Senate rubber-stamp for the package of pending NLRB nominations, this scheme will almost surely come to fruition soon thereafter."

Union bigwigs publicly express confidence that, as the head of a 54-member caucus in a 100-member

chamber, Mr. Reid should have little trouble in ramming through the President's package of NLRB nominations.

## An Uphill, But Winnable Battle For Right to Work Advocates in the Senate

But Mr. Mix sees the looming nomination fight as an uphill, but winnable battle for Right to Work advocates;

"It's true that a majority of Senate members are both pro-forced unionism and amenable to an intensification of the NLRB's bias against the individual employee's Right to Work, as long as they aren't seen as personally responsible for the power grab.

"But if they act with unity and determination, the minority of senators who at least oppose further bureaucratic expansions of union officials' special privileges can block the NLRB nominations indefinitely.

"Ultimately, the Obama Administration may decide it has no choice but to heed the D.C. Circuit, prod Mr. Griffin and Ms. Block to step down, and start over again."

Mr. Mix urged Right to Work supporters everywhere to contact Minority Leader Mitch McConnell (R-Ky.) to encourage him to do everything he can to prevent the Senate from acquiescing to President Obama's NLRB power grab.

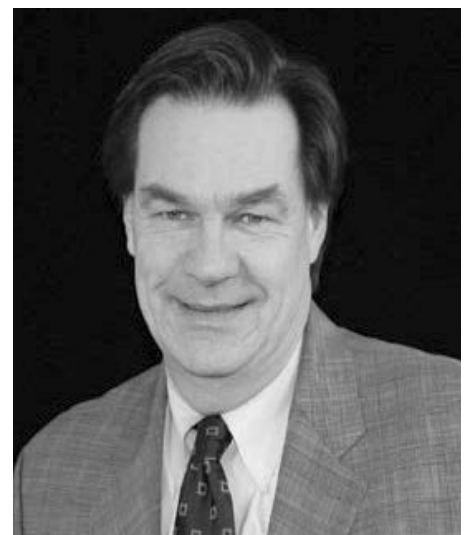
Mr. McConnell can be reached by phone at 202-224-2541 or by fax at 202-224-2499. 



CREDIT: U.S. LABOR DEPARTMENT



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One putative NLRB "recess" appointee, Sharon Block, was once the late Sen. Ted Kennedy's (D-Mass.) top

labor-policy aide. Another, Richard Griffin (right), was recently implicated in an alleged union embezzlement

scheme. And NLRB Chairman Mark Pearce is brazenly defying the Supreme Court's *New Process Steel* decision.

# Can Barack Obama's Radical NLRB Be Stopped?

## *Union Hierarchy Egged on President to Make Illegal Appointments*

On May 22, all 12 Democrat members of the U.S. Senate Committee on Health, Education, Labor, & Pensions (HELP) bowed to the wishes of top union bosses and the White House by rubber-stamping President Barack Obama's entire package of pending nominations for the National Labor Relations Board (NLRB).

Two of the nominees who got a green light from the HELP panel Democrat politicians were Richard Griffin, a former union lawyer, and Sharon Block, a former staffer for the late U.S. Sen. Ted Kennedy (D-Mass.). Nine of the 10 Republicans on the panel voted against the Griffin and Block nominations.

The only GOP senator to band with Big Labor Democrats in giving the nod to these two picks was habitual union boss-appeaser Lisa Murkowski (Alaska).

The Griffin and Block nominations for extended terms on the NLRB are highly controversial for several reasons.

### **Unanimous Panel of Judges Found That Phony 'Recess' Appointments Were Illegal**

First of all, both have already established track records as radical proponents of expanding Big Labor's monopoly-bargaining power over the individual employee through bureaucratic means.

Second, both are currently sitting on the NLRB due to temporary "recess" appointments arrogantly made by the President in January 2012 when the Senate was not actually in a recess, as the term is defined in the U.S. Constitution.

Third, this January a three-judge panel on the U.S. Court of Appeals for the D.C. Circuit unanimously found that the President's putative "recess" appointments of Mr. Griffin and Ms. Block as well as one other NLRB member who is no longer on the board today were unconstitutional and illegal.

That means there is only one licit member currently on the NLRB, which under the 2010 U.S. Supreme Court *New Process Steel* precedent cannot validly issue decisions or otherwise regulate labor-management relations without at least a three-member



CREDIT: MICHAEL REYNOLDS-POOL/GETTY IMAGES

**AFL-CIO czar Richard Trumka and his cohorts rely on NLRB activism to help them corral more workers into**

**union ranks; President Obama is eager to give union bosses the radical NLRB they want.**

quorum.

Fourth, despite the D.C. Circuit decision and a decision last month by another federal court finding that "recess" appointments made under conditions like those that pertained in January 2012 are illegal, the NLRB continues to issue dozens of decisions every month.

As one GOP senator on the HELP panel commented, continued decision-making by Mr. Griffin and Ms. Block after the D.C. Court ruled their appointments were not valid reveals "a troubling lack of respect for the Constitution, the separation of powers and the Senate's constitutional role [of] advice and consent."

National Right to Work Committee President Mark Mix added: "Of course, if Richard Griffin and Sharon Block have shown a 'troubling lack of respect for the Constitution,' so has Mark Pearce, whom the President appointed to the NLRB in 2010 and elevated to the chairmanship in 2011.

"Though the legality of his appointment itself is not in question, Mr. Pearce, as chairman, is directly

responsible for the determination to continue issuing decisions this year without a valid quorum, in open defiance of Supreme Court precedent."

### **President 'Has Often Gone To Extraordinary Lengths to Appoint [Big Labor] Activists'**

"It should also be pointed out that President Obama never would have made his unconstitutional 'recess' appointments to the NLRB in the first place had not top union bosses egged him on to abuse his authority," added Mr. Mix.

"For years, union bigwigs have to an ever-greater extent relied 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 quietly doubtful that the current Senate would confirm the kind of radical NLRB appointees they want.

"Union-label Democrats held a 53-

*See Senate page 7*