NATIONAL
RIGHT TO WORK
NEWSLETTER

VOLUME 59, NUMBER 7 www.nrtwc.org July 2013

Committee Fights Big Labor Judicial Activism

Reforms Can Stop Entrenchment of New Union-Boss Privileges

On June 20, pro-Right to Work Congressman Tom Price (R-Ga.) introduced two modest, but important reforms designed to prevent pro-forced unionism activist judges around the country from concocting new special legal privileges for Big Labor.

Together, these two measures would establish that Congress never intended to exempt union bosses from prosecution under state laws protecting Americans against ID theft, stalking and cyberstalking.

Many citizens would undoubtedly be shocked to learn it is necessary for Congress to pass a law stating that the National Labor Relations Act (NLRA) doesn't give union bosses a free pass to violate state ID-theft and stalking laws.

But unfortunately, judges who are either myopic or simply flat-out biased in favor of monopoly unionism have made it necessary.

CREDIT: MIKE KEMP/TETRA IMAGES/GETTY IMAGES

In virtually every, if not every, state, it is a serious crime to reveal publicly anyone's name in combination with his or her social security number. Big Labor shouldn't be exempt -- and H.R.2473 will ensure it isn't.

North Carolina Courts Hand Union Bosses a License to Violate Workers' Privacy

In virtually every, if not every, state today, it is a serious criminal offense for a business or nonprofit group to reveal publicly any employee's, customer's or contributor's name in combination with his or her social security number.

And the penalties in North Carolina's Identity Theft Protection Act (ITPA) are regarded as especially stringent.

Under the Tarheel State's ITPA, exposing anyone to identity theft by divulging personal information, through negligence or malice, makes you liable to a fine of up to $5000 per violation.

In the fall of 2007, John Glenn, president of Local 3602 of the Communications Workers of America (CWA/AFL-CIO) union, apparently violated the ITPA.

Mr. Glenn maliciously posted the names and social security numbers of 33 AT&T Bell South employees on a publicly accessible bulletin board at the company's facility in Burlington, N.C.

All the employees whose names and personal information were posted in a hallway close to the building entrance, accessible to employees and non-employees, had exercised their freedom under North Carolina's Right to Work law to resign from the CWA and cease paying dues and fees to a union they didn't want.

According to several victims' testimonies, the public posting of the names and social security numbers of workers exercising their right to refrain from union affiliation was part of an extended union-boss campaign of harassment and intimidation.

In June 2008, 16 of the employees whose rights under the ITPA were brazenly violated filed suit against the CWA, CWA District 3, and CWA Local 3602 in state court. The National Right to Work Legal Defense Foundation assisted them.

Case 'Makes a Mockery' of Laws That Are 'Supposed to Protect the Right to Refrain'

But incredibly, both the trial court and the state Court of Appeals found that, since Mr. Glenn's obvious goal was to retaliate against employees for exercising their legal right to forego union membership, he is entitled to a special exemption from being subjected to the ITPA's penalties.

Both courts claimed that, since such

See **'Right to Stalk'** *page 2*

Big Labor Claims 'Right to Stalk'

Continued from page 1

thuggish trampling of employee rights may violate the National Labor Relations Act, it may not be punished by state authorities.

The Bell South employee plaintiffs, led by independent contractor Jason Fisher, did originally file, with their Foundation attorney's assistance, a January 2008 complaint with the National Labor Relations Board (NLRB). They accused CWA Local 3602 of violating Section 8(b)(1)(a) of the NLRA and of breaching its "duty of fair representation."

Since Mr. Glenn's vicious tactics were plainly intended to intimidate union-free workers into becoming full union members, rather than forced "agency" fee payers, he violated federal labor law as well as North Carolina's Right to Work law.

But the NLRB did not even issue a complaint against Local 3602 or its parent unions. It did not even require Mr. Glenn to admit he had done anything wrong.

Instead, the NLRB contrived a settlement in which all Local 3602 bosses effectively had to do was promise they would not publicly reveal employees' personal information again.

"The outcome of the *Fisher* case makes a mockery of federal and state laws that are supposed to protect the right to refrain from joining a union without being denied a job as a consequence," said National Right to Work Committee President Mark Mix.

Court-Created Privilege to Stalk Employees Who Resist Unionization Could Be Next

Mr. Mix added: "The actions of the North Carolina courts were even more egregious than those of the NLRB in this matter.

"The fact is, even if the NLRB had done its duty and prosecuted CWA kingpins, the potential penalties for trampling on employees' freedom not to join a union imposed under the NLRA are paltry by comparison with the North Carolina ITPA's penalties of up to $5000 per instance of exposing a person to identity theft.

"There is no legitimate purpose of labor law served by making a person who maliciously discloses someone's private information to intimidate that person into joining a union or not joining a union liable to only a wrist slap at most. Especially when a perpetrator of the same offense with any other motive faces a multi-thousand-dollar fine for every count.

"And if the logic of the two North Carolina rulings (which the Tarheel State's Supreme Court refused to overturn in October 2012) is allowed to stand, union bosses and their lawyers will undoubtedly be emboldened to use judicial activism to secure additional special privileges for Big Labor.

"For example, a form letter concocted and regularly used by construction union bosses states that unless independent contractors provide them with constantly updated information on job locations, union agents have the right to 'follow . . . supervisors and employees.'

"Such 'monitoring activity' is protected by the NLRA and, therefore, 'not a violation of any [state] stalking laws,' insist construction union bigwigs."

Right to Work Members Mobilize Support For H.R.2472 and H.R.2473

"It would be hard to believe any court would find that federal law gives union bosses free rein to stalk independent employees and supervisors, except for the evidence of *Fisher v. CWA* and a number of other outrageous cases of Big Labor judicial activism," Mr. Mix concluded.

This summer, the National Right to Work Committee is contacting members and supporters across America as part of its program to mobilize support for Congressman Price's two bills restoring and preserving common-law accountability for union bosses.

The first measure, H.R.2472, makes it crystal clear that nothing in the NLRA or the Railway Labor Act (which governs employee-employer relations in railroad and airline businesses) preempts anti-stalking laws.

The second measure, H.R.2473, explicitly states that nothing in the NLRA or RLA preempts anti-identity theft laws.

"H.R.2473 would deter union bosses in the future from abusing independent-minded employees the way John Glenn did," Mr. Mix predicted.

"H.R.2472 would establish that, contrary to what union bosses claim, federal labor law does not entitle union organizers to follow 'work vehicles to employees' homes' and wait 'for them to leave and possibly travel to another job site.'

"Capitol Hill politicians will have a hard time explaining to their constituents why union bosses should be immune from identity-theft and stalking laws."

CREDIT: REUTERS/FRED GREAVES

Mark Mix: "It would be hard to believe any court would find that federal law gives union bosses free rein to stalk independent employees and supervisors, except for the evidence" of *Fisher v. CWA*.

Forced Unionism Impedes Manufacturing Growth

Sector Remains 'a Vital Component of Our National Prosperity'

Even before the Great Recession of 2008-2009 brought a long period of low national unemployment rates in the U.S. to an abrupt end, concerns about a secular employment decline in the manufacturing sector were widespread.

However, as many economists have pointed out, the decline of U.S. manufacturing employment is primarily a result of worldwide output growing faster than demand, rather than any reduction in American firms' market share of the worldwide demand for manufactured goods.

In fact, new and revised data from the U.S. Commerce Department's Bureau of Economic Analysis (BEA) show that, from 2002 to 2012, the country's real manufacturing GDP in "chained" 2005 dollars grew from $1.359 trillion to $1.684 trillion, or 23.9%.

Meanwhile, the real overall GDP of the U.S. grew by 16.2%, or just a little over two-thirds as much.

Counterproductive Big Labor Work Rules Render Employees Uncompetitive, Kill Jobs

Total 2002-2012 GDP growth in the 22 states that had Right to Work laws on the books throughout the period was 21.6%, significantly greater than the national average and 8.5 percentage points greater than the average for states lacking Right to Work protections throughout the period.

In the manufacturing sector, Right to Work states' growth advantage was even wider.

From 2002 to 2012, Right to Work states' real manufacturing GDP increased by 31.8%, or 11.2 percentage points more than the forced-unionism average.

Ten of the 11 states showing the greatest declines in manufacturing GDP lacked Right to Work laws.

But six of the nine states with the greatest manufacturing GDP gains were Right to Work.

National Right to Work Committee Vice President Matthew Leen said counterproductive work rules imposed and perpetuated for decades by Big Labor bosses wielding forced-unionism privileges are a key factor behind the state manufacturing GDP data.

"In industry after industry," Mr. Leen explained, "union bosses have negotiated contracts requiring rigid job classifications that waste time and money, ultimately to the detriment of workers' paychecks and job security.

"Starting in the late 1980's, it became increasingly apparent that unionized companies like the Big Three automakers were being crushed by union-free domestic competition, which is very often based in Right to Work states.

"Within the past few years, manufacturing union bosses have finally responded by grudgingly allowing some reforms of work rules and inefficient health-insurance and pension systems. But for the most part it has been too little, too late."

Most 'States With the Highest Share of People Living in Poverty' Are Forced-Unionism

Mr. Leen continued: "Thanks in part to Indiana's adoption of the 23rd state Right to Work law early in the year, in 2012, a record 43% of the entire U.S. manufacturing output occurred in states that had prohibited compulsory union dues and fees.

"And with the new Michigan Right to Work statute taking effect this spring, it seems inevitable that in 2013 barely more than half of all the manufacturing production in the U.S. will occur in forced-unionism states.

"Unlike the factories of America's past, the new facilities springing up in Right to Work states located in the Southern, Rocky Mountain and Plains regions, and now in the Great Lakes region as well, do not typically employ vast numbers of production workers.

"But the highly productive jobs located in such sites are enabling millions of workers to provide well for themselves and their families, especially when Right to Work states' low aggregate cost of living compared to that of forced-unionism states is taken into account.

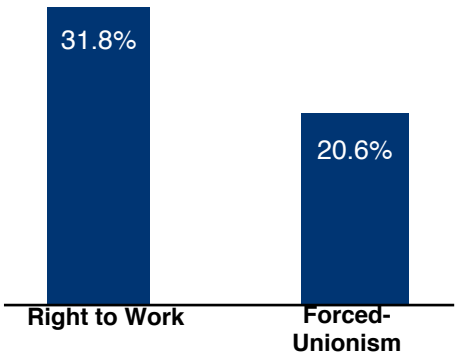
"That's one reason why, as demographic analyst Joel Kotkin recently pointed out, forced-unionism strongholds like California and New York now dominate 'the list of states with the highest share of people living in poverty,' according to new Census Bureau measurements that adjust for regional cost of living."

Mr. Leen rejected the notion that, because manufacturing provides a significantly smaller share of American (and global) jobs than in the past, it is no longer important:

"The manufacturing sector in 2013 remains a vital component of our national prosperity. As Commerce Department data show, it is a sector that over the past decade has grown at a much faster clip than the economy on the whole.

"And Right to Work states have played an absolutely critical role in enabling this sector to continue growing and prospering."

Real Manufacturing GDP Growth 2002-2012



Source: Bureau of Economic Analysis

Bottom 11 States

50. New Jersey*
49. Pennsylvania*
48. Rhode Island*
47. Hawaii*
46. West Virginia*
45. Michigan*
44. Arkansas
43. Ohio*
42. Missouri*
41. Connecticut*
40. New York*

(Forced-unionism states are asterisked)

Ten of the 11 bottom-ranking states for manufacturing GDP growth over the past decade lack Right to Work laws.

Overall, Right to Work states' real manufacturing GDP growth far outpaced the forced-unionism average.

Union Nonmembers Are 'Made Worse Off'

How a Law Professor Skewered Union Bosses' 'Free Rider' Canard

Because the National Labor Relations Act (NLRA) empowers union bosses to represent workers who don't want a union, Big Labor apologists contend, it must also empower union bosses to force unwilling workers to pay union dues or fees. Otherwise, such workers will get a so-called "free ride."

Ever since the Right to Work challenge to compulsory union membership, dues and fees emerged during the early 1940's, the so-called "free rider" argument has been the mainstay of opponents of voluntary unionism.

To justify their opposition to Right to Work laws prohibiting the termination of employees for refusal to join or pay dues or fees to an unwanted union, union officials and their allies invoke, time and again, Section 9(a) of the NLRA.

As one scholar has explained, under Section 9(a):

"American unions are not organizations that represent only their voluntary members. If they are certified by majority vote among workers in a bargaining unit, they become the 'exclusive' (monopoly) bargaining agents of all workers in the unit, whether individuals agree or not. Individuals are even forbidden to represent themselves."

Academic Backer of Monopoly Unionism: Forced-Fees Excuse Is 'Scarcely Coherent'

One simple and obvious response to the union hierarchy's claim is to advocate repealing Section 9(a) and replacing it with a provision establishing that unions would represent their members only. This is indeed the National Right to Work Committee's longstanding position.

CREDIT: WWW.LAW.UPENN.EDU

Dr. Clyde Summers: Low-seniority and high-skill workers are often hurt by union contracts.

But even if one accepts, for the sake of argument, that Section 9(a) will remain in place despite its evident flaws, Big Labor apologists' case for compulsory union dues is still "scarcely coherent."

In fact, the late Dr. Clyde Summers, a Pennsylvania law professor who personally supported monopoly unionism generally and Section 9(a) in particular, used those exact words to dismiss the "free rider" claim in a 1995 review article for the *Comparative Labor Law Journal.*

Quoting the book he was reviewing, Dr. Summers explained that the argument is wrong first of all because under monopoly bargaining workers who don't want a union are "often actually made worse off" than they were before.

He elaborated: "Full-timers may bargain to limit the jobs of part-timers, seniority provisions may disadvantage younger workers, and wage increases of the low skilled may be at the expense of the high skilled."

The harmed workers aren't "free riders -- rather, they are "captive passengers."

There is no even half-way plausible justification for forcing them to pay union dues as a job condition.

Forced-Unionism Advocates Can't Explain Why Unions Merit Special Privilege

An even greater problem with the "free rider" argument cited by Dr. Summers is that it is obviously not applicable "to a wide range of private associations."

Here is just one of the multiple examples mentioned by Dr. Summers: "If a parent-teacher association raises money for the school library, assessments are not levied on all parents."

Right to Work President Mark Mix commented:

"Clyde Summers recognized that denying private organizations the legal power to collect compulsory assessments, even from people who really do benefit from their activities, is a 'hallmark of a free society.'

"If private organizations are typically not granted what is effectively taxation power, why do union bosses deserve this special privilege?

"The vast majority of Big Labor apologists try to sidestep the question by denying that forced dues and fees are a special privilege.

"Dr. Summers was honest enough to admit the truth, but suggested union bosses should be specially privileged because it's in the public interest for unions to be powerful.

"But which genuine interests of society as a whole or workers in particular are advanced by unions that have the power to get workers fired for refusing to bankroll an unwanted union? I submit the answer is, 'None.'"

NATIONAL RIGHT TO WORK NEWSLETTER

www.nrtwc.org July 2013

Written and Distributed by:

National Right to Work Committee®
8001 Braddock Road
Springfield, Va. 22160
E-mail: Members@NRTW.org

Stanley Greer Newsletter Editor
Greg Mourad Vice President
Mary King Vice President
Matthew Leen Vice President
Stephen Goodrick Vice President
Mark Mix President
Editorial comments only: stg@nrtw.org

Contact the Membership Department by phoning 1-800-325-RTWC (7892) or (703) 321-9820, or faxing (703) 321-7143, if you wish to:

- **Report address changes or corrections**
- **Receive the NEWSLETTER or request, renew, or cancel Committee membership**
- **Obtain more information**

Because of NRTWC's tax-exempt status under IRC Sec. 501 (C)(4) and its state and federal legislative activities, contributions are not tax deductible as charitable contributions (IRC § 170) or as business deductions (IRC § 162(e)(1)).

Right to Work States Better For Families

Forced-Dues States' 'Under 18' Population Falls by 1.5 Million

The 2.8 million National Right to Work Committee members and supporters and countless other Americans who have joined with them over the years to fight to pass new Right to Work laws and defend existing ones from Big Labor attacks deserve credit for a lot of things.

First and foremost, grassroots Right to Work supporters are to be commended for the fact that, in 24 states today, the law protects the individual employee from being fired for refusal to join or pay dues to an unwanted union.

Ensuring equal protection for the personal right to join and the right not to join a labor organization is the primary purpose of Right to Work measures.

But objective economic and demographic data indicate that Right to Work laws furnish important material benefits as well.

From 2002-2012, Right to Work States' 'Under 18' Population Grew by 8.1%

Take, for example, the age-grouped state population data assembled by the U.S. Census Bureau. Last month, the Census Bureau published for the first time population statistics of this type for 2012 and also revised statistics for a number of previous years.

These data are powerful evidence that Right to Work states are typically better places to form a household and raise a family than forced-unionism states.

Multi-year Census Bureau data show that, from 2002 to 2012, as in previous 10-year periods, Right to Work states' population-growth advantage over forced-unionism states was widest among children aged 17 and under.

In fact, the 27 states that lacked Right to Work laws throughout this period actually saw their "under 18" population fall from 42.665 million to 41.192 million over the decade. That amounts to a 3.5% decline.

Seventeen of the 27 forced-unionism states had fewer children residing in them in 2012 than 10 years earlier. (Indiana, which became a Right to Work state in early 2012, is excluded. Michigan, whose new Right to Work law did not take effect until this March, is counted as a forced-unionism state.)

Meanwhile, the 22 states that had Right to Work laws on the books throughout the last decade saw their aggregate "under 18" population grow by 2.311 million, or 8.1%.

Among these 22 states, only Hurricane Katrina-ravaged Louisiana and Mississippi had fewer children in 2012 than 10 years before.

'Lifestyle' Preferences Can't Account For Out-Migration From Forced-Unionism States

Right to Work Vice President Mary King observed that the age-grouped population data soundly refute Big Labor apologists' claim that the massive net out-migration of people of all ages out of forced-unionism states is due primarily to "lifestyle" factors.

"The fact is, the 11.6 percentage point Right to Work advantage in 'under 18' population growth is substantially greater than Right to Work states' 8.5 percentage point advantage in '18 and over' population growth," said Ms. King.

"International immigration trends can't account for this discrepancy. In fact, forced-unionism states like California and New York actually saw their total juvenile populations decline despite taking in vast numbers of immigrant young adults and children.

"The only plausible explanation for the population trends reported by the Census Bureau is that parents and prospective parents are far more apt to move into Right to Work states and out of forced-unionism states than vice versa."

Parents and Prospective Parents Move to Provide Better Lives For Their Kids

"And both survey data and our common sense tell us that, when parents move from one state to another, they do so far more often to provide better economic futures for their children than to satisfy their 'lifestyle' preferences," Ms. King continued.

"Consequently, Census data indicate that vast numbers of parents regard Right to Work states as places where they can furnish better lives for their children."

CREDIT: STIGNATIUSYARDLEY.ORG

The evidence that Right to Work states are typically better places to form a household and raise a family than forced-unionism states is plain from the U.S. Census Bureau's age-grouped population data.

Pennsylvania Hardhats, Taxpayers Get Shafted

When Will State Politicians Finally Ban Union-Only 'PLA' Schemes?

Back in February 2009, one of the first actions President Barack Obama took after settling in at the White House was to issue Executive Order 13502, which promotes union-only "project labor agreements" (PLAs) on federally funded public works.

"E.O.13502 now pressures federal agencies to acquiesce to PLAs on all large public works," noted Greg Mourad, vice president of the National Right to Work Committee.

"In practice, it is designed to force nonunion companies wishing to participate in public works using $25 million or more in federal funds to impose union monopoly bargaining on their employees and hire new workers through discriminatory union hiring halls.

"Under union-only PLAs, independent workers who already have their own retirement funds are nevertheless forced to contribute to Big Labor-manipulated pension funds.

"Rather than compromise the freedom of their employees and the efficiency of their operations, most independent construction firms simply refuse to submit bids on PLA projects."

Fortunately, over the past four-and-a-half years taxpayers and other freedom-loving citizens have mounted a strong counterattack against the E.O.13502 power grab.

As of February 2009, just four states had prohibited union-only PLAs for any kind of taxpayer-funded construction projects.

Grassroots Activists Push Back Against Abusive PLAs In State After State

But last month, Right to Work South Carolina became the 17th state, and the third this year (after Right to Work Georgia and North Dakota), to ban government-mandated PLAs on public works.

Along with other citizens' groups, the National Right to Work Committee successfully lobbied for adoption of the PLA bans in South Carolina, Georgia, North Dakota, and a host of other states.

Mr. Mourad said several important factors are behind the backlash against E.O.13502:

"Since just 14% of construction workers nationwide are unionized, PLAs sharply reduce the number of potential bidders for public works and, inevitably, also jack up taxpayer costs.

"The nonpartisan, Boston-based Beacon Hill Institute has estimated that construction costs will be inflated by 12% to 18% on every federal project that uses a PLA as a result of the Obama edict."

CREDIT: KEVIN MINGORA/MORNING CALL (ALLENTOWN, PA.)

Instead of cutting taxpayer costs by allowing union-free hardhats and firms to compete on a level playing field, Big Labor politicians in Allentown decided to build a smaller fire station, with no elevator.

In Allentown, Pa., PLA Means a Smaller Fire Station at the Same Cost

The Committee and its allies are now pushing for additional PLA bans in states such as North Carolina, Kentucky, South Dakota, Ohio and Pennsylvania.

"An outrageous ongoing case in the southeastern part of the Keystone State illustrates why such laws are desperately needed," said Mr. Mourad.

"Nearly two years ago, the city of Allentown, located 50 miles north of Philadelphia, had to close its fire station due to structural problems.

"Last fall, union-label local politicians insisted that bidders for construction of a new $1.8 million fire station submit to a PLA. But the project was never awarded because the bids that came in were roughly a million dollars over budget.

"At that point, city officials could have reopened the bidding without a PLA mandate.

"Instead, to union bosses' delight, the PLA stayed and the taxpayer price tag remained $1.8 million. Meanwhile, city bosses 'cut plans for an elevator' and 'reduced the building's footprint by about 600 square feet,' according to Allentown's *Morning Call*."

Timid Politicians in Harrisburg Allow Measure To Ban PLAs to Languish

Early this year, Pennsylvania state Rep. George Dunbar (R-Jeannette) circulated a draft proposal to ban PLAs. But Democratic legislators were overwhelmingly too beholden to Big Labor to even consider cosponsoring such a bill. And most Republicans were too timid.

Consequently, Mr. Dunbar has delayed formally introducing his PLA ban.

"If Republican elected officials in the Pennsylvania Legislature can finally get their act together on PLAs, they should easily be able to prevail on this issue," Mr. Mourad pointed out.

"In the Keystone State, Republicans control both the House and Senate and the governorship. And public opposition to PLAs is vocal and increasingly well-organized.

"The Allentown fire station fiasco is just one example of how PLAs are ripping off Pennsylvanians. If the GOP politicians who control the Legislature fail to do anything to stop such abuses, it will be a real disgrace."

‘Legitimate’ Goals = ‘Righteous’ Violence??

Continued from page 8

federal Hobbs Anti-Extortion Act, is expanding the number of workers who are forced to accept union representation and pay union dues as a condition of employment.

Time and again, federal prosecutors have amassed extensive evidence that Big Labor bosses have incited or orchestrated violence, vandalism and threats for purposes related to increasing the number of forced dues-paying workers.

Nevertheless, because of the pro-union violence loophole in the federal Hobbs Act, extortion investigations of the implicated union officials rarely result in an indictment.

Controversial 5-4 U.S. Supreme Court Decision Created *Enmons* Loophole

The *Enmons* loophole is named after the U.S. Supreme Court’s controversial 5-4 decision 40 years ago in *U.S. v. Enmons*. This case involved a strike orchestrated by International Brotherhood of Electrical Workers (IBEW) union officials.

Union zealots were charged with “firing high powered rifles at three Company transformers, draining the oil from a Company transformer, and blowing up a transformer substation owned by the company.”

Incredibly, Justice Potter Stewart, writing for the narrow court majority, concluded that such flagrant violence is “wrongful” as defined by the 1946 Hobbs Act only when the perpetrator has no “legitimate claim” to the benefit he is seeking to obtain.

Since the IBEW brass and their fanatical followers had a legal right to seek the contract terms they desired through a strike, the *Enmons* majority airily concluded, using violence and sabotage to secure those contract terms was not “extortion.”

Mr. Mix observed: “According to the loopy logic of the late Justice Stewart and his associates, because you have a legal right to ask a car dealer to sell you a new car for $24,000, it’s not extortion if you threaten to blow up his dealership unless he agrees to sell it to you at the price you want.

“Of course, no one would ever imagine applying that sort of crazy reasoning to any area of American life other than labor relations.”

Fortunately, Congress retains the power to overturn *Enmons* and hold union scofflaws accountable under the Hobbs Act.

Legislation Would Bar Use Of Violence as a Union ‘Bargaining’ Tool

Pending legislation popularly referred to as the Freedom from Union Violence Act would do precisely that.

In May, Congressman Paul Broun (R-Ga.) introduced the Freedom from Union Violence Act in his chamber as H.R.2021. Mr. Broun is one of the most outspoken opponents of compulsory unionism on Capitol Hill today.

The Committee is now working with Senate allies to get a companion measure introduced in the upper chamber.

If H.R.2021 is enacted, power-hungry, win-at-any-cost Big Labor barons will no longer be able, without fear of federal prosecution, to resort to violence as a union “bargaining” or “organizing” tool.

Mr. Mix vowed that over the course of this year National Right to Work would mobilize hundreds of thousands of members and other citizens to contact their politicians and express their support for this legislation.

Closing the “lethal loophole” punched into the Hobbs Act by *Enmons* won’t be easy, Mr. Mix acknowledged.

He explained: “Union-label politicians, led by President Barack Obama and Senate Majority Leader Harry Reid [D-Nev.], are almost certainly prepared to use every means at their disposal to kill H.R.2021 if it passes the House. And House passage itself won’t be easy.

“But Right to Work supporters can’t afford to pass up this fight and let union militants continue getting away with threats, sabotage and arson.

“That’s why the Committee, despite the uphill battle we face, has launched a full-scale campaign to pass H.R.2021.

“By the end of this year, the Committee plans to have contacted millions of Americans by e-mail, phone and mail and asked them to sign petitions in support of H.R.2021 to their congressmen.

“Poll after poll has shown citizens nationwide overwhelmingly favor closing the *Enmons* loophole. That’s why I believe this battle can be won. But to prevail, Right to Work members will have to wage an extended and furious fight.”

CREDIT: ASSOCIATED PRESS

Big Labor Senate Majority Leader Harry Reid and President Barack Obama “are almost certainly prepared to use every means at their disposal to kill” the Freedom from Union Violence Act.

Union Thug: 'Are We Gonna' Kill 'Em or What?'

Windy City Firebombing Points to Need For Hobbs Act Restoration

This spring, a spate of threats and violence, including a truck firebombing, against employees of a wholesale grocer in Chicago, their property, and company property underscored how difficult it typically is to bring to justice Big Labor bosses who resort to extortionate tactics to achieve union objectives.

Early last month, an employee of the Windy City's South Water Market filed a federal charge with the National Labor Relations Board (NLRB) against Local 703 of the International Brotherhood of Teamsters (IBT) union.

The worker declared under oath that in April union militants had begun threatening him, his family and his property. (His name is not being reported here because he continues to be concerned for the safety of his family, property and person.)

Teamster bosses and their militant followers are angry with the NLRB plaintiff and certain other South Water Market workers because they are not union members and are exercising their clearly defined legal right to continue working despite the fact that union officials have ordered a strike.

Under federal law, employees who are not union members cannot licitly be punished or "disciplined" in any way by the union hierarchy for continuing to work during a strike.

CREDIT: FROM A YOUTUBE VIDEO POSTED BY "ADELITA100NATURAL"

Soon after Teamster agents threatened the employee of a wholesale grocer in Chicago who had refused to obey union-boss strike orders, his work vehicle was destroyed in an as-yet unsolved firebombing.

'Charging Party's Personal Property Was Extensively Damaged'

The plaintiff's NLRB request for injunctive relief states that he and other independent-minded workers have been subjected to "harassment and coercion" as well as threats.

And soon after Big Labor threats were directed at the plaintiff, his work vehicle was destroyed in an as-yet unsolved firebombing.

A video posted on YouTube.com apparently shows security camera footage of the plaintiff's work truck on fire while someone on the sidewalk calmly watches.

The video also shows the damage to the vehicle after a fire truck responded and extinguished the fire. As Newsletter readers can see from the video still shown on this page, the vehicle was totaled.

Additionally, according to the NLRB request for relief, the "charging party's personal property was extensively damaged" in a separate instance of vandalism perpetrated the same day.

With the National Right to Work Legal Defense Foundation's assistance, the victim has filed complaints with the Chicago police as well as the NLRB regarding the destruction of his work truck and the damage to his vehicle.

Moreover, on June 18 the Foundation announced it was offering a $10,000 reward for information "leading to the arrests and convictions of those responsible" for the firebombing and other vandalism.

'Far Too Often, Union Violence in America Goes Unpunished'

"Far too often, union violence in America goes unpunished," said Mark Mix, president of the National Right to Work Committee and the National Right to Work Foundation.

"In Chicago -- despite the fact that what appears to be security footage shows a militant Teamster striker rhetorically asking his cohorts, 'Are we gonna' kill 'em or what?' -- the police have yet to make any arrests related to the threats and violence against nonstriking South Water Market employees.

"But even if the individuals who directly committed the crimes are ultimately brought to justice, and even if the evidence is plain that Teamster union officials orchestrated, authorized, and/or ratified the threats and property destruction, it is all too likely the union bosses will get off scot-free."

Prosecutions of Big Labor arson, assaults, death threats and other serious crimes are frequently hindered because of a notorious loophole in federal law, commonly referred to as the *Enmons* loophole.

It exempts extortionate violence from prosecution whenever it is committed pursuant to so-called "legitimate union objectives."

And one objective that prosecutors often seem to regard as "legitimate," and thus not punishable under the

See **'Legitimate'** *page 7*