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Forced Union Dues For Harmful 'Representation'

Big Labor Lawyer Admits the Truth During Supreme Court Hearing

As regular readers of this Newsletter know, in the 24 Right to Work states, employees who refuse to join the union that wields monopoly-bargaining power in their workplace can thereby refuse to pay dues or fees to that union.

The normal motivation for some or many employees to resist bankrolling their union monopoly-bargaining agent is their belief that the union hierarchy is acting contrary to their interests.

Incredibly, for decades union propagandists have publicly ignored this obvious fact.

Big Labor Pretends That Workers Refuse to Finance Unions of Which They Approve

Over and over again, they have insinuated that the vast majority of, if not all, employees in Right to Work states who exercise their legal prerogative to refuse to join and bankroll an unwanted union actually approve of what the union is doing.

But during the oral arguments for the U.S. Supreme Court case *Harris v. Quinn* (in which the plaintiffs are being represented, free of charge, by National Right to Work Legal Defense Foundation attorneys) on January 21, Big Labor finally dropped the pretense.

Service Employees International Union (SEIU) lawyer Paul Smith effectively claimed his clients have the constitutional prerogative to force, with the government's help, employees to pay "agency" fees for union "representation" that harms them.

Mr. Smith, representing union-label Illinois Gov. Pat Quinn as well as union officials, was pushed into a corner where he could not avoid acknowledging a fact that Big Labor has always sought to cover up thanks to the persistent questioning of Justice Sam Alito.

CREDIT: DIEGO M. RADZINSCHI/NATIONAL LAW JOURNAL

Union lawyer Paul Smith has effectively told the High Court it is his clients' constitutional prerogative to force, with the government's help, employees to pay fees for detrimental union "representation."

Should Teachers Have to 'Pay' A Union to 'Make an Argument' With Which They Disagree?

Mr. Alito repeatedly grilled Mr. Smith about whether it is permissible, under the First Amendment, for the government to force public employees to bankroll a private organization, e.g. a union, that they reasonably believe is harming them.

At one point, the justice cited the example, well-grounded in reality, of a teacher union that opposes merit pay and any change in the tenure system, and a teacher who is not a union member and "disagrees completely with the union on these issues."

Even though the teacher is not a union member, continued Mr. Alito, he "still has to pay a pretty hefty agency fee, maybe $700 a year.

"So the teacher is paying this money to the union to make an argument to the employer with which the teacher

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Forced-Dues Excuse 'No Longer Viable'

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completely disagrees."

Mr. Alito subsequently asked what Mr. Smith would say to such an employee.

Union Lawyer Didn't Even Pretend Union Monopolies 'Benefit' Objecting Employees

The SEIU lawyer didn't make any pretense that teachers and other types of public employees who oppose union officials' workplace agenda nevertheless somehow "benefit," on the whole, from having those union bosses act as their monopoly-bargaining agents, and should therefore be forced to pay dues, or be fired.

Instead, Mr. Smith, invoking the very pro-Big Labor coercion U.S. Supreme Court precedent that *Harris* is challenging, insisted that the forced-dues "requirement is an appropriate thing which a public employer is allowed to impose" on employees who are harmed by the union as well as those who may be helped.

The fact that, 37 years ago, the High Court gave forced fee-hungry government union bosses a green light, under certain conditions, to "interfere" with "an employee's freedom to associate for the advancement of ideas, or to refrain from doing so, as he sees fit," has never cowed Pamela Harris.

The main occupation of Ms. Harris, an Illinois homemaker and the lead plaintiff in the *Harris* case, is taking care of her developmentally disabled son, Joshua.

'I Kept asking, "What's The Benefit to Me?" I Could Never Get an Answer'

Joshua gets "financial help from a state program funded through Medicaid" to help cover the cost of his care, as Sean Higgins of the Washington *Examiner* explained in a January 6 profile of Ms. Harris.

Mr. Higgins continued:

"Technically, the subsidy goes to Joshua, who 'employs' his mother as a home health care worker. Because of this arrangement, Illinois has decided that not only is she a state employee, but that it has a compelling interest that she join a union."

Ms. Harris doesn't believe that the unionization of herself and of other similarly situated Illinoisans would behoove care providers, the disabled, or the public as a whole.

She told Mr. Higgins: "I kept asking, 'What's the benefit to me?' I could never get an answer."

Of course, from the time union organizers first appeared at her front door more than four years ago, having been given her home address by the state without her knowledge, they have been making gauzy promises.

"They said they could get me extra money, but I know the program is capped," Ms. Harris recalled.

"Freedom-loving Americans from coast to coast hope the High Court will take the opportunity in *Harris v. Quinn* to correct the grave error that it made back in 1977 in *Abood*," said National Right to Work Committee President Mark Mix.

"Of course, a ruling is not expected any sooner than May or June, and no one knows what conclusion a majority of the nine justices will come to."

Novel Admission by Top Union Lawyer Can Raise Heat On Big Labor Politicians

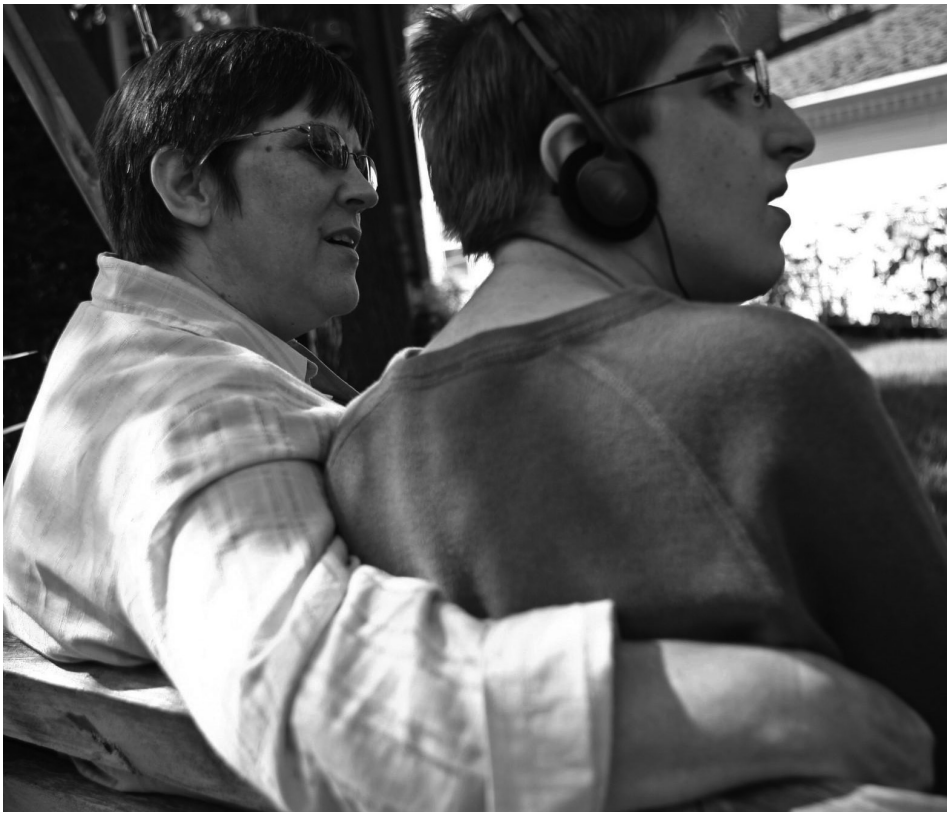
"However, regardless of how *Harris* turns out, legally speaking, what happened at the oral hearing can and should raise the heat on Big Labor federal and state politicians who have perpetuated forced union dues and fees up to now," Mr. Mix continued.

"The fact is, SEIU lawyer Smith answered 'Yes, your Honor' when asked by Justice Alito if an employee who's not a union member should have 'to pay for the union to bargain with . . . the State to achieve something that's contrary to that person's interest.'

"Now that a top union lawyer has acknowledged that union officials want the government to force employees to pay money to unions that hurt them, state legislators and members of Congress voting on Right to Work legislation should also be asked directly if they think Big Labor deserves that special privilege.

"The monopoly-bargaining excuse for forced union fees the Supreme Court swallowed decades ago in *Abood*, based largely on the unexamined presumption that workers who don't want a union nevertheless somehow 'benefit' from being under union control, is no longer viable even as a pretext.

"From now on, anti-Right to Work politicians shouldn't be able to hide from the reality that what they favor is forced dues for harmful 'representation.'"



CREDIT: SCOTT STRAZZANTE/CHICAGO TRIBUNE

Pam Harris, an Illinois homemaker whose main job is caring for her developmentally disabled son Josh, is the lead plaintiff in a Right to Work Foundation-argued case challenging public-sector forced union dues.

Why Is Missouri's Job Growth Lagging?

Border-County Evidence Indicates Forced Unionism's the Culprit

This year, grass-roots proponents of making Missouri America's 25th Right to Work state are facing off against union officials and other supporters of the current policies that empower Organized Labor to get employees fired for refusal to bankroll a union they don't want, and never asked for.

The battle is fundamentally over a matter of principle. Should private organizations -- labor unions specifically -- have the legal power, either explicit or tacit, to tax people who don't wish to join them?

Most Missouri citizens say "no," while union bosses and their allies say "yes." But economic considerations are also playing an important role in the debate.

Geographic Economic Factors 'About the Same on Both Both Sides of a Border'

Pro-Right to Work Missourians can point to a wide array of government data showing that long-term economic growth is substantially faster in the six Right to Work states neighboring Missouri than it is in the "Show Me" State and its non-Right to Work neighbors.

For example, from 2002 to 2012, according to the U.S. Labor Department, statewide private-sector payroll employment in Right to Work Iowa, Nebraska, Kansas, Oklahoma, Arkansas and Tennessee collectively increased by 3.0%, compared to a 1.6% decline for Missouri.

But to get a clearer picture of whether slower multi-year economic growth in Missouri relative to its Right to Work neighbors stems from policy differences, rather than other factors, it makes sense to look only at the border counties, rather than the entire states.

As then-University of Minnesota economist Thomas Holmes observed in a brief analysis of the economic impact of Right to Work laws published in 1998, geographic economic determinants such as "climate and access to transportation" are "about the same on both sides of a border between states . . . ."

When only data from counties located directly on both sides of the Missouri border are considered, the long-term job-growth advantage held by the "Show Me" State's Right to Work neighbors is substantially wider than what is revealed by statewide data.

Following Dr. Holmes' reasoning, the disparity suggests that the overall edge Right to Work Iowa, Nebraska, Kansas, Oklahoma, Arkansas and Tennessee hold over forced-unionism Missouri is primarily a consequence of public-policy differences.

To be precise, U.S. Labor Department data show that, from 2002 to 2012, total private-sector payroll employment in the 33 Missouri counties bordering Right to Work states (including Clark and New Madrid, which also border forced-unionism states) fell by 2.3%.

Over the same period, the total private-sector payroll employment for the 39 Right to Work state counties bordering Missouri (with the exclusion of lightly-populated Ringgold County, Iowa, for which 2012 annual data are not yet available) increased by 5.6%.

Forced Union Dues Bankroll Political Support For Higher Taxes, Heavier Regulation

In an article for *National Review Online* last summer concerning economic competition among the states, financial analyst Kevin Williamson devoted his opening sentences to the Kansas City metropolitan area, which encompasses multiple counties in forced-unionism Missouri and Right to Work Kansas.

Mr. Williamson cited data showing how the Right to Work portions of the Kansas City metropolitan area were "eating the economic lunch" of the forced-unionism portions:

"Kansas City saw about 9,500 new jobs created between May 2012 and May 2013 -- every one of them on the Kansas side of the border . . . ."

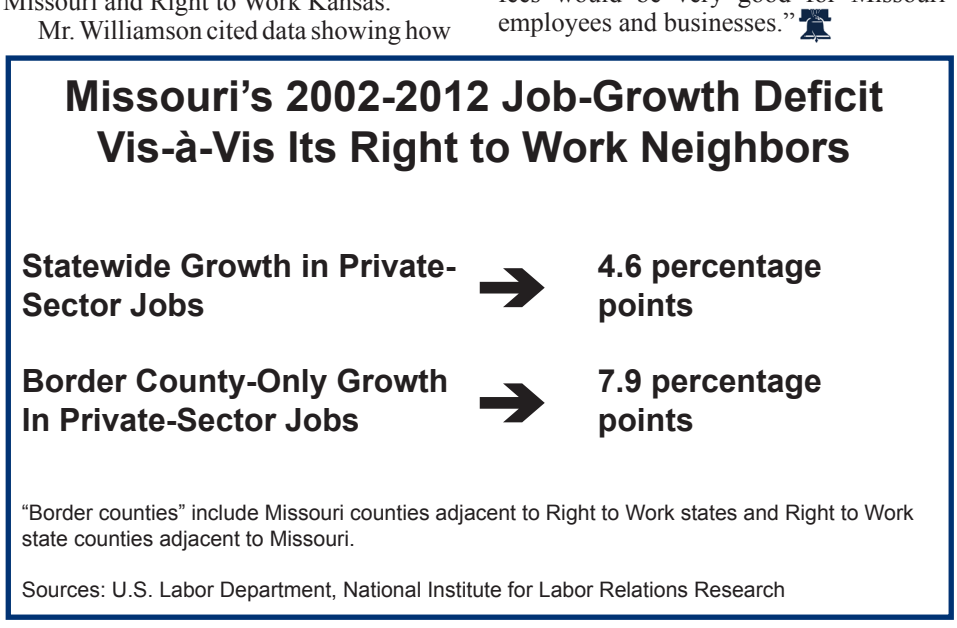
National Right to Work Committee Vice President Matthew Leen added:

"While Keith Williamson singled out superior tax, spending and regulatory policies, rather than Right to Work, as the sources of the Kansas jurisdictions' accelerated job creation, the fact is that Right to Work is strongly correlated with a wide array of pro-growth fiscal and regulatory policies.

"Moreover, there is ample reason to believe that Right to Work laws actually foster less burdensome taxes and regulations, because Big Labor is undoubtedly the most powerful lobby for heavier taxation and regulation.

"Wherever union officials maintain compulsory-dues privileges, the Tax-and-Spend lobby inevitably wields far more clout.

"Consequently, grass-roots activists who continue turning up the heat on elected officials to enact Right to Work legislation are fully justified in claiming that, based on the best available evidence, banning compulsory union dues and fees would be very good for Missouri employees and businesses."



U.S. Labor Department data show that forced-unionism Missouri's job-growth disadvantage relative to its Right to Work neighbor states is far *greater* in counties where the geographic differences are *minor*.

Labor Policy Reform Makes Tax Relief Possible

Credit Act 10 For Badger State's Billion-Dollar Budget Surplus

As this edition of the National Right to Work Newsletter goes to press, the Wisconsin Legislature is poised to send to GOP Gov. Scott Walker a $504 million package of income and property tax cuts.

It's estimated that the property tax cut will save the average Badger State homeowner $100 over last year. Another provision will lower rates for all Wisconsin residents who pay state income taxes, including a reduction from 4.4% to 4.0% for the lowest bracket.

Once the 2014 tax relief legislation reaches Mr. Walker's desk and he signs it into law, he will have approved a total of roughly $2 billion in tax reductions since taking office in early 2011.

At that time, Wisconsin had a $3.6 billion budget deficit, according to the nonpartisan Legislative Fiscal Bureau. This year, the state has a surplus of almost $1 billion.

National Right to Work Members in Wisconsin Helped Mobilize Support For Act 10

How was Wisconsin able to pull off a fiscal turnaround of such magnitude in such a short period of time?

Clearly, it could never have happened without Act 10.

Three years ago, Mr. Walker infuriated union officials in his home state and nationwide when he successfully advanced this sweeping budgetary and labor-policy reform.

Act 10 abolished forced union dues for teachers and many other public employees and also greatly narrowed the scope of government union monopoly bargaining in other ways.

Thousands of National Right to Work Committee members in Wisconsin deserve part of the credit for Act 10's passage into law. In early 2011, they helped mobilize intense public support to stiffen the spines of legislators who were being subjected to a barrage of vicious Big Labor attacks.

And since Act 10 was adopted, National Right to Work Legal Defense Foundation attorneys representing the interests of independent-minded public employees who don't wish to be corralled into a union have repeatedly defended it in the judicial system.

"The primary reason Committee members joined the battle to pass Act 10 and have fought to preserve it ever since is that it restores the Right to Work of most public employees and sharply curtails most government union bosses' monopoly-bargaining privileges," said Committee Vice President Mary King.

"But the benefits to taxpayers and other citizens who depend on K-12 schools and other vital public services have also been great.

"An in-depth analysis conducted by Wisconsin's MacIver Institute late last year found that Act 10 had saved taxpayers at least $2.7 billion since its enactment."

CREDIT: SLYPODCASTS.COM

Wisconsin government union boss Marty Beil complains bitterly that giving public servants who prefer not to belong to his union the freedom not to bankroll it has had a "devastating effect" on its finances.

Act 10 Has Enabled School Districts to Fire Lousy Teachers, Hire Better Ones

Ms. King continued: "A large share of the savings stem from the fact that teacher union bosses no longer exercise veto power over which health-care provider furnishes insurance for public educators.

"Prior to Act 10, the vast majority of school districts effectively had no choice but to purchase grossly overpriced teacher health insurance from a subsidiary of the Wisconsin Education Association Council [WEAC/NEA] teacher union.

"School districts across the state are now collectively saving tens of millions of dollars a year simply because they are able to get competitive bids for health insurance.

"Of course, money school districts no longer have to throw away on overpriced health insurance can be returned to the classroom.

"Act 10 has also enabled school districts that were formerly shackled by monopolistic government unions to fire lousy teachers, hire better ones, and adopt pay-for-performance policies."

Of course, all of the obvious benefits that Act 10 has brought to hard-working and conscientious public employees and countless other Wisconsin residents are of no importance to government union bosses.

Today they remain enraged about losing tens of thousands of formerly captive members and tens of millions of dollars annually in forced-dues revenue.

"No matter how successful Act 10 turns out to be, Big Labor will never forgive Scott Walker and his allies in the Legislature for rolling back its monopoly power over the vast majority of Wisconsin's front-line public employees," said Ms. King.

"Consequently, there's no plausible reason for the governor to resist giving Right to Work protections to private-sector employees and the minority of state and local employees who are still subject to forced unionism."

‘It Clearly Is a Subsidy For the Unions’

Committee Fights Against ‘Official Time’ For Federal Union Bosses

One critical early milestone in the rise of government unionism in America was President John F. Kennedy’s 1962 signing of Executive Order 10988, empowering Organized Labor to secure “exclusive” bargaining control over federal employees.

Apologists for the Kennedy edict often claim it established federal employees’ right to join a union. But this is simply not the case.

With the exception of the military and civilian employees holding certain critical national-security jobs, federal employees had long had the right to join a union in 1962.

CREDIT: CHARLES DHARAPAK/AP PHOTO

In 2011 federal employees spent “3.4 million hours working for their unions at taxpayers’ expense.” Legislation sponsored by Kentucky U.S. Sen. Rand Paul (R) would terminate this abusive practice.

Best Solution Would Be Monopoly-Bargaining Repeal

As Mallory and Elizabeth Factor explained in *Shadowbosses*, their best-selling 2012 expose of government union abuses, what E.O.10988 changed is that, for the first time, “federal employees could be forced to accept a union as their ‘exclusive’ bargaining representative, just like in the private sector.”

Just as it regularly does in state and local government and the private sector, federal union monopoly bargaining routinely impedes the introduction of new technologies and other productivity-enhancing innovations.

One notorious example cited by the Factors is federal air traffic controller union bosses’ stubborn and largely successful resistance to shutting down antiquated radar towers and replacing them with new facilities that would make airplane travel substantially safer and less expensive.

The best means to address Big Labor-perpetuated waste and inefficiency in the federal workplace and protect independent-minded civil servants’ freedom of association would be to repeal the codification of E.O.10988 signed by President Jimmy Carter 36 years ago.

But adoption into law of U.S. Sen. Rand Paul’s (R-Ky.) Federal Employee Accountability Act (S.785) would be a significant, albeit modest, step in the right direction.

Mr. Paul is one of Capitol Hill’s strongest proponents of Right to Work legislation.

His Federal Employee Accountability Act would mitigate the harm inflicted by the 1978 federal monopoly-bargaining statute by repealing its two “official time” provisions.

Roll-Call on Reform Will Reveal Big Labor Politicians’ Extremism

These “official time” provisions authorize federal employees who are part- or full-time union officials to collect their taxpayer-funded salaries and benefits for conducting union business, rather than for serving the public.

S.785 would ensure that civil servants are performing the job they were hired to do, rather than working for the union on the taxpayer dime.

“Clearly, S.785 represents a positive step,” commented Mark Mix, president of the National Right to Work Committee.

“Debates and recorded congressional votes on reform measures like Rand Paul’s Federal Employee Accountability Act are useful for several reasons.”

Personnel Agency Estimate: ‘Official Time’ Costs Federal Taxpayers $156 Million a Year

One significant reason is that they “show just how far many federal politicians today are willing to go to please the union officials who are their paymasters,” Mr. Mix noted.

And the Right to Work Committee’s tireless efforts to mobilize public opposition to monopolistic government unionism are “gradually making it more difficult for politicians to get away with lining Big Labor’s pockets with taxpayers’ money.”

According to the estimate of the Office of Personnel Management, the agency charged with overseeing the federal civil service, in 2011 “official time” cost taxpayers roughly $156 million.

That year, according to Washington *Examiner* reporter Mark Flatten, federal employees “spent 3.4 million hours working for their unions at taxpayers’ expense, the equivalent of more than 1,700 full-time positions.”

“As pro-Right to Work Georgia Republican Congressman Phil Gingrey has said regarding ‘official time’: ‘It clearly is a subsidy for the unions.’ And it needs to be stopped,” declared Mr. Mix.

“Until the day Congress finally steps up to the plate and revokes the monopoly-bargaining privileges it statutorily handed to federal union bosses in 1978, taxpayers at least shouldn’t be forced to fund union class warfare and lobbying under the guise of ‘official time.’

“Besides making it effectively impossible for Big Labor to get away with this taxpayer rip off, enactment of S.785 could give momentum to related taxpayer-friendly efforts to bar ‘official time’ in state and local government agencies.”

Congressional GOP Fails to Block IRS Power Grab

Proposed Rule Hits Voluntary Citizens' Groups, Exempts Big Labor

Back in January, U.S. House Speaker John Boehner (R-Ohio) and Majority Whip Eric Cantor (R-Va.) worked hand in hand with Big Labor Senate Majority Leader Harry Reid (D-Nev.) and the Obama Administration to secure a congressional rubber-stamp for a $1.1 trillion omnibus spending package.

This mammoth appropriations measure was adopted within days of its release and with little formal debate.

Two months later, Americans are only beginning to sort through the consequences of the so-called "bipartisan" deal to fund operations of the federal government through this coming September.

One consequence of the "Consolidated Appropriations Act, 2014," otherwise known as H.R.3547, that was clear from the start is that it effectively eliminates for the time being any chance Congress has of stopping a grave threat to free speech emanating from the Obama Treasury Department and IRS.

Proposed Regulation Applies Only to Single-Issue Lobbying Groups Like the Committee

Just before Thanksgiving, President Barack Obama's Treasury Department launched an assault on First Amendment protections for nonprofit lobbying groups incorporated under the guidelines of Sec.501(c)(4) of the federal tax code.

"The primary function of 501(c)(4) groups like the National Right to Work Committee is to lobby elected officials and candidates on matters of public policy," noted Committee Vice President Greg Mourad.

CREDIT: AP

Obama appointee John Koskinen is trying to use the tax code to muzzle voluntary citizen groups.

"It has long been established under the federal tax code that you cannot deduct contributions to lobbying organizations from your taxable income.

"At the same time, because 501(c)(4)'s never make a profit and don't contribute any money to political candidates or advocate the election or defeat of any candidates, they are exempt from federal income taxes.

"The Obama Treasury Department and IRS would change all that by redefining mobilization of likeminded citizens to contact their elected officials and candidates on public-policy issues, that is, the core function of groups like the Committee, as taxable 'political activity.'

"If it is allowed to stand, the effect of the proposed IRS 501(c)(4) rule on the Committee will be to divert a huge share of members' donated funds, money on which they've already paid taxes, into federal tax coffers."

Unions' 'Ability to Function' Would Be 'Seriously' Affected If Rule Were Applied to Them

Mr. Mourad continued: "The 501(c)(4) proposal would represent an outrageous violation of the First Amendment even if it were applied across-the-board. But this proposal is anything but evenhanded.

"As the LM-2 disclosure forms unions themselves file with the U.S. Labor Department show, union bosses are the biggest spenders of all in politics.

"Yet Big Labor's political machine, estimated to spend roughly a billion dollars a year on politics and lobbying, will remain almost entirely tax-exempt.

"Service Employees International Union lawyer John Sullivan has actually admitted to the Washington *Post* that, if the proposed 501(c)(4) rule were applied to 501(c)(5)'s, i.e. unions, it would 'seriously affect' their 'ability to function.'

"Of course, Mr. Sullivan and his ilk have little to fear about that. As far as President Obama's handpicked IRS Commissioner, John Koskinen, and his Treasury Department cohorts are concerned, when Big Labor gets out the vote for pro-forced unionism candidates, it isn't 'political.'

"Meanwhile, Speaker Boehner and virtually all other Capitol Hill Republicans rhetorically oppose the IRS's attack on voluntary citizens' groups, but in January they ignored Right to Work proponents and passed up their only realistic chance to stop this scheme.

"Republican politicians could have refused to fund the IRS until the attack on the free speech of lobbying groups and their members was called off. Instead, they agreed, without any significant protest, to approve full funding for this out-of-control agency.

"Consequently, it appears at this time the only feasible way of stopping the IRS's scheme is through the courts. Right to Work attorneys are now exploring our options about how this might be done."

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Workers' Freedom Still Under Fire

Continued from page 8

As a Washington *Times* editorial on February 7 pointed out, over the course of the nine days between when the election was announced and its onset, VW "allowed union activists to canvass inside the plant, while forbidding employees opposed to unionization an equal chance to argue the other side."

Corporate leaders also made it plain that they wanted to have UAW bosses as their "partners" in a "works council." In its native Germany, VW has long had such a works council "partnership" with officers of the German union IG Metall.

It is well-established under federal labor law that is illegal for a company to grant union advocates access to its work areas to make their case to employees, while denying equal access to unionization opponents. Company executives were evidently willing to take the risk of having NLRB charges filed against them in order to ensure a UAW victory.

But on Valentine's Day evening, America learned that the workers had still said "no."

VW Chattanooga employees voted against unionizing by a margin of 712 to 626. Union bosses' margin of defeat would undoubtedly have been far greater had opponents had equal ability to campaign on company property.

Daily Caller pundit Mickey Kaus acerbically commented the following day: "The UAW couldn't even win an election it had been handed on a silver platter by management."

'Many of Us Have Belonged To Unions or Have Seen the Damage That Unions Can Do'

Contrary to propagandistic contentions made by a number of union spokesmen and likeminded members of the media after the results were in, employees knew full well what it was that they were rejecting when they voted against UAW monopoly bargaining.

Fortunately, one of the VW employees who helped lead the campaign for the plant to remain union-free was given the opportunity to set the record straight in the New York *Times* a few days after the ballots were counted.

Mike Jarvis, a three-year employee who works on the finishing line, explained to *Times* readers that bad experiences with Big Labor in forced-unionism states are a reason why a number of people he has personally met now live in his part of Right to Work Tennessee:

"I'd be in a local restaurant when we were fighting the U.A.W. and some stranger would come up to me and say 'I relocated here because it's nonunion.' I'd be in church and someone would tell me: 'Good luck. I'm from up North, and I lost my job because of unions. They're a bad deal. . . .'

"Many of us have belonged to unions or seen the damage that unions can do. Many of us have chosen to live in an antiunion area."

Personal Freedom 'Shouldn't Hinge on the Result of A Unionization Election'

Mr. Mix expressed his happiness that, in this case, the secret-ballot election has made it possible, at least for now, for employees to retain their freedom as individuals to speak with their managers on workplace issues, regardless of whether they agree or disagree with positions espoused by UAW bosses.

At the same time, he shared his concern that, in America today, it is still readily possible in forced-unionism and Right to Work states alike for your freedom to speak with your manager on your own behalf to be largely extinguished by a successful union organizing campaign.

"The employee's freedom to speak with his or her manager, as an individual, regarding workplace issues shouldn't hinge on the result of a unionization election," said Mr. Mix

"Unfortunately, even in the Chattanooga VW plant, where UAW kingpins were just defeated, this basic freedom remains in jeopardy today as UAW lawyers pursue a novel legal theory to get last month's election overturned by the NLRB.

"The fact is, the simple ability of VW and other private-sector employees to communicate individually with their employer about workplace issues will remain under fire until Congress repeals the authorizations for union monopoly bargaining in the National Labor Relations Act and other federal labor laws."

CREDIT TO: ERIK SCHELZIG/FILE/ASSOCIATED PRESS

Last month, a 712-626 majority of front-line VW assembly plant employees in eastern Tennessee voted against union monopoly bargaining, despite an electoral playing field tilted steeply in its favor.

Tennessee Auto Workers Make Themselves Heard

Union Bosses Handed an Election 'on a Silver Platter,' Still Lose

On February 3, front-line employees at the Volkswagen (VW) plant located in Chattanooga, Tenn., learned that, starting in just nine days, a vote would be held to determine whether or not officers of a single union, the United Auto Workers (UAW/AFL-CIO), would acquire monopoly-bargaining power at the facility.

Ever since the Chattanooga assembly plant opened in 2011, any employee has been free to share his or her views on compensation and work-rule issues, and supervisors and managers have been free to listen and, whenever they think it makes sense, act on what they hear.

Supporters and opponents of the UAW union, as well as fence-sitters, have all been equally free to communicate with VW management.

If UAW kingpins had prevailed in last month's election, this would no longer have been the case.

CREDIT: STAFF/WWW.NOOGA.COM

VW Chattanooga President Frank Fischer (left) and other VW executives did practically everything they could to help Gary Casteel (right) and other UAW officials get control over their workforce. But employees said "no."

Federal Labor Law Guts Employees' Freedom to Speak With Managers

Had the UAW amassed a majority of the ballots cast, and had no successful challenge to the vote ensued, the National Labor Relations Board (NLRB) would have certified the UAW as production employees' "exclusive" bargaining agent.

Once that happened, any manager who willingly listened to one or more employees explain why they disagreed with a position or positions espoused by the UAW would have been culpable of an "unfair labor practice" that might result in fines or other penalties being levied against the company by the NLRB.

Employees who disagreed with the UAW brass would also effectively have been prohibited from having any other representative to communicate their views, rather than the union's, directly to the employer.

Incredibly, throughout the vast majority of their Chattanooga organizing campaign UAW kingpins were actively opposed to VW employees' having even the opportunity to vote in a secret-ballot election before their freedom of speech was sharply curtailed under a union monopoly-bargaining scheme.

Again and again, UAW czar Bob King and his lieutenants publicly pressured VW executives to grant union officials monopoly-bargaining privileges based on signed union "authorization" cards alone, without a secret-ballot vote.

Workers, Aided by Right to Work Attorneys, Ultimately Secured a Secret-Ballot Vote

National Right to Work Committee President Mark Mix observed, "If VW had caved in to UAW bosses' pressure for a so-called 'card check,' a union monopoly would very likely already be installed in the Chattanooga plant by now.

"Employees who had signed cards while union organizers were staring at them would have consigned not just themselves, but all of their fellow front-line employees, to UAW control.

"However, thanks to the intense opposition to the Big Labor 'card check' scheme mounted by independent-minded VW employees in Chattanooga, eventually VW executives decided their only practical choice was to disappoint union kingpins and allow a secret-ballot vote."

With free assistance from attorneys on the staff of the Committee's sister organization, the National Right to Work Legal Defense Foundation, employees opposed to a union monopoly collected more than 600 signatures for a petition stating they did not want to have the UAW foisted on them.

Also with Right to Work legal assistance, employees gathered ample evidence that UAW organizers had illegally used misrepresentations, coercion, threats, and inducements to obtain many of the authorization card signatures that were being deployed to enthrone UAW bosses without a secret-ballot vote.

Company Executives Were Willing to Break the Law To Ensure a UAW Victory

Even after VW leaders finally decided they could not hand over all their front-line employees to the UAW brass based on such highly dubious evidence of majority support, they tilted the electoral playing field steeply in Big Labor's favor.

See **Workers' Freedom** *page 7*