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Hearing Documents NLRB Assault on Right to Work

Panel Exposes Harm Inflicted by Federally-Imposed Forced Unionism

On June 3, just days after this Newsletter edition goes to press, the U.S. House Committee on Education and the Workforce is expected to hold an important hearing for which National Right to Work Committee President Mark Mix is submitting written and oral testimony.

The hearing is to assess the harmful repercussions for employees and businesses if President Barack Obama's appointees on the National Labor Relations Board (NLRB) overturn more than six decades of legal precedents regarding the workplace grievance privileges union officials wield under federal labor la .

In unionized workplaces, a claim by any front-line employee that he or she has been harmed by a misapplication or a misinterpretation of a company policy cannot be addressed in any way that is inconsistent with the contract between the company and Big Labor bosses exercising monopoly-bargaining powers.

Big Labor 'Owns' Entire Grievance Process

And federal courts and the NLRB alike have long recognized that union kingpins effectively own the process through which such grievances are handled.

For this reason, both courts and the NLRB have up to now consistently barred Big Labor from charging nonmembers just to get their grievances processed when union members can have their grievances processed for free.

But in mid-April, the Obama NLRB issued a "call for briefs" signaling its intention to reverse board and court precedents going back to 1953 in order to give union chiefs a new tool to eviscerate protections for employee freedom of choice in states with Right to Work laws, now 25 in number.

Section 14(b) of the Taft-Hartley Act clearly provides that federal law does not permit "agreements requiring membership in a labor organization as a condition of employment" wherever "execution or application" of forced-unionism "agreements" is "prohibited" by state or territorial law.

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CREDIT: JACK KNOX/NASHVILLE BANNER

In 1961, National Labor Relations Board bureaucrats helped union bosses collect forced fees from nonmembers in Right to Work Indiana. President Barack Obama's radical board appointees clearly want to go much further and impose forced fees nationwide.

Union Dons Have Long Pushed For a 'Reinterpretation' Of Taft-Hartley 14(b)

Committee President Mark Mix noted that avaricious union bigwigs have long sought to cajole federal bureaucrats and jurists into "reinterpreting" Section 14(b) to sanction compelled financial support for unions in every Right to Work state.

Up to now, all such attempts have been unsuccessful.

One notorious case was fueled by a 1961 NLRB ruling that handed Big Labor bosses the power to cut deals with employers forcing Indiana union nonmembers to pay fees equivalent to full union dues, or be fired from their jobs, in spite of the Hoosier State's Right to Work law.

Subsequently, the Retail Clerks Union and the AFL-CIO tried to expand upon that anti-worker decision, contending before the U.S. Supreme Court that under Section 14(b), states could only prohibit

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Will NLRB Slay 'Golden Goose'?

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contracts requiring full-fledg d union membership as a job condition.

But in their June 1963 decision in *Retail Clerks v. Schermerhorn*, High Court justices unanimously rejected union lawyers' petition that they "reinterpret" Section 14(b) to empower them to force union nonmembers in all Right to Work states to pay union fees in order to hold their jobs.

(Indiana's current Right to Work law, adopted in 2012, explicitly prohibits forced union financial support as well as forced union membership as a condition of employment.)

Lawmakers Can Wield Their 'Power of the Purse String' To Rein in Rogue NLRB

Mr. Mix commented:

"To prevent Barack Obama's NLRB radicals from finally making come true the union hierarchy's decades-old dream of eviscerating state Right to Work laws, Committee members and supporters are now flooding Capitol Hill with e-mails, phone calls, postcards, petitions and letters.

"In all of these communications, pro-Right to Work citizens are urging their lawmakers not to support any NLRB appropriation for the coming fiscal year unless it includes a rider that blocks the extremist board from imposing forced fees for grievances in Right to Work states.

"Right to Work legislative staffers are reinforcing the message.

"They are asking self-avowed foes of forced unionism in Congress to make it plain to the President they will never back down and send him an NLRB appropriation without a rider blocking the forced-fees-for-grievances scheme.

"Without a doubt, this is an uphill battle. But it is a winnable one."

Americans in Their Working Years 'Vote With Their Feet' For Right to Work

Mr. Mix added that employees' pay and benefits, as well as their freedom, will be jeopardized if the NLRB carries out its scheme to gut Right to Work protections for the roughly 48% of private-sector employees who now enjoy them or soon will under recently-enacted state laws.

"For many years, working-age Americans have been sending an unmistakable signal that they recognize Right to Work laws are economically beneficial for themselves and their families," explained Mr. Mix.

"The signal is 'foot voting.' And the 84.2 million Americans who were aged 35-54 in 2013 are the group that has sent this message most conspicuously.

"Because they already have plenty of work experience, but are still able to put in a lot of hours on the job, people in this age bracket are commonly characterized by economists as being in their 'peak earning years.'

"From 2003 to 2013, the number of 35-54 year-olds nationwide fell by 700,000 as a consequence of the 'baby bust' of the 1970's. But nine states still managed to chalk up gains of more than 3% in their peak-earning year population over the same period.

"And all nine of those states -- Arizona, Florida, Georgia, Idaho, Nevada, North Carolina, South Carolina, Texas and Utah -- have longstanding Right to Work laws."

Hearing Spurs Hopes For House Floor Vote

"Meanwhile," Mr. Mix continued, "among the 11 states suffering the steepest declines in their 35-54 year-old population -- Alaska, Maine, Michigan, Montana, New Hampshire, Ohio, Pennsylvania, Rhode Island, Vermont, West Virginia and Wisconsin -- not one had a Right to Work law prior to 2013.

"With the exceptions of Michigan and Wisconsin, all remain forced-unionism today.

"Overall, from 2003 to 2013, the number of 35-54 year-olds fell by roughly two million, or 4.1%, in the 26 states that lacked Right to Work laws for the whole decade, while the 22 states that had Right to Work protections the entire time experienced a collective increase of 1.7 million, or 5.4%."

The silver lining of the NLRB's attack on the Right to Work movement is that it has inadvertently given the U.S. House an opportunity to hold a hearing at which the benefits of voluntary unionism may be considered formally.

If pro-Right to Work members of Congress handle it well, this month's hearing could even pave the way for House and Senate floor votes on H.R.612 and S.391, national Right to Work measures that would end the manifest injustice of forced union dues and fees in private-sector employment in all 50 states.

Mr. Mix vowed that, in the wake of the hearing, the Committee would redouble its lobbying efforts in support of these two measures, otherwise known as the National Right to Work Act.

Biggest Gainers and Losers of Residents In Their Peak Earning Years, 2003-2013

Top Nine		Bottom Nine	
Utah	**+19.8%**	Vermont	-14.2%
Nevada	**+16.8%**	Rhode Island	-12.3%
Texas	**+13.2%**	Maine	-11.8%
Arizona	**+10.5%**	Ohio	-9.8%
North Carolina	**+8.5%**	New Hampshire	-9.3%
Georgia	**+7.2%**	Montana	-8.5%
Florida	**+6.5%**	Alaska	-8.3%
Idaho	**+6.1%**	Pennsylvania	-8.2%
South Carolina	**+3.9%**	West Virginia	-7.9%

Right to Work States Compulsory-Unionism States

Indiana and Michigan, which became Right to Work in 2012 and 2013, respectively, are excluded.

Source: U.S. Department of Commerce, Bureau of the Census

Working-age Americans have unmistakably signaled for years, by "voting with their feet," that they recognize Right to Work laws are economically beneficial for themselves and their families.

A Persistent Case of Intellectual Hypocrisy

Forced-Unionism Apologists Back 'Completely-One Sided' Labor Laws

Apologists for monopolistic unionism continue today to make the same "freedom of contract" excuse for their stance that economic journalist Henry Hazlitt ripped to shreds five decades ago

At the time, Big Labor was pushing furiously for enactment of legislation repealing Section 14(b) of the Taft-Hartley Act.

Since this is the only federal statutory provision that explicitly authorizes states to enact Right to Work laws prohibiting forced union dues and fees, wiping out Section 14(b) would have effectively ensured that private-sector employees in all 50 states could be corralled into unwanted unions.

CREDIT: INFOWARPRODUCTIONS.COM

Like his ideological forebears, Big Labor partisan Dean Baker adheres to a cynical double standard for the workplace, backing a law that "prohibits compulsory non-unionism while imposing compulsory unionism."

Big Labor Cheerleaders Have 'Insincerely' Used 'an Argument' They Don't Believe

In a column published 50 years ago this summer, Mr. Hazlitt blasted Big Labor cheerleaders for "insincerely using an argument" they didn't really believe.

As Mr. Hazlitt noted, union officials and their ideological fellow travelers enthusiastically back the longstanding federal "prohibition of the so-called 'yellow-dog' contract -- a contract under which a worker agrees as a condition of employment that he will not join a union."

The ban on "yellow-dog" contracts was and is supported by the vast majority of Americans, including Right to Work champions. That makes sense.

Pro-Right to Work citizens emphatically believe that the individual employee should be free to choose which private organizations, if any, he or she joins and financially supports, regardless of what the business owner or other employees think.

Whom Does Dean Baker Think He's Fooling?

However, as Mr. Hazlitt went on to point out, compulsory-unionism proponents who agree that "yellow-dog" contracts should remain illegal believe no such thing. On the one hand, they want to stop employers and workers who DON'T want a union from making an agreement that bars the hiring of dues-paying union members.

On the other hand, they think the law should authorize and promote the corralling into unions of employees who personally want nothing to do with a union.

This inconsistent stance can't reasonably be described as pro-"freedom of contract." What union officials and their cohorts "insist on," Mr. Hazlitt explained, is "a completely one-sided law, which prohibits compulsory non-unionism while imposing compulsory unionism . . . ."

Big Labor had no answer for Henry Hazlitt in 1965, and still has no answer today. Nevertheless, pro-compulsory unionism pundits continue to make the same unprincipled argument against Right to Work laws.

Their apparent hope is that readers won't notice the cynical double standard they have adopted.

The lastest example is Dean Baker, co-founder of the union-label Center for Economic and Research Policy (CEPR).

In a long review article published early last month in the *Huffington Post*, Dr. Baker took on *Government Against Itself*, a recent book by political scientist Daniel DiSalvo critiquing the special privileges of government unions.

There is much about Prof. DiSalvo's book that upsets Dr. Baker, but what upsets him most of all is its advocacy of Right to Work protections for public servants.

Dr. Baker claims that, in defending union bosses' privilege to cut deals with government employers to make financial support for their organization a job condition, he is only standing up for the "freedom of contract," but, as Mr. Hazlitt demonstrated long ago, this is far from true.

In Our Day, Defenders Of the 'Yellow Dog' Shop Are Few and Far Between

"Yellow-dog" arrangements between employers and employees have been banned in the private sector by statute for more than 80 years.

And for several decades now they have also been banned in the public sector under the laws of all 50 states.

"There is not a single organization of any significance lobbying to bring back the 'yellow-dog' shop. And Dean Baker and his fellow Big Labor acolytes certainly aren't in favor of bringing it back," observed Greg Mourad, vice president of the National Right to Work Committee.

"As long as that's the case, to quote Henry Hazlitt, Dean Baker et al 'must in all consistency agree to outlaw compulsory unionism everywhere as well as compulsory non-unionism.'"

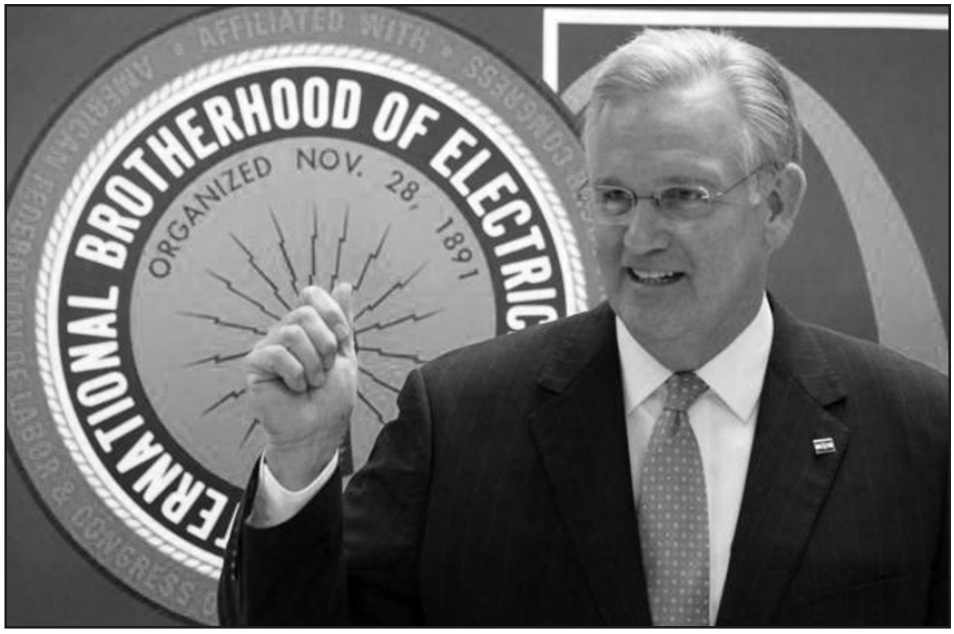
Jay Nixon Spurns Freedom-Loving Missourians

Right to Work Supporters Undeterred, Redoubling Their Efforts

Missouri came tantalizingly close last month to becoming America's 26th Right to Work state. But after H.B.116, a measure prohibiting forced union dues and fees, was approved by lopsided state legislative majorities, it is about to fall prey to Big Labor Democrat Gov. Jay Nixon's veto pen.

National Right to Work Committee Vice President Mary King blasted Mr. Nixon, whose campaigns have raked in a total of $4.6 million in cash alone from Big Labor, not counting additional millions in hidden, forced dues-funded "in-kind" support:

"Jay Nixon has already declared he will pay back his union-boss sugar daddies by trampling on the personal freedom of Missouri workers."



CREDIT:UPI FILE PHOTO/BILL GREENBLATT

Gov. Jay Nixon (pictured) will "pay back his union-boss sugar daddies by trampling on the personal freedom" of employees. But Right to Work activists will never relent, declares Committee Vice President Mary King.

No Worker Should Be Forced to Join or Pay Dues to a Labor Union

Ms. King added that elected officials from every part of the state, including Republicans, Democrats and Independents, ought to have been able to support H.B.116 unreservedly:

"Every worker should be able to join and pay dues to a union, but no one should be forced. Unfortunately, under current law in Missouri and 24 other states, even employees who choose not to join a union may be compelled to pay union fees, potentially as high as full union dues, in order to avoid being fired.

"The individual employee's freedom to support a union financially, regardless of what his or her fellow employees think or the employer thinks, and not be fired as a consequence, has long been protected in all 50 states.

"The employee's personal freedom to choose NOT to bankroll a union is equally worthy of protection."

Jobs in Midwestern Right to Work States Grew by 9.9%, Versus 1.6% in Missouri

Ms. King added that, while safeguarding employees' freedom of association is the primary purpose of Right to Work laws, there is a great deal of evidence indicating Missouri employees and business owners will benefit economically when compulsory unionism is prohibited.

For example, from 2004 to 2014, private-sector payroll employment in the five Midwestern Right to Work states increased by an aggregate 9.9%, more than six times as much as in Missouri or in Midwestern forced-unionism states as a group, according to the U.S. Labor Department.

(Indiana and Michigan, which passed Right to Work laws in 2012, are excluded. Since Wisconsin's Right to Work law was adopted only this year, it is counted as a forced-unionism state here.)

It's Politically Smart For Elected Officials to Support Right to Work

Even though Right to Work policies are just and fair and correlated with superior job and compensation growth for employees and would-be employees, union lobbyists often warn politicians they must oppose them, or they will suffer electoral punishment. But even armed with ample amounts of forced-dues cash, they have failed repeatedly to make good on their threats.

Indeed, in Michigan last year, GOP Gov. Rick Snyder won reelection over union-label Democrat challenger Mark Schauer just 23 months after the former had signed Right to Work legislation.

Meanwhile, the number of pledged Right to Work supporters increased by eight in the Michigan House, and by three in the Michigan Senate. Despite investing heavily in the state in 2014, the union political machine did not defeat a single Michigan legislator who had voted for Right to Work.

Ms. King vowed that, in the wake of the imminent Nixon veto, the National Committee would continue reinforcing the mobilization efforts of grass-roots forced-unionism foes in Missouri and turning up the pressure on elected officials who have sided with Big Labor up to now.

"Because of the intense hostility of Gov. Nixon, the uniform opposition of his fellow Democrats in the Legislature, and the feckless efforts of a handful of GOP solons to appease the union hierarchy by helping to kill Right to Work, it is unlikely H.B.116 will become law this year," Ms. King acknowledged.

"But by getting it to Mr. Nixon's desk, citizen activists have virtually guaranteed Right to Work will be a major issue in the 2016 Missouri gubernatorial elections.

"And that bodes very well for the future of workplace freedom in Missouri."

‘Compulsory Unionism Makes Workers Poorer’!

Union Propagandists Ignore or Understate Cost of Living’s Impact

An ever-growing mountain of research and countless ordinary Americans’ personal experience confirm that nominal income per capita, unadjusted for regional differences in the cost of living, is quite misleading as a gauge of a state’s living standards relative to the national average.

“Union officials and other opponents of Right to Work laws know as well as anyone else that compulsory-unionism states like California, New York, New Jersey and Connecticut are far more expensive than the national average,” said Matthew Leen, vice president of the National Right to Work Committee.

“But they routinely downplay, or even try to pretend out of existence, regional disparities in the cost of living when they are attacking Right to Work laws.”

‘California Today . . . Has the *Highest* Poverty Rate in the Country’

“Many statistics regarding incomes in Right to Work states and forced-unionism states cited by Big Labor propagandists ignore regional cost-of-living differences completely,” continued Mr. Leen.

As Joel Kotkin, a fellow in urban studies at Chapman University in Big Labor-ruled California and a widely recognized expert regarding demographic, social and economic trends, has pointed out again and again, by several key standards Golden Staters are typically far worse off than the average American.

In an April commentary for the *Daily Beast*, for example, Mr. Kotkin pointed out that California, where just over 12% of the U.S. population lives, is home to “one-third” of the nation’s “welfare recipients.”

Mr. Kotkin continued: “California today, based on cost of living, has the *highest* poverty rate in the country.”

He also explained how the state’s extraordinarily high housing costs, largely the result of public policies inaugurated and sustained by forced union dues-funded politicians, are driving out well-educated young adults: “[I]t’s doubtful either of my daughters will ever be able to buy a house here.”

Yet last year California ranked in the top 25% of states for nominal disposable income per capita.

“Union bosses and their allies on university faculties and in pro-Big Labor ‘think tanks’ understand that, if they adequately accounted for geographic differences in living costs, their data would show living standards are higher in Right to Work states,” said Mr. Leen.

“No wonder analyses comparing wages in Right to Work states and forced-unionism states published by the Big Labor-funded Economic Policy Institute routinely ‘under-compensate for the effect of living costs on wages,’ as a recent Heritage Foundation paper demonstrated.”

A National Institute for Labor Relations Research analysis adjusting 2014 disposable income per capita in the 50 states as reported by the U.S. Commerce Department for regional cost of living illustrates why Big Labor apologists feel the need to ignore or make light of this key component of living standards.

Six States With Highest Cost Of Living-Adjusted Incomes Are All Right to Work

The Institute analysis relied on the annual state cost-of-living indices for 2014 calculated and published by the Missouri Economic Research and Information Center (MERIC), a government agency that has no ax to grind on the Right to Work issue.

The Institute found that the average cost of living-adjusted disposable income per capita in Right to Work states last year was $39,919, nearly $2000 higher than the forced-unionism state average.

All of the six highest-ranking states (Kansas, Nebraska, North Dakota, Texas, Virginia and Wyoming) have Right to Work laws on the books.

Moreover, forced-unionism California, Hawaii, Maine, Oregon, and West Virginia all rank in the bottom six for cost of living-adjusted disposable income per capita.

‘The Best Reason to Oppose Compulsory Unionism Is That It’s Just Plain Wrong’

“The strong correlation between Right to Work status and higher cost of living-adjusted disposable incomes and faster income and compensation growth indicates that compulsory unionism makes workers poorer,” said Mr. Leen.

“The evidence surely discredits loud assertions by union propagandists that compulsory unionism is good for workers’ pocketbooks.

“But fundamentally this issue isn’t about economics. The best reason to oppose compulsory unionism is that it’s just plain wrong.”

CREDIT: AARON SALCIDO/WWW.ZOCALOPUBLICSQUARE.ORG

As commentator and longtime Golden Stater Joel Kotkin recently noted, forced-unionism California, where just over 12% of the U.S. population lives, is home to “one-third” of the nation’s “welfare recipients.”

‘Extended Senate Debate’ Saved the Right to Work

‘Impossible’ Victory Was Made Possible by Grass-Roots Activism

Next month marks the 50th anniversary of the 221-203 vote in the U.S. House of Representatives to rubber-stamp union-label Congressman Frank Thompson’s (D-N.J.) H.R.77, legislation to “repeal Section 14(b) of the Taft-Hartley Act.”

Since Section 14(b) is the sole provision in any federal labor statute that explicitly authorizes states and territories to prohibit forced union membership, adoption of H.R.77 would have destroyed Right to Work protections for employees nationwide.

Many supporters of state Right to Work laws, then 19 in number, were discouraged by the July 28, 1965 roll call because they correctly judged that Big Labor’s grip over the U.S. Senate was even tighter than its hold on the House.

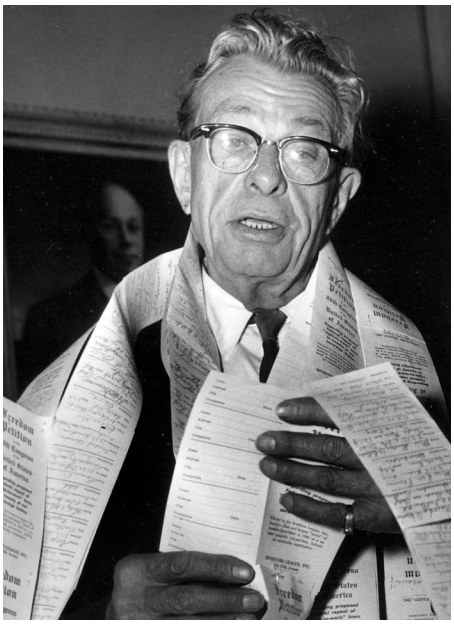
Public Opinion Backed 14(b)-- Most Senators Didn’t Care

Indeed, there was very little chance of getting enough support to defeat H.R.77 in an up-or-down Senate vote.

Public opinion wasn’t the problem. A nationwide scientific poll of the U.S. adult population had recently shown that the American people favored retention of Section 14(b) by better than a two-to-one margin.

But National Right to Work Committee members and officers, who were spearheading the campaign to save Section 14(b), knew from the start that persuading a majority of senators to vote in accord with the wishes of their constituents would be virtually impossible.

For 14(b) to survive, Right to Work activists would have to persuade a determined minority of senators to band together in an extended debate that would prevent H.R.77 from coming to a final vote.



CREDIT:ARTHUR E. SCOTT PHOTOGRAPH COLLECTION

Sen. Everett Dirksen, shown reading aloud from a pro-Right to Work “freedom petition” to Congress in 1966.

‘I Must Say That There Is Much More Support For 14(b) Than I Had Realized’

At the time, if the entire chamber was present, 34 out of 100 senators could defeat a “cloture motion” and keep a debate going indefinitely.

Of course, the extended-debate strategy could succeed only if a respected senator was willing to lead the troops.

And Committee officers were convinced that Minority Leader Everett Dirksen (R-Ill.) was the only member of the chamber capable of holding together for as long as it was necessary to prevail a pro-Right to Work coalition of otherwise disparate interests and perspectives.

But when first pressed by Committee Executive Vice President Reed Larson to lead an extended debate against H.R.77, Mr. Dirksen demurred. He contended grass-roots opposition wasn’t strong enough. He did not want to invest his credibility in a “lost cause.”

A week later, Mr. Larson returned to Capitol Hill armed with copies of more than 3000 pro-14(b) editorials, representing the opinions of more than 1500 daily newspapers and more than 1000 weeklies, based in every part of the country and ranging across the political spectrum.

Mr. Dirksen was impressed: “I must say that there is much more support for 14(b) than I had realized.” He finally agreed to lead the extend debate after Committee legislative staff recruited six other senators, three from each party, to serve as lieutenants in the battle to stop H.R.77.

In the late summer and early fall of 1965, grass-roots Right to Work supporters inundated Senate offices with mail and phone calls insisting that 14(b) be preserved. The message got through.

‘[T]here Is No Amicable Compromise Possible’

On October 11, union bosses were flabbergasted when a motion to cut off debate so H.R.77 could be rubber-stamped received just 49 votes, far fewer than the 67 needed.

Big Labor Senate Majority Leader Mike Mansfield (D-Mont.) pulled the bill from the floor that month, but brought it back in January 1966, evidently hoping the furor had died down.

Mr. Dirksen immediately assured him it hadn’t: “We will fight to the end. And there is no amicable compromise possible. There is no sweetener for 14(b).”

In February 1966, after two more failed cloture votes, Mr. Mansfield finally threw in the towel.

This article concludes a two-part series recalling the 1965-66 battle to save 14(b). The first installment appeared in the May Newsletter.

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Enmons Granted 'License to Extort'

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Pennsylvania taxpayers.

The most egregious case of orchestrated sabotage cited in the lawsuit occurred on the evening of January 30, a few hours before the official start of the 2015 Philadelphia Auto Show.

Roughly 200 MRCC zealots allegedly were admitted as paying guests, then implemented a well-planned, systematic scheme to damage exhibitor vehicles by "removing engine covers and fuses, ripping out wiring harnesses and stealing oil and gas caps," and jamming "caps and fuses into vehicle engines . . . ."

It's 'Extraordinarily Difficult' to Prosecute Union Lawbreakers

These and multiple other acts of property destruction and assault were carried out in plain sight of hundreds if not thousands of witnesses by union operatives who made no attempt to disguise themselves.

And the PCCA lawsuit notes that Mr. Coryell and other carpenters union bosses personally participated in some of the extortionate conduct it documents and publicly boasted that stalking, assaults and harassment would continue until MRCC demands were met.

National Right to Work Committee President Mark Mix commented:

"Ordinary Americans who are unaware of the extraordinary privileges union thugs enjoy under federal case law may wonder how Ed Coryell and company could possibly get away with what they've apparently done over the past year at the Pennsylvania Convention Center.

"The fact is, in today's America, prosecutions of Big Labor arson, assaults, death threats, and other serious crimes are, with relatively few exceptions, extraordinarily difficult.

"Such prosecutions are frequently hindered because of the loophole in federal law that exempts extortionate violence from prosecution when it is committed pursuant to so-called 'legitimate union objectives.'

"And one objective that prosecutors often seem to regard as 'legitimate' is the acquisition of a deal with the employer providing for the termination of front-line employees who refuse to pay dues or fees to the union.

"Time and again, federal prosecutors have amassed extensive evidence that Big Labor bosses have orchestrated, authorized, and/or ratified violence, vandalism and threats for the purpose of securing forced-dues contract clauses or other union demands.

"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."

Scope of *Enmons* Loophole at Issue in Philadelphia Case

It was in its controversial 1973 *Enmons* decision, Mr. Mix explained, that a divided U.S. Supreme Court exempted threats, vandalism and violence perpetrated to secure "legitimate" union goals.

Speaking for all four dissenters, Justice William O. Douglas protested: "The regime of violence, whatever its precise objective, is a common device of extortion and condemned by the [Hobbs] Act." Sadly, his position did not prevail.

A report last month in *Philadelphia Magazine* indicated the MRCC hierarchy is likely to invoke the *Enmons* precedent as a defense against the charges made in the PCCA complaint.

"Incredibly, if the court finds that carpenters union dons' contract with the PCCA wasn't automatically revoked when they failed to meet the deadline to sign the CSA, then it will almost certainly be impossible for them and their militant followers to be prosecuted for Hobbs Act violations," said Mr. Mix.

"Only if the court agrees with the PCCA that the contract has been null and void since last spring can the case proceed.

"Of course, whether or not a bully like Ed Coryell is held accountable under the same federal laws as everyone else shouldn't hinge on a secondary issue like that.

"One positive aspect of *PCCA v. Edward Coryell Sr.* is that, as it unfolds, it will help raise public awareness about the 'license to extort' granted union scofflaws by *Enmons*.

"Fortunately, since *Enmons* was a matter of statutory, rather than constitutional, interpretation, Congress retains the power to overturn it legislatively and hold union bosses who orchestrate threats and violence accountable under the Hobbs Act.

"That is exactly what S.62, legislation introduced in January by U.S. Sen. David Vitter [R-La.], would do.

"S.62, otherwise known as the Freedom from Union Violence Act, would hold union officials who plan, commit or foment extortionate violence against a firm's employees, owners, or customers to the same standard as business rivals, gangsters, or anyone else who does the same.

"The National Right to Work Committee is determined to do everything possible to see this legislation gets the careful consideration it deserves.

"That's why the Committee is urging its members nationwide to call their senators at 202-224-3121 and ask them to cosponsor and seek roll-call votes on this important reform."

CREDIT: AP

In 1973, Justice William O. Douglas insisted, "The regime of violence, whatever its precise objective, is a common device of extortion and is condemned by the [Hobbs] Act." Sadly, his position did not prevail.

Pennsylvania Mugged by Carpenters Union Toughs

Lawsuit: Racketeering Bilked Taxpayers of 'More Than $1 Million'

Early this year, a federal jury in Pennsylvania convicted Joseph Dougherty, the former boss of Philadelphia-based Local 401 of the Ironworkers Union, of leading a conspiracy to extort and commit violence against union-free construction employees and businesses.

Prior to Mr. Dougherty's trial in January, 11 of his paid subordinates and militant followers had pleaded guilty to resorting again and again to assault, arson and vandalism to bring independent employees and employers into line.

At trial, the jury listened to testimony from several of Mr. Dougherty's former lieutenants, as well as multiple wiretapped phone calls, including one in which he asserted that "[y]ou should be able to do whatever you want" to people who dare to operate union free "and it should be legal."

In the end, the jury convicted Mr. Dougherty on 25 counts of conspiracy to commit arson, property destruction and assault. The crimes were all carried out at construction sites in the Philadelphia area from 2008 to 2013.

In the wake of the January 20 guilty verdict, prosecutor Robert Livermore declared that a message had been sent that "[e]verybody has to follow the law."

But judging by a lawsuit filed last month by the Pennsylvania Convention Center Authority (PCCA), carpenters union bosses and their militant followers in the City of Brotherly Love haven't gotten the message yet.

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Under the *Enmons* precedent, if a union's bosses have a valid contract with the Pennsylvania Convention Center, union militants may threaten and assault exhibitors, visitors and workers without facing extortion charges.

Outrageous Union Work Rules Long Prevented Exhibitors From Using Power Tools

The PCCA is a state government agency established by Pennsylvania legislators in 1986. It has the power under state law to acquire, build and maintain convention centers with public funds.

The PCCA lawsuit charges that carpenters union bigwigs launched a violent campaign last spring to save face after their intransigence had cost rank-and-file union members work opportunities at the Pennsylvania Convention Center, located in the Market East section of Philadelphia.

In May 2014, Edward Coryell Sr., executive secretary-treasurer and business manager of the Metropolitan Regional Council of Carpenters (MRCC), and his cohorts failed to meet the deadline for signing the Customer Satisfaction Agreement (CSA) that the PCCA had insisted upon.

The purpose of the CSA was to stem the loss of convention bookings in Philadelphia caused by outrageous union work rules that had even prevented exhibitors from using power tools and ladders when setting up their booths.

Bowing to the inevitable, a number of local union bosses signed the CSA in time to allow the workers over whom they wield monopoly-bargaining power to continue getting assignments at the center.

Extortionate Campaign Has Involved 'Harassment, Race-Baiting, and Threats'

But officers of the MRCC, a subsidiary of the United Brotherhood of Carpenters and Joiners of America union, belligerently refused.

In fact, as the lawsuit states, Mr. Coryell "declared that MRCC would never sign the CSA, and threatened that there would never be peace at the Convention Center if the PCCA chose to implement that agreement."

However, contrary to Mr. Coryell's evident expectations, the PCCA did not back down after the deadline to sign the CSA had passed. Instead, jobs that had previously been assigned to MRCC boss-"represented" workers were turned over to other unionized workers.

It was then, the lawsuit charges, that carpenters union kingpins, "privately infuriated that they had led their rank and file down such a disastrous path," launched "a campaign of illegal violence and intimidation" aimed at the PCCA and its "customers, vendors and contractors," as well as at "members of other unions."

This campaign has involved "physical intimidation," "stalking," "assault and battery," "harassment, race-baiting, and threats; and the destruction of property."

The goal of the court action is to put a stop to Philadelphia carpenters union bigwigs' lawlessness and recover "more than $1 million in damages" for

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