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Kentucky Elects Pro-Right to Work Governor

Major 2016 Fight Over Compulsory-Dues Repeal Looms in Frankfort

This fall Big Labor dipped heavily into its forced union dues-funded treasuries to wage extensive voter I.D. and get-out-the-vote drives to ensure Democrat Attorney General Jack Conway became the Bluegrass State's next governor.

And union bosses weren't shy about acknowledging the fact that the #1 reason they supported Mr. Conway was his diehard opposition to Right to Work and his opponent Matt Bevin's unabashed support for it.

But in the end, the union machine didn't prevail.

'This Loss Surely Stings For the AFL-CIO and Its Affiliate Working America'

On Election Night, Kentucky voters opted to make Mr. Bevin the state's next governor by a decisive 85,000-vote margin.

And as even the Big Labor front group "Keep Ohio's Heritage," which union bosses set up specifically for the purpose of safeguarding their forced-dues privileges in the Buckeye State, conceded in a post-election press release, "Right-to-Work . . . was a major issue" in the Kentucky gubernatorial campaign.

The inside-the-Beltway publication *Politico* emphasized that Right to Work supporters as well as opponents carried out major mobilization efforts in October and early November:

"Activists on both sides of the Right-to-Work debate led aggressive outreach in the run-up to the election, and this loss surely stings for the AFL-CIO and its affiliate Working America, which led a massive get-out-the-vote effort to elect Conway."

Among several groups seeking to



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Incoming Republican Gov. Matt Bevin (pictured here with his wife, Glenna): As "the only state in the South that

doesn't have Right-to-Work legislation," Kentucky is left at an economic disadvantage.

inform freedom-loving Kentuckians about the stark contrast between the gubernatorial nominees on labor policy, the National Right to Work Committee alone contacted 150,000 households with one or more identified Right to Work supporters in Kentucky.

Survey Mailings Let Citizens Know Where Candidates Stood

Each of these households received a series of mailings highlighting the fact that Mr. Bevin had completed and signed a survey from the Frankfort-based, grass-

roots Kentucky Right to Work Committee, pledging 100% opposition to forced unionism.

They were also notified that Mr. Conway and Independent candidate Drew Curtis had both refused to answer their candidate surveys and made public statements vowing to oppose statewide Right to Work legislation if elected.

On the campaign trail, Mr. Bevin tended to cite the superior economic performance of states that have Right to Work laws, now 25 in number, as the key reason he favors ending Big Labor's forced-dues privileges in Kentucky.

For example, this summer he told WYMT-TV in eastern Kentucky: "We are

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Kentuckians Support Right to Work

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the only state in the South that doesn't have Right-to-Work legislation" -- leaving the Bluegrass State at an economic disadvantage, he contended.

Kentucky's 10-Year Real Compensation Growth: Only 19% of Right to Work Average

"There is indeed an enormous amount of evidence that states benefit economically from prohibiting forced union dues and fees," said Mark Mix, president of the National Right to Work Committee.

"For instance, from 2004 to 2014, private-sector outlays for employee wages, salaries, and bonuses and noncash compensation grew by an inflation-adjusted 15.5% in the 22 states that had Right to Work laws on the books for the whole decade.

"That's more than five times as much real private-sector compensation growth as Kentucky experienced over the same period, and nearly double the real compensation growth in forced-unionism states as a group.

"And of course forced unionism is just

plain wrong.

"In Kentucky today, it's illegal under all circumstances for employers to fire employees for joining and/or financially supporting a union.

"But current policy authorizes and encourages employer/union-boss pacts to fire employees who refuse to support a union they would not join voluntarily.

"The fact is, the right not to support a union is just as deserving of legal protection as the right to join."

Kentucky House of Representatives Still Run By Union-Label Speaker

For years, scientific polls have shown that the vast majority of Kentuckians agree that the individual employee's freedom to join or not join a union should be equally protected under the law.

For example, a 2014 poll sponsored by WKYT-TV in Lexington, WHAS-TV in Louisville, and the principal newspapers in the same cities showed registered voters support Right to Work by a two-to-one margin.

But getting a Right to Work law to

Gov. Bevin's desk next year won't be easy.

While an overwhelming majority of the Kentucky Senate has already gone on the record in support of a statewide law sharply curtailing Big Labor's forced-unionism privileges, Big Labor Democrat Speaker Greg Stumbo (Prestonsburg) will continue to hold the reins of the state House.

And the fact that a Democrat caucus headed by Mr. Stumbo and other union-label politicians will hold a 53-45 partisan majority in the House is not the only major obstacle in the chamber for Right to Work supporters, noted Mr. Mix.

"While the vast majority of Republican representatives in Kentucky are likely to vote for Right to Work in 2016," he said, "a handful of them have histories of supporting forced unionism.

"Consequently, in order to pass a Kentucky Right to Work law, grass-roots Right to Work supporters will either have to persuade key 'swing' politicians in the rank-and-file of both House caucuses to vote for Right to Work, or replace them in next year's elections."

An 'Unsuccessful' Floor Vote Will Still Pave Way For Right to Work Passage

Mr. Mix vowed that, once legislation to make Kentucky America's 26th state to ban forced union dues and fees is introduced next year, the National Committee will work closely with the Kentucky Right to Work Committee and other state and national groups to fight for its enactment.

"It is just possible that, because they know compulsory unionism is profoundly unpopular in Kentucky," he observed, "state Democrat leaders will allow a few of their caucus members to support Right to Work just to get the issue off the table before the 2016 Elections.

"It is also possible that even the House Republicans who have records of Big Labor appeasement will decide they have to change course now in the wake of the election by a nine-point margin of a GOP governor who made enactment of a Right to Work law a major plank in his platform.

"But even if union lobbyists succeed in blocking Right to Work in a House floor showdown next year, the roll call will pave the way for future passage of Right to Work.

"That's because it will let freedom-loving Kentuckians know exactly which politicians are on their side, and which are in Big Labor's pocket." 📣



Union bosses like Jeff Wiggins (inset), a member of the Kentucky AFL-CIO executive board, were unabashed about

the fact they were supporting Jack Conway for governor because of his anti-Right to Work stance.

CREDIT TO: J. TYLER FRANKLIN/LOUISVILLE PUBLIC MEDIA

A Burden Too Great, Even For 'Big Shoulders'

Chicago Buckling Under the Weight of Government-Union-Boss Abuses

A little over a century after it was memorialized by poet Carl Sandburg as the "City of the Big Shoulders," Chicago is struggling to salvage its historic renown for vibrancy and resilience.

The key challenge the city faces is a financial crisis that is primarily the result of state government-imposed union monopoly bargaining and compulsory union dues and fees in the public sector.

In late October, the Chicago City Council, acting at the behest of Democrat Mayor Rahm Emanuel (D), rubber-stamped a budget that foists a massive \$543 million property tax hike on already-beleaguered home and business owners over the next four years.

The purported purpose of this lowering of the boom was to reduce unfunded liabilities in public-safety union pension funds.

Union Bosses Have Pressured Politicians to Divert Taxpayer Money From Pension Funds

But insufficient tax revenue is not the source of Chicago's woes.

The fact is, police, fire and other Chicago retirement funds for unionized government employees are underfunded largely because Big Labor bosses have, often and successfully, pressured elected officials to misallocate taxpayer money that should have gone into pensions.

"By mandating union monopoly bargaining in the government sector," noted National Right to Work Committee President Mark Mix, "Illinois state law effectively makes it impossible for local elected officials to reform how public



CREDIT TO: NANCY STONE/CHICAGO TRIBUNE

A huge tax hike recently rammed through by Mayor Emanuel won't remotely close Chicago's budget gap.

employees are compensated without Big Labor's stamp of approval.

"For example, under a deal forged years ago, taxpayers must now cover nearly 80% of the 'employee' share of teacher pension contributions in Chicago Public Schools [CPS].

"Now that this deeply troubled school district faces a nearly half-billion-dollar hole in its current budget, CPS officials would love it if teachers covered a more reasonable share of their own pensions. After all, the taxpayer cost for CPS pensions alone is now over \$600 million annually!"

'There Is Little Discretion At the Local Level'

"But Chicago teacher union bosses' response this fall to a CPS request for pension-contribution reform was to

threaten to shut schools down by walking off the job," Mr. Mix noted.

"As a consequence of union bigwigs' intransigence and Illinois labor laws that empower them to perpetuate an unworkable status quo, massive layoffs of Chicago teachers are likely this spring.

"Chicago's plight is almost hopeless. Local elected officials will need plenty of help from state lawmakers in Springfield and Gov. Bruce Rauner [R] to pull their city back from the brink.

"As Cate Long, a Reuters contributor who specializes in the municipal bond market, has correctly observed with regard to pension contributions and benefits for unionized government employees, 'There is little discretion at the local level on these issues.'"

State Labor-Law Reform Can Help Chicago Avoid Bankruptcy


One important thing Mayor Emanuel and other Chicago elected officials can do is press hard and publicly for government compensation reforms, even knowing union kingpins will never agree to them.

That will increase the pressure on the Big Labor-dominated Illinois General Assembly to give Chicago and other local governments the power to circumvent obstructionist government union bosses.

"Union-label state Senate President John Cullerton and House Speaker Michael Madigan [both D-Chicago], as well as the vast majority of politicians in the caucuses they head, are sure to resist a roll-back of government union bosses' monopoly-bargaining privileges," acknowledged Mr. Mix.

"But before too much time passes it may become plain for all Illinoisans to see, even in Springfield, that a curtailment of government union chiefs' extraordinary powers, along the lines of what neighboring Wisconsin adopted nearly five years ago with its Act 10, will be necessary for Chicago to avoid bankruptcy.

"Gov. Rauner has already indicated he would be on board for such a reform.

"And, as a wide range of nonpartisan observers now recognize, Act 10 has enabled municipalities across the Badger State to save billions of taxpayer dollars while only rarely resorting to blunt instruments like layoffs." 

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Support For Right to Work Act Keeps Rising

Capitol Hill Sponsorship Reached 127 Before Thanksgiving Recess

Thanks to relentless grass-roots activism by members of the National Right to Work Committee, the number of congressional cosponsors of the forced-dues repeal legislation introduced in the Senate and House in early 2015 continues to rise.

S.391 and H.R.612, the national Right to Work measures respectively introduced in the 2015-16 Congress by Sen. Rand Paul (R-Ky.) and Rep. Steve King (R-Iowa), had a combined total of 127 sponsors as of December 1, when this Newsletter went to press.

These identical bills would not add a single word to federal labor law.

Instead, they would simply repeal the current provisions in the federal code that authorize and promote the termination of employees for refusal to pay dues or fees to an unwanted union.

“When S.391 or H.R.612 becomes law, private-sector employees in all 50 states will have the freedom to choose as individuals whether or not to join or bankroll a union,” explained Mary King, vice president of the National Right to Work Committee.

“No employees covered by federal labor statutes will face job loss as a consequence of their decision to refuse to pay dues or fees to a union they would never join voluntarily.”

Five Top-Ranking States For 2004-2014 Job Growth All Have Right to Work Laws

Compulsory unionism is, above all, a moral issue.

At the same time of all the economic reforms Congress may consider in 2016, federal forced-dues repeal, otherwise known as the National Right to Work Act, would surely have the strongest positive impact for jobs and incomes.

To illustrate the point, Ms. King called attention to the U.S. Commerce Department Bureau of Economic Analysis (BEA) data gauging private-sector employment growth in the 50 states over the past decade.

(Unlike the payroll jobs data reported by the U.S. Labor Department, BEA job statistics include self-employment, contractual employment, and employment at start-up businesses.)

“All of the five top-ranking states for 2004-2014 private-sector employment growth are Right to Work states,” said



In November, Sens. Joni Ernst (R-Iowa) and Tom Cotton (R-Ark.) became the two latest members of

Ms. King. “Meanwhile, all of the eight lowest-ranking states for private-sector job growth lacked Right to Work laws as of 2014.”

(Since Indiana and Michigan adopted Right to Work laws in 2012, they are excluded from this analysis. Since Wisconsin’s forced-dues ban was not adopted until this year, it is counted as a compulsory-unionism state here.)

Overall, BEA-reported private-sector, nonfarm employment in Right to Work states grew by 15.9% over the past decade.

That increase is 66% greater than the average for forced-dues states, and 37% greater than the national average.

But it’s not just employees and employers in states that lack Right to Work laws who are harmed by federally imposed compulsory unionism.

Compulsory Union Dues Bankroll Growth-Hindering Policies

“Union bosses funnel a huge portion of the forced dues and fees they collect with federal policy’s abetment into politics,” Ms. King pointed out.

“And the union-label politicians who routinely get elected and reelected because of their forced-dues-funded support overwhelmingly favor higher taxes and more red-tape regulation of businesses.

“This is true at the federal, state and local levels.

“The actions of forced-dues-funded



CREDIT: U. S. CONGRESS

Congress’s upper chamber to sponsor S.391, legislation to revoke Big Labor’s federally granted forced-dues privileges.

politicians thus result in less job growth nationwide. Of course, Big Labor politicians do the most damage in states where union bosses rake in the most forced-dues money.


“But if Congress repealed all the forced-dues provisions in the National Labor Relations Act and the Railway Labor Act, this massive impediment to economic growth nationwide would be lifted.

“Forced-dues repeal would spur job growth in all 50 states.

“Businesses based in current Right to Work states would share the benefits as their major out-of-state suppliers and customers were freed from the burden of compulsory unionism.

“In 2016, the 2.8 million National Right to Work Committee members will continue encouraging Senate Majority Leader Mitch McConnell [R-Ky.] and House Speaker Paul Ryan [R-Minn.] to allow hearings, debate, and roll-call votes on S.391 and H.R.612.

“Freedom-loving Americans have a right to know exactly which federal politicians are willing to incur Big Labor’s wrath for the sake of ensuring that every worker can decide for himself or herself which union, if any, to support financially.

“Recorded Senate and House votes on the National Right to Work Act will accomplish that objective. And they will also be a significant step towards ultimate passage of forced-dues repeal.” 

'Manufacturing Rebound' in Indiana, Michigan

States Prohibit Forced Unionism, Get 'More . . . Opportunities'

According to the U.S. Labor Department, Indiana, which passed America's 23rd Right to Work law in March 2012, and Michigan, which approved the 24th later the same year, respectively ranked #2 and #1 among the 50 states for manufacturing job growth last year.

And this year, the good economic news has continued in the Hoosier and Wolverine States.

'Manufacturing Investments Have Rolled in to Indiana This Year'

As reporter Kris Turner documented in a late October news story for the *Indianapolis Star*, an impressive array of companies have announced plans just since the beginning of 2015 to expand and/or modernize factories as well as build new ones in Indiana:

"The manufacturing investments have rolled in to Indiana this year: \$600 million at Rolls-Royce, \$140 million at Suburu and \$1.2 billion at General Motors, to name a few.

"Almost \$2 billion has been invested to overhaul production facilities or expand corporate footprints -- a trend that experts say puts Indiana at the forefront of states with manufacturing-heavy economies."

Asked by Mr. Turner to assess the news, Barry Bosworth, an economist with the Brookings Institution, a venerable D.C. think tank, responded, "It's not the norm. . . . It sounds like Indiana is doing well."

Since Its Right to Work Law Took Effect, Indiana Has Added 48,000 Factory Jobs

The remarkable manufacturing-sector success that Indiana and Michigan have enjoyed since becoming Right to Work states makes perfect sense to site-selection experts like Richard H. Thompson, who heads the Global Supply Chain & Logistics Team for JLL.

As Mr. Thompson recently told a reporter for the trade journal *Area Development*:

"From a manufacturing perspective; [Right to Work] is the first lens in the decision. They don't want to be in a [forced-union] environment, and that's why most auto manufacturers have gone to the Southeast."

Mark Sweeney, senior principal with McCallum Sweeney Consulting, concurred:

"The state of Indiana and the state of Michigan can already point to increased activity in the manufacturing sector. . . . If you're a right-to-work state, you get more manufacturing opportunities than if you're not."

"Overall, according to the U.S. Labor Department, from March 2012 through October 2015 (the most recent month for which such data are available), Indiana enjoyed a net manufacturing job gain of 10.1%, representing roughly 48,000 manufacturing jobs," said National Right to Work Committee Vice President Greg Mourad.

Laws' Primary Objective: Protection of Individual Employee's Freedom Choice

"In absolute terms," Mr. Mourad continued, "that's the second highest increase in the nation. Meanwhile, in forced-unionism states over the same period, manufacturing employment grew by just 1.4%."

The Wolverine State's rebound since its Right to Work law took effect has been even more impressive.

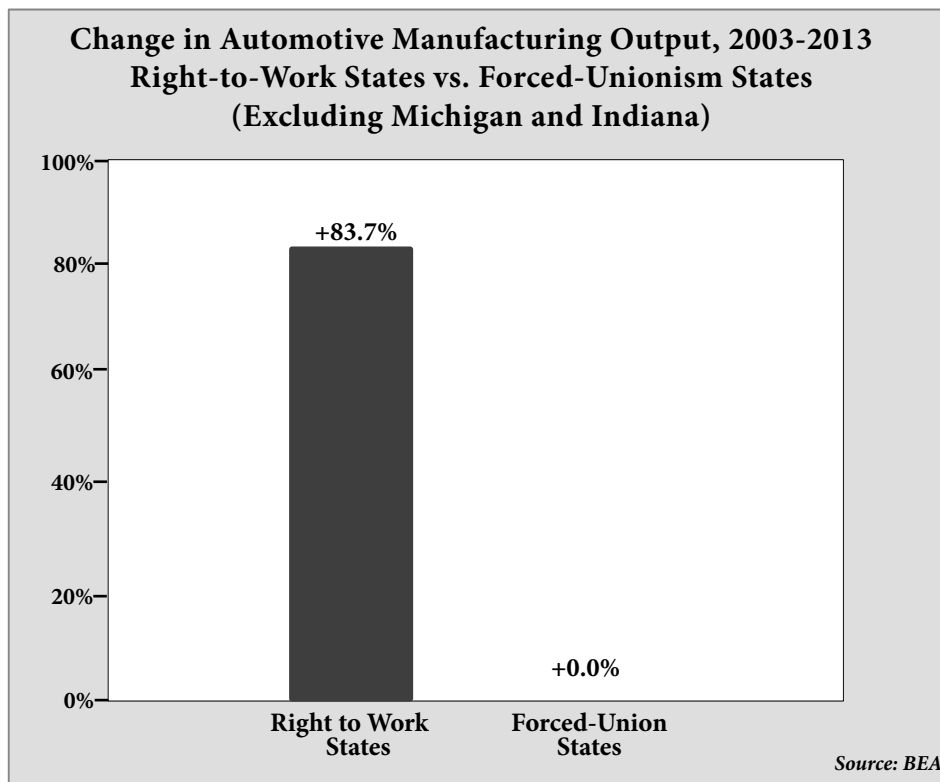
"From March 2013 through October 2015, Michigan enjoyed a net gain of 9.2%, or 51,000 in factory jobs. Since it banned forced union dues and fees, Michigan's increase in manufacturing payroll employment has been the highest in the nation, both in percentage and in absolute terms," noted Mr. Mourad.

"Of course, Right to Work isn't primarily an economic issue.

"The most important reason to pass Right to Work laws is to protect the individual employee's freedom of choice with regard to union membership or nonmembership.

"But the fact that a vast amount of nonpartisan statistical evidence indicates that Right to Work laws are economically beneficial is another important consideration in their favor."

Mr. Mourad vowed that the National Committee and its members would do everything possible to assist grass-roots efforts to abolish compulsory unionism in the 25 states that continue to lack Right to Work protections today.



Excluding Indiana and Michigan, which didn't ban forced union dues until 2012, the share of all automotive

production occurring in Right to Work states rose from 37% in 2003 to 51% in 2013.

Forced-Dues Money ‘Buys Support’ For Union Czar

Union Honchos Collect Phony ‘Per Diems,’ Rip Off Firefighters

In the October 18 edition of the New York Times, a story by labor reporter Noam Scheiber described the bizarre and unconscionable International Association of Fire Fighters (IAFF) policy for doling out so-called “per diems” to union officials.

As many Newsletter readers undoubtedly know from personal experience, “per diem” allocations are a means employers use to compensate employees for their dining, hotel, and other expenses when their work requires them to travel out of town.

But IAFF kingpins can collect up to \$80 in “per diem” money on days when they remain in their city of residence, as long as they leave their homes.

Consequently, in FY 2014 four union vice presidents raked in at least \$18,000 in per diem payments on top of their already-hefty salaries and benefits, and seven more grabbed at least \$11,000 in per diems.

Sanctioning Misuse of Workers’ Dues Money Part Of ‘Management Strategy’

Citing a review of paperwork submitted by IAFF union vice presidents regarding their FY 2014 activities and forced dues-financed compensation, Mr. Scheiber observed: “[S]everal of them received the full \$80 on dozens of days -- in some cases well over 100 -- in which they reported that they remained in their city of residence.”

When questioned by Mr. Scheiber about this flagrant abuse of firefighters’ forced dues and fees, Mr. Schaitberger claimed per diems for any union boss who has “left his house” are permitted under the IAFF’s official guidelines for claiming expenses.

The IAFF chief is apparently untroubled by the fact that a U.S. Labor Department official who performed a review of the union’s expense policies in 2009 reached the opposite conclusion.

Of course, enabling his lieutenants to rip off the rank and file by collecting phony “per diems” and in an array of other ways has helped Mr. Schaitberger consolidate his power to such a degree that he has, in Mr. Scheiber’s words, “enormous leeway in running the union.”

Regarding the 15-year IAFF union general president’s management



CREDIT: WWW.PLUNDERBUND.COM

Today Harold Schaitberger would have millions and millions of additional dollars in coerced union

dues money to throw around were it not for Right to Work members’ grass-roots activism in 2009 and 2010.

approach, the reporter quoted Eric Lamar, a former firefighter and aide to Mr. Schaitberger who has become a scathing critic: “He will bully when he can, and buy support when he can’t.”

In 2009-2010, Right to Work Stopped IAFF Czar From Amassing Even More Power

Today Mr. Schaitberger would have millions and millions of additional dollars in coerced dues money to throw around if the IAFF hierarchy’s top priority in the 2009-2010 Congress had been adopted.

The so-called “Public Safety Employer-Employee Cooperation Act (S.3991) would have denied localities in all 50 states the option to refuse to grant a single public-safety union the power to speak for all employees, including those who don’t want to join, in talks with their employer regarding working conditions.

Monopoly bargaining, euphemistically labeled as “exclusive representation,” would have been foisted on firefighters, police, and other public-safety employees nationwide. And in most states that already authorize public-safety monopoly bargaining, S.3991 would have widened its scope.

But despite enjoying the enthusiastic support of the Obama White House, the then-Democrat majority caucuses in both chambers of Congress, and half-a-dozen GOP senators who were sponsors of another nearly identical measure, S.3991

never became law.

“The primary reason for the scheme’s failure was the persistent and passionate opposition of well-mobilized National Right to Work Committee members,” recalled Committee Vice President Matthew Leen.

“Time and again, they flooded Capitol Hill with postcards, petitions, e-mails, faxes and phone calls calling on Congress not to federalize public-safety monopoly bargaining.”

‘There Is No Way to Sugarcoat the Significance of This Loss’

The Committee had to fight this battle with very few active allies, although some groups representing the interests of local governments, such as the National Sheriffs’ Association, joined with the Committee in lobbying against S.3991.

When the 2009-2010 Congress finally adjourned without okaying his #1 legislative objective, Mr. Schaitberger lamented:

“There is no way to sugarcoat the significance of this loss.”

What the October 18 Times article underscores is the enormous service Committee members performed for countless independent-minded firefighters in multiple states who remain free of IAFF monopoly control today as a consequence of the defeat of S.3991 nearly five years ago. 📞

Lawmakers Must Protect Free Speech

Continued from page 8

exactly what they say regarding union-boss opposition to higher pay for outstanding teachers and teachers with rare skills.

Instead, they opted to switch the focus to other union contract provisions related to health and dental insurance, sick leave, maximum mandatory working hours, and alternative work-schedule options.

Unionized and Union-Free Teachers Alike Get Employer-Provided Health Insurance

The fact is, teachers in all 50 states, regardless of whether state law encourages, permits, or bars union monopoly bargaining in K-12 schools, receive health and dental insurance, sick leave, maximum working hours, and alternative work-schedule options as part of their compensation package.

And in all 50 states, such public schoolteacher benefits are financed by taxpayers, not by union treasury money.

Of course, since the public resources available for K-12 employee compensation are finite in

all 50 states, more generous insurance and sick-leave policies can and often do come at the expense of teacher salaries.

What's different is that, in Big Labor-dominated states like California, Illinois, and New York, teacher union bosses wield the statutory power to speak for all educators in negotiations with the school district over health insurance, sick leave, etc.

Incredibly, in their November brief to the Supreme Court, CTA lawyers contended that, based on this special monopoly-bargaining privilege alone, their clients deserve the constitutional prerogative to force all public educators in such states to bankroll a teacher union, or be fired from their jobs!

'I Will Support and Defend the Constitution Of the United States'

"The High Court now has the opportunity in *Friedrichs v. CTA* to correct the grave error it made 38 years ago when it first upheld state statutes authorizing public-sector forced union fees," said Mark Mix, president of the National Right to Work Legal Defense Foundation and the National Right to Work Committee.

"The nine justices shouldn't hesitate to reverse the pro-compulsory-unionism 1977 precedent, *Aboud v. Detroit Board of Education*, that is being challenged here.

"After all, even the teacher union respondents in *Friedrichs* now tacitly acknowledge the falsehood of *Aboud's* critical, but unexamined premise that all public employees who are subject to union monopoly bargaining 'benefit' from it.

"But it's not only courts that have a duty to uphold the U.S. Constitution.

"In all 50 states, including the states that currently have laws on the books authorizing government union bosses to trample public employees' free speech by forcing them to pay union dues or fees as a job condition, elected officials take an oath to defend the federal Constitution.

"Take California, where elementary school teacher Rebecca Friedrichs and her fellow plaintiffs in the *Friedrichs* case are employed.

"In the Golden State, legislators and other public officers must before taking office solemnly swear or affirm that they will 'support and defend the Constitution of the United States . . . against all enemies, foreign and domestic . . .'"


Right to Work Supporters Will Keep Turning up Heat On State Candidates

Mr. Mix continued: "National Right to Work Committee members and other supporters believe that elected officials in states like California, Illinois, and New York have an obligation to fight for repeal of their statutes empowering union bosses to shake down public servants for union dues and fees.

"Over the course of 2016, Committee members and their allies will keep turning up the heat on primary and general election candidates for state office.

"Candidates across America will feel more and more pressure to pledge to protect employees' First Amendment freedom by abolishing union monopoly bargaining as well as forced union fees in the public sector.

"Our Founding Fathers never envisioned that the judiciary alone would be able to ward off threats to Americans' constitutional liberties.

"It's long past time for elected officials to confront the danger to the First Amendment poised by forced unionism and union monopoly bargaining." 



CREDIT TO: REBOOT ILLINOIS

In 2014, Right to Work Foundation client Pam Harris (right), a homemaker whose main job is caring for her

developmentally disabled son, Josh, paved the way for *Friedrichs* with an important Supreme Court victory.

Union Dons Often Oppose Higher Pay For Teachers

Union Lawyers Claim Teacher Forced Fees Are Constitutional Anyway

In early September, attorneys representing 10 independent-minded Golden State educators in *Friedrichs v. California Teachers Association* presented the U.S. Supreme Court with bombshell evidence.

The evidence came from the official handbook of the National Education Association (NEA), America's largest teacher union and the parent union of the respondents in *Friedrichs*.

This case, which is based largely on U.S. Supreme Court precedents argued and won by National Right to Work Legal Defense Foundation attorneys on behalf of employee clients, challenges the permissibility of government-sector forced union fees under the First and Fourteenth Amendments.

And the *NEA Handbook* passages quoted by the plaintiffs in the merits brief they submitted just before Labor Day are largely intended to give marching orders to the agents of the NEA and its state and local subsidiaries who negotiate teacher contracts with school districts.

Teachers Specializing in Hard Subjects Get 'Trapped in Union-Obtained Pay Systems'

"Respondent Unions advocate numerous policies that affirmatively harm [many] teachers . . .," charged the *Friedrichs* plaintiffs, represented by a team of lawyers led by Michael Carvin of the Cleveland-based firm Jones Day.

"NEA considers any 'system of compensation based on an evaluation of an education employee's performance' to be 'inappropriate' and 'opposes providing additional compensation to attract and/or retain education employees in hard-to-recruit positions.'"

Teachers who "care more about rewarding merit than protecting mediocre teachers" should "oppose these policies," concluded the *Friedrichs* plaintiffs.

And "teachers who specialize in difficult subjects (like chemistry or physics), but are trapped in union-obtained pay systems that stop them from outearning gym teachers," should also oppose such policies.

Until Recently, Union Lawyers Simply Assumed Monopolistic Unionism 'Benefits' All Teachers

Why is the evidence cited by Mr. Carvin and his associates here so important?



CREDIT TO: RICK EGAN/SALT LAKE TRIBUNE

The free ride on the backs of forced-fee-paying teachers that National Education Association union President

Lily Eskelsen-Garcia and her predecessors have long enjoyed may at last be coming to an end.

In the past, Big Labor lawyers, like other apologists for government-sector compulsory unionism, have sought to defend its constitutionality as well as its general appropriateness largely on the never-substantiated assumption that ALL public employees somehow "benefit" from being under union monopoly control.

Even employees who unequivocally prefer to remain union-free are Big Labor "beneficiaries," union lawyers implied or flatly claimed.

As recently as this spring, in fact, the CTA union's team of lawyers in the *Friedrichs* case (then led by Jeremiah Collins of the D.C. firm Bredhoff and Kaiser) falsely characterized the forced-fee scheme to which the plaintiffs object in this way:

It is "simply a requirement that a nonmember teacher who receives . . . additional compensation as a result of the

Unions' efforts . . . must pay a share of the Unions' costs."

Now CTA Bosses Are Desperately Trying to Change the Subject

But now that the plaintiffs' attorneys have entered into the record stark evidence from the NEA union hierarchy's own handbook that monopoly NEA "representation" actually means LESS compensation for vast numbers of objecting and potentially objecting teachers, CTA lawyers are trying to change the subject.

In the 60-page merits brief they submitted to the High Court November 6, current Counsel of Record David Frederick and his associates never denied that the *NEA Handbook* passages cited by the plaintiffs and quoted above mean

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