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An Overdue End to the Obama NLRB's Reign?

Confirmation of Two Trump Nominees Won't Suffice to Stop Abuses

As this Newsletter edition goes to press in early August, the U.S. Senate appears poised to approve President Trump's nominations of William Emanuel and Marvin Kaplan to the National Labor Relations Board (NLRB).

Currently there are two vacancies on the five-seat NLRB, and all three of the sitting members are appointees of unabashedly pro-forced unionism former President Barack Obama.

Two of the three, ex-union lawyer Mark Pearce and Lauren McFerran, a former staffer for five-term Big Labor U.S. Sen. Tom Harkin (D-Iowa), are radical proponents of compulsory unionism with established track records of "reinterpreting" federal labor law to expand union bosses' special privileges.

"President Trump's first two NLRB nominees are refreshingly different from Mark Pearce and Lauren McFerran," commented National Right to Work Committee President Mark Mix.

"William Emanuel and Marvin Kaplan are labor-relations attorneys with promising track records of opposition to bureaucratic schemes granting Big Labor even more power over individual employees than is authorized by federal statutes.

"Unfortunately, their confirmation will not in itself guarantee a genuine and immediate change of course for federal labor-law implementation."

CREDIT: JOSH REYNOLDS/THE BOSTON GLOBE

At a July panel hearing, Big Labor puppet politicians like U.S. Sen. Elizabeth Warren (D-Mass.) vented their anger at the prospect that pro-forced unionism radicals would soon no longer hold a majority of NLRB seats.

Undoing Damage Wrought by Obama NLRB Won't Be Easy And Will Take Time

Despite loud and angry protests from the AFL-CIO and Big Labor politicians on the Senate Health, Education, Labor and Pensions (HELP) Committee, the panel approved the Emanuel and Kaplan nominations on July 19.

Right to Work legislative staff had contacted HELP Committee members prior to the vote to urge support for both nominees. And the Committee is prepared, if necessary, to mobilize grass-roots support nationwide for confirmation when the two prospective NLRB members come up for consideration.

"I'm optimistic that at least the bleeding will stop with regard to the worker's individual rights once Mr. Emanuel and Mr. Kaplan are seated on the NLRB," said Mr. Mix.

"Together with Chairman Phil Miscimarra, the one current NLRB member who hasn't manifested a strong propensity to distort federal labor law to make it even easier for union bosses to seize monopoly-bargaining privileges over employees, the two new appointees can, I hope, rein in Mr. Pearce and Ms. McFerran.

"But undoing the damage wrought by the Obama NLRB won't be easy and will take time."

According to one published estimate, by the end of 2016, the chronic rewriting of federal labor law by the Obama Board had overturned 91 precedents and more

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Damage Difficult to Remedy

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than 4500 years of cumulative case law.

For example, a December 2014 NLRB rulemaking action requires employers facing unionization campaigns to turn over to union organizers multiple forms of contact information for all employees, even employees who explicitly object to having their personal information fall into Big Labor's hands.

Late 2014 NLRB Assault Undermined Employees' Ability To Resist Unionization

Another, simultaneously issued edict shortened the time between notification of workers that a unionization vote will be held and the actual ballot to as little as 11 days.

One obvious effect of this regulatory assault is to deny employees opposed to unionization sufficient time to make their case to their fellow workers.

Mr. Mix commented: "For the Trump NLRB to undo the damage inflicted by Obama bureaucrats' 'ambush election rules,' new draft rules would likely first have to be formulated and published.

"Union officials and their radical allies would then be granted several months to raise objections. And the Trump NLRB would have to respond in detail to these objections before any new rules could be finalized.

"For this and other reasons, Right to Work proponents in Congress are perhaps better equipped to reverse the 'ambush elections' scheme and an array of other Obama NLRB power grabs."

However, if it has the will, a full-strength Trump NLRB can quickly undo a few of the Obama era's most appalling bureaucratic handouts to Big Labor.

The prime example is the Board's lawless expansion of union bosses' forced-dues privileges in its 2012 ruling in *United Nurses and Allied Professionals v. Jeanette Geary*.

New Board Could Quickly Reverse Expansion of Forced-Dues Privileges

Mr. Mix explained the potential impact of this decision: "Federal statutes grant union officials extraordinary powers over individual workers. Except in Right to Work states, federal law authorizes Big Labor to get employees in a broad array of industries fired for refusal to fork over forced union dues or fees.

"But in theory, Big Labor shouldn't be able to get away with using workers' forced-dues money to advance a policy agenda those workers oppose.

"Under *Beck* and other court precedents won by the National Right to Work Legal Defense Foundation, forced dues-paying workers who never join or resign from the union have the right to pay a forced, but reduced, union 'agency' fee rather than full forced dues.

"And objecting workers' forced fees are not supposed to be spent on lobbying unless that lobbying is somehow an integral part of negotiations between union officials and managers.

"But *Geary* gives union bosses a green light to force nonmembers who object to the use of their 'agency' fees for anything other than bargaining to pay for Big Labor lobbying."

Effectively ignoring *Beck*, the Obama NLRB contended that it's okay for union chiefs to force objecting nonmembers to subsidize union lobbying activity if it "may ultimately inure to the benefit" of the employees under the union's monopoly-bargaining control.

"Of course," noted Mr. Mix, "Big Labor always claims its lobbying and electioneering schemes 'ultimately inure to the benefit' of unionized workers. If *Geary* stands, *Beck* protections against the extraction of forced dues for union lobbying will be gutted."

Even the Minimal Free-Speech Rights Established By *Beck* Remain Precarious

In 2014, the U.S. Supreme Court unanimously invalidated Barack Obama's putative "recess" appointments of two of the three NLRB members who had signed on to the *Geary* decision, on the grounds that the Senate was not actually in recess when the appointments were made.

That means *Geary* was issued by an illegally constituted Board. But for more than three years after the High Court issued its *Noel Canning* decision, the NLRB stonewalled instead of fulfilling its legal duty to reconsider *Geary*.

"As soon as Mr. Emanuel and Mr. Kaplan are confirmed and seated, the Trump NLRB should end the unconscionable stonewalling and reconsider and reverse *Geary*," said Mr. Mix.

"It is a travesty that, nearly three decades after *Beck* established minimal free-speech protections for forced fee-paying private-sector workers, those protections remain so precarious.

"But it is a relief that, at least for the next few years, it seems the NLRB won't be actively working to sabotage *Beck*."

CREDIT: DIEGO RADZINSCHI/ALM

By the end of 2016, the Obama NLRB had overturned an estimated 91 precedents to benefit Big Labor. Trump NLRB nominees William Emanuel and Marvin Kaplan (inset) will at best be able to undo only part of the damage.

Punish Iowa For Reforming Its Labor Laws?!

Hawkeye State Municipalities Threatened by Federal Bureaucrats

For years, U.S. Department of Labor (DOL) bureaucrats have exploited a vague provision in the 1964 Urban Mass Transportation Act (UMTA) to bully municipalities across America.

Time and again, DOL functionaries have invoked UMTA Section 13(c) -- now technically referred to as Section 5333(b) of the U.S. Transportation Code -- to threaten city and county elected officials with the loss of federal funding if they refused to foist union monopoly bargaining on transit employees.

And a report early this summer for KCRG-TV, an ABC affiliate in Cedar Rapids, Iowa, suggests this bureaucratic blackmail is continuing during the Trump Administration, despite the current White House's strongly pro-Right to Work public stance.

The June 29 story quoted Dubuque City Attorney Crenna Brumwell, who indicated that, after Iowa passed a state law in February curtailing government union bosses' monopoly-bargaining privileges, her city received an alarming notice from the DOL.

According to Ms. Brumwell, she and her colleagues were warned that the DOL had determined that her state has UMTA "compliance issues."

Section 13(c) Gives Labor Secretary Ample Discretion

"Without a doubt, Section 13(c) is bad policy," said Matthew Leen, vice president of the National Right to Work Committee.

"It empowers the U.S. labor secretary and the agency he or she heads to use federal subsidies for urban mass transportation as a stick to intimidate state and local governments into acquiescing to 'exclusive' union representation regarding employee pay, benefits, and work rules.

"For that reason, the Right to Work Committee has long called for the repeal of Section 13(c).

"But as bad as it is, it is hard to see how this code provision *requires* any labor secretary to punish states and/or their localities when state lawmakers adopt measures reducing government union dons' unwarranted power over transit workers.

"And that is what Iowa's H.F.291, signed into law by then-Gov. Terry Branstad before he resigned so he could serve as President Trump's ambassador to China, does."

CREDIT: ALAN DIAZ/AP, FILE

Does Secretary Acosta think curtailing Big Labor's monopoly power over transit workers is bad for them?

The key provision in H.F.291 strips transit and most other government union bosses of the monopoly power to negotiate benefits and work rules for employees who don't want a union and choose not to join as well as those who do.

"For self-interested reasons," explained Mr. Leen, "union bosses often exercise their monopoly power to prevent employers, public and private, from offering employees better benefits at a lower cost and eliminating counterproductive work rules.

"It is thus hard to see how H.F.291 amounts to a 'worsening' of employees' positions 'related to employment,' which is what 13(c) supposedly prohibits. And the provision itself gives the labor secretary ample discretion to determine what is 'fair and equitable.'"

According to the TV news account cited above, the Dubuque city attorney was specifically told by the DOL that it is H.F.291 that is the source of the "compliance issues" that may cause Dubuque and other cities and counties to lose federal money for their public transit.

Federal Transit Dollars Shouldn't Be Deployed To Promote Forced Unionism

The attorney commented that the city was still waiting to hear about the outcome of the DOL "review."

"Reasonable people may differ about whether or not any federal taxpayer dollars ought to go into state and local public transit operations," said Mr. Leen.

"But as long as there are federal transit dollars being doled out they shouldn't be deployed to promote forced unionism."

This summer, the Committee contacted U.S. Labor Secretary Alexander Acosta, who was nominated by President Trump in February and confirmed by the U.S. Senate in April, to ask if the June 29 KCRG-TV story is correct and, if so, to state whether he believes Iowa must be penalized under 13(c) for reforming its labor law.

"At a time when multiple states with labor statutes promoting extensive government-sector monopoly bargaining are experiencing severe fiscal crises, it seems perverse for the Trump Administration to penalize states for rolling back union bosses' special privileges," said Mr. Leen. He expressed his hope that, in the end, the DOL would not deploy 13(c) as a weapon against Iowa.

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Written and Distributed by:

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

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

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

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Government Union Bosses Victimize Sick Veterans

Nearly 350 VA Employees Did Union Work 100% of the Time in 2015

For several years now, media reports of agonizingly long waits for many Department of Veterans Affairs (VA) applicants seeking medical care, and the inability of many sick veterans to get any care at all, have enraged and saddened Americans.

But so far little has been done to stop federal union bosses who wield monopoly-bargaining power over roughly 77% of VA employees from exploiting that power to enable hundreds of VA employees to collect their taxpayer-funded paychecks while doing union work full-time.

During Fiscal Year (FY) 2015, according to the Government Accountability Office (GAO), VA employees spent nearly 1.1 million hours on so-called "official time" for "union representational activities."

CREDIT: ZACH GIBSON/AFP-GETTY IMAGES

David Shulkin, the VA secretary, is well aware that far too many VA employee hours are "being spent away from clinical duties and other duties" due to union "official time." But his power to stop it is minimal.

Law Herding Federal Workers Into Unions Should Be Voided

"The institutionalized mistreatment of sick and injured veterans by the VA powerfully illustrates why the so-called Civil Service 'Reform' Act [CSRA] of 1978 ought to be repealed by Congress as soon as possible," said National Right to Work Committee Vice President Mary King.

The CSRA statutorily imposed union monopoly bargaining over employee disciplinary procedures and other work rules.

Effectively, this Jimmy Carter-era law makes power-mad federal union bosses like AFGE President J. David Cox co-managers of the scandal-ridden VA.

And, as Betsy McCaughey, New York's former lieutenant governor, explained in a May 2014 column for the New York *Post*, the AFGE union contract at the VA is "filled with mind-numbing rules."

These Big Labor work rules prevent workers from being "given a new task," required to "change shifts, or . . . disciplined for shoddy work."

Dr. McCaughey concluded that, unless monopolistic unionism at the VA is eliminated or at least rolled back significantly, "the inefficiencies and corruption won't be fixed."

Federal union bosses even oppose a VA program rolled out in the summer of 2013 to "refer vets needing specialists to civilian medical centers, if the wait at their VA is too long or if they live too far away," as Dr. McCaughey put it.

Employees Paid 'to Represent The Union and Not' Perform 'Clinical and Other Duties'

"It's likely that the vast majority of veterans who need surgery and are 65 or over, and thus eligible for Medicare, would be better off being operated on at civilian hospitals, which have better survival rates for the procedures senior citizens most often require," said Ms. King.

"But, as shocking as it sounds, for Organized Labor bosses like AFGE czar Cox, it is apparently more important to keep increasing the number of VA employees subject to federal union control than it is to furnish ailing vets with what they need."

"Official time" is one of the most outrageous abuses resulting from union monopoly bargaining at the VA and other federal and state agencies.

According to a GAO report issued this January, during FY 2015, at the VA alone, a total of at least 346 employees spent 100% of their work time on "official time."

In an analysis for *FedSmith*, veteran federal human-resources specialist Ralph Smith cogently explained what this means: "[T]he entire salary and benefits paid by the agency for these 346 employees were spent for the employees to represent the union and not [perform] clinical or other duties for the VA."

Serve Veterans First Act a Step in the Right Direction

"Until the day Congress finally steps up to the plate and repeals all the monopoly-bargaining provisions in the CSRA," said Ms. King, "taxpayers at least shouldn't be forced to fund union class warfare and lobbying under the guise of 'official time.'

"That's why the Serve Veterans First Act, or S.1477, is a significant, albeit modest, step in the right direction."

The Serve Veterans First Act would mitigate the harm union monopoly bargaining inflicts on VA patients by ensuring no VA employee is paid for union or union organizing activities until all veterans seeking hospital care or other medical services from the VA are able to receive an appointment within 30 days.

Ms. King promised the Committee would work to ensure that S.1477 is brought up for debate and recorded votes in the Senate.

Boston Teamster-Violence Case Goes to Trial

Union Dons Insist Criminal Organizing Tactics Aren't 'Extortion'

By the time this Newsletter reaches its readers, the federal extortion trial of four Boston Teamster union operatives that began on July 31 will probably have already concluded.

Union toughs John Fidler, Michael Ross, Robert Cafarelli and Daniel Redmond are accused of threatening and assaulting the cast and crew of the Emmy Award-winning TV reality show *Top Chef* three years ago during a shoot in Milton, Mass., a southern suburb of Boston.

U.S. v. Fidler is an important case that Big Labor has tried to use to widen greatly the loophole for extortionate union violence in the federal Hobbs Act opened up by the U.S. Supreme Court nearly 45 years ago in its controversial 5-4 *Enmons* decision.

The Hobbs Act normally prohibits actual or attempted extortion, i.e. the obtaining of things of value through threats or force, when it affects interstate commerce.

CREDIT: INEZ AND VINOODH

When *Top Chef* host Padma Lakshmi arrived on the set in Milton, Mass., Teamster tough John Fidler allegedly reached into her vehicle and threatened, "I'll smash your pretty little face."

One Teamsters Goon Allegedly Trampled Elderly Security Guard

And nearly all Americans would agree that, if the accused Beantown union militants actually did what they are charged with having done, they should be convicted for violating the Hobbs Act.

But not Teamster lawyers and their allies in the AFL-CIO hierarchy, who have tried to derail the case permanently.

Union lawyers and officials have said again and again that the alleged actions of the defendants "may not be prosecuted under the Hobbs Act" because the defendants sought to achieve "legitimate labor ends" through their thuggery.

Just what are the alleged actions of the *Fidler* defendants that even their well-wishers concede are "deeply problematic"?

Prosecutors have charged that, at Milton's Steel and Rye restaurant, where the shoot occurred, some of the defendants assaulted crew members "in an attempt to forcibly enter the restaurant."

One Teamster goon allegedly trampled an elderly security guard, while others blocked deliveries. The union radicals are said to have hurled "homophobic and racial slurs" at the production crew.

And when *Top Chef* host Padma Lakshmi arrived on the set, Mr. Fidler allegedly reached into her vehicle and threatened, "I'll smash your pretty little face."

Prosecutors contend that the ugly and violent disruption of the *Top Chef* shoot in Milton occurred because producers had refused to hire unneeded union labor for the filming.

Allowing Hobbs Prosecutions Of Union Organizing Violence Has a 'Chilling Effect'?

In September 2016, U.S. Magistrate Judge Marianne Bowler agreed with the prosecution that the services for which Teamster operatives were seeking to be paid were indeed "unwanted, unnecessary, and superfluous . . . ."

In such cases, declared the judge, *Enmons*, which exempted threats, vandalism and violence perpetrated to secure "legitimate" union objectives from Hobbs Act prosecutions, does not apply. Consequently, she rejected the defendants' motion to get the charges against them dismissed and allowed the case to proceed.

Massachusetts union bosses are apoplectic about the possibility that the understanding that *Enmons* precludes Hobbs prosecutions for violence against nonstriking employees of unionized businesses, but allows Hobbs prosecutions for violence against union-free businesses, will become settled law.

If that happens, warns Massachusetts AFL-CIO chief Steven Tolman, it will have a "chilling effect" on union organizing activity.

National Right to Work Committee Vice President Greg Mourad cautioned that, under the trial rules set by Senior U.S. District Judge Douglas Woodlock, who is now presiding over *Fidler*, jurors may vote for acquittal if they believe the Teamster defendants had "legitimate union objectives."

"*Enmons*-based acquittals in *Fidler* would have serious consequences," said Mr. Mourad. "The union-violence loophole could apply to many more cases than it currently does."

Right to Work Committee Pushes For Congress to Overturn *Enmons* Ruling

Meanwhile, Committee legislative staffers are now asking several Capitol Hill allies to introduce legislation that would overturn *Enmons* and hold union bosses who orchestrate threats and violence, regardless of their exact purpose, accountable under the Hobbs Act.

(In previous Congresses, such legislation, known as the Freedom from Union Violence Act, was sponsored by U.S. Sen. David Vitter of Louisiana. But Mr. Vitter retired in January.)

"Because *Enmons* was a matter of statutory, rather than constitutional, interpretation, Congress retains the power to reverse it legislatively," explained Mr. Mourad.

"That's exactly the objective avowed Right to Work supporters in Congress need to fight for. And Committee members nationwide will lend them their full support."

Compulsory Unionism Drives Away Breadwinners

Number of 35-54 Year-Olds in Forced-Dues States Falling Sharply

Union propagandists often grossly understate, or "forget" about altogether, regional cost-of-living differences when they are debating living standards in Right to Work states vs. forced-unionism states.

Downplaying or ignoring this key issue makes it easier to create a fantasy world where compulsory unionism is somehow economically beneficial.

But however stubbornly Big Labor insists that corralling workers into unions somehow makes them richer, there is one unimpeachable fact that union spokesmen have extraordinary difficulty explaining away:

Over Past Decade, Forced-Dues States' Peak-Earning-Year Population Fell by 7.4%

When they have a choice, working-age people prefer not to live in forced-unionism states.

Considered together, age-grouped state population data for 2016 released by the U.S. Census Bureau in late June and comparable data for 2006 tell an important story.

They show that, over the past decade, the total population of people in their peak-earning years (aged 35-54) for the 24 states that still lacked Right to Work protections in 2016 fell from 46.36 million to 42.93 million.

That represents a decline of roughly 3.5 million, or 7.4%.

(Today, there are only 22 forced-unionism states, not 24, but Kentucky and Missouri became Right to Work only this year.)

Nationwide, the peak-earning-year population fell by 4.2% from 2006 to 2016, but in the 22 states that had Right to Work laws on the books, there was no overall net decline at all.

And the correlation between forced-unionism status and peak-earning-year population decline is quite robust.

Among the 46 states that were either Right to Work or forced-unionism for the whole period from 2006 to 2016, the 10 states experiencing the most severe peak-earning-year losses are all forced-unionism.

(See the chart below for additional information.)

Mark Mix: Union bosses know forced-unionism California and New York are very expensive, but can't admit it.

Breadwinners Favor States Where They Can Provide Better For Their Families

Had the decline in the 24 states that still lacked Right to Work protections in 2016 been only as severe as the national average, they would have had roughly 1.5 million more residents in their peak-earning years as of 2016.

National Right to Work Committee President Mark Mix commented:

"The obvious and correct explanation for the data is that breadwinners, along with their families, are fleeing forced-unionism states in droves.

"Working men and women find again and again that they cannot provide as well for their families in such states as they can in Right to Work states, with their generally higher real incomes and lower living costs."

Cost of Living-Adjusted Income Per Capita More Than $2400 Higher in Right to Work States

Mr. Mix pointed to U.S. Commerce Department data, adjusted for regional differences in cost of living with an index calculated by the nonpartisan Missouri Economic Research and Information Center.

They show that, in 2016, seven of the eight highest-ranking states for disposable income per capita had Right to Work laws.

They also show the average cost of living-adjusted disposable income per capita in Right to Work states last year, after weighting for state population differences, was $42,814, more than $2400 higher than the forced-unionism average.

Mr. Mix concluded: "Union bosses know full well that large compulsory-unionism states like California and New York are far more expensive than the national average. But they can't admit it in the context of the Right to Work debate, without torpedoing their economic argument."

States With the Greatest Percentage Losses Of Residents, Aged 35-54, From 2006-16

STATE	ABSOLUTE LOSS	PERCENTAGE LOSS
Vermont	38.2 thousand	19.7 percent
Maine	71.5 thousand	17.3 percent
New Hampshire	72.8 thousand	17.1 percent
Rhode Island	48.4 thousand	15.2 percent
Connecticut	148.8 thousand	13.6 percent
Ohio	432.3 thousand	12.9 percent
Pennsylvania	470.7 thousand	12.8 percent
Montana	28.9 thousand	10.5 percent
Alaska	21.6 thousand	10.4 percent
New Jersey	274.5 thousand	10.1 percent

All 10 of these states are compulsory-unionism.

Since Kentucky's and Missouri's Right to Work laws were not adopted until this year, they are counted as forced-unionism here. Since Indiana, Michigan, Wisconsin, and West Virginia switched from forced-unionism to Right to Work during these years, they are excluded.

Source: U.S. Census Bureau

Census Bureau data clearly show that, when they have a choice, working-age people prefer not to live in forced-unionism states. Union spokesmen have extraordinary difficulty explaining away this unimpeachable fact.

Union Monopolists Bust Budgets

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of payroll costs without the permission of union bosses or arbitrators who have a flagrant bias in favor of Big Labor.

"Right now, from a fiscal standpoint, you have a capital city fighting with its hands behind its back," lamented Mr. Bronin this spring.

New Jersey's Long-Term Liabilities Represent 360% of Its Total Assets

Cash-strapped New Jersey now has so little money available to cover its rapidly expanding health-care costs that union boss-appeasing GOP Gov. Chris Christie recently concocted a scheme to force nonprofit health insurer Horizon Blue Cross Blue Shield (HBCBS) to finance roughly $300 million in medical services for free.

When legislators, evidently fearing a backlash from HBCBS policy holders, refused to go along, Mr. Christie allowed the state government to shut down temporarily in early July.

While the temporary closure of New Jersey state parks and beaches made national headlines, it was a minor matter compared to the fiscal nightmare that is rapidly approaching.

According to a new analysis by the nonpartisan Mercatus Center, a think tank affiliated with George Mason University in Virginia, New Jersey's long-term liabilities now represent 360% of its total assets.

That amounts to $16,821 per capita, a long-term liability problem more severe than that of any other state.

Right to Work Supreme Court Case Could Be Catalyst For Reform

Mr. Mix commented:

"The statutory forced-dues and monopoly-bargaining privileges wielded by government union kingpins in Illinois, Connecticut and New Jersey have transformed them into such formidable political players that it's almost impossible to imagine a brighter future for these states' ordinary citizens.

"But a legal case that could be taken up by the U.S. Supreme Court during its 2017-18 term has the potential to loosen substantially union officials' stranglehold over lawmakers in Springfield, Hartford and Trenton.

"On June 6, Illinois civil servant Mark Janus asked the High Court to hear a case he has so far pursued in federal district and appellate courts challenging the constitutionality of forced union dues and fees as a condition of public employment.

"Mr. Janus is being represented by staff attorneys for the National Right to Work Legal Defense Foundation, the Committee's sister organization, and the Liberty Justice Center in Chicago.

"*Janus v. AFSCME* seeks to overturn the High Court's 1977 decision in *Abood*, which held that, even though forcing public employees to subsidize union-boss advocacy on workplace issues infringes their First Amendment rights, such infringement is permissible because it purportedly helps maintain 'labor peace.'"

Inordinate Power to Block Changes in How Workers Are Compensated Would Erode

"At the same time," Mr. Mix continued, "*Abood* held that, under the First Amendment, government union officials may never force objecting union nonmembers to bankroll Big Labor political and ideological advocacy."

Mr. Janus and his attorneys contend the distinction *Abood* attempted to make between (permissible) forced speech on workplace matters and (impermissible) forced speech on political matters is untenable.

They urge the High Court to relieve public employees of the obligation to subsidize any kind of Big Labor advocacy.

If they prevail, and government union kingpins in states like Illinois, Connecticut, and New Jersey are stripped of their power to collect forced dues and fees, union bosses' inordinate power to block common-sense reforms in the way public employees are compensated will "erode over time," predicted Mr. Mix.

"Of course," he cautioned, "the benefit will be relatively limited unless state lawmakers, with grass-roots citizens' help, follow up by curtailing government union bosses' monopoly-bargaining power over employee pay, benefits and work rules.

"But the *Janus* case could provide the Prairie, Nutmeg and Garden States with a real opportunity to emerge from their fiscal morass."

CREDIT: N.J. ADVANCE MEDIA FOR NJ.COM

Unfunded pension liabilities in New Jersey are now an estimated $224 billion, or 42% of state personal income. Neither GOP Gov. Chris Christie (pictured right) nor Democrat legislative leaders have offered a credible proposal to narrow the gap.

Big Labor-Dominated States Awash in Red Ink

Unchaining Employees Can Save Illinois, Connecticut, New Jersey

For years, government union monopolists have been ripping off ordinary, hardworking taxpayers in Illinois, Connecticut and New Jersey -- all states where both private- and public-sector employees may be forced to pay Big Labor dues or fees as a job condition -- in a host of ways.

Meanwhile, economic growth in the Prairie, Nutmeg and Garden States has been abysmally slow.

This summer, budgetary problems in all three states escalated.

States Are 'Prime Examples' Of Monopolistic Unionism's Fiscal Consequences

Illinois avoided having its bonds downgraded to "junk" status only by foisting an across-the-board 32% increase on state income-tax payers. Connecticut's capital, Hartford, hired a bankruptcy attorney. And New Jersey's government had to shut down for three days.

"Illinois, Connecticut, and New Jersey, along with insolvent Puerto Rico, are today's prime examples of the dire fiscal consequences of monopolistic unionism in our country," commented National Right to Work Committee President Mark Mix.

"But a number of other Big Labor-controlled states are also headed toward budget breakdowns."

During the first week in July, the Big Labor Democrat-ruled Illinois Senate and House voted to override a veto by GOP Gov. Bruce Rauner and adopt a budget that raises taxes on Illinois households and businesses by a whopping $5 billion.

Nearly 40% of Illinois State 'Education' Budget Goes Toward Public Pensions

A total of 11 union boss-appeasing Republican legislators in both chambers banded together with Tax-and-Spend Senate Majority Leader John Cullerton and Speaker Michael Madigan (both D-Chicago) to ram through their budget scheme.

While Mr. Cullerton, Mr. Madigan and other likeminded political insiders insist that imposing massive new burdens on already overburdened employees and businesses was the "fiscally responsible" thing to do, they refuse to take any meaningful steps to address the root causes of Illinois's fiscal mess.

As a July 5 Wall Street *Journal* editorial pointed out, payments to pension funds for overwhelmingly unionized state and local government employees will consume roughly a quarter of Illinois' general fund this year.

And nearly 40% of the Illinois government's K-12 "education" budget actually goes toward pensions for unionized government school employees.

Despite these massive outlays of taxpayer dollars on government pensions, Moody's Investors Service reports that Illinois' unfunded pension liabilities are continuing to rise, year after year, and now total an estimated $251 billion.

"The deadly combination of state Supreme Court rulings that effectively make it impossible for lawmakers to modify government employee pension benefits before they are even earned, and union monopoly bargaining, has made it seemingly impossible to get public spending in Illinois back under control," said Mr. Mix.

Connecticut Sales, Corporate Tax Revenue Projected to Fall By $450 Million This Year

If the experience of Connecticut, whose legislators incrementally jacked up their state's top income-tax rate from 5.0% to 6.99% between 2009 and this year, is any indication, the new Illinois tax hike might even result in lower revenue.

The Connecticut General Assembly's Office of Fiscal Analysis recently downgraded projected state income-tax revenues for this year by $1.1 billion. Sales and corporate tax collections are now expected to fall by $450 million.

On July 6, Hartford, the Nutmeg State's capital and its third-largest city, announced it had hired Greenberg Traurig LLP, a legal practice specializing in bankruptcies, to help elected officials explore their options.

With taxes already exorbitantly high (for example, the annual property assessment on a $300,000 home in Hartford is nearly $22,300) and expenditures on core services already slashed to enable the city to meet its soaring payroll costs, Democrat Mayor Luke Bronin and the city council are in a tight spot.

State law effectively prevents them from doing anything to stem the growth

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Illinois is now straining to make more than $7 billion annually in required payments to pension funds for overwhelmingly unionized government employees. And soaring pension costs mean less money is available for vital government services.