NATIONAL
RIGHT TO WORK
NEWSLETTER

VOLUME 63, NUMBER 10 www.nrtwc.org October 2017

Big Labor Desperate to Stop Right to Work Law

Missourians Face Refight of Their Battle Against Forced Unionism

Just 11 months ago, immediately after union bosses had spent an estimated $12 million to retain control over the Missouri governorship so that they could perpetuate compulsory union dues and fees in the Show-Me State, voters sent Big Labor a clear message.

By a solid margin, Missouri citizens voted to make unabashed Right to Work supporter Eric Greitens their next chief executive, and reject union-label gubernatorial candidate Chris Koster, then the state's attorney general.

This February, the Missouri Legislature and Mr. Greitens fulfilled the mandate they had plainly been given by the voters of the state.

CREDIT: ST. LOUIS/SOUTHERN ILLINOIS LABOR TRIBUNE

Last year, no one doubted that a gubernatorial victory for Big Labor apologist Chris Koster (pictured) was the only plausible means to block Right to Work passage in Missouri. But voters soundly rejected Mr. Koster.

Big Labor Aims to Circumvent Elected Lawmakers, Strangle Right to Work in Cradle

Lawmakers passed, and Mr. Greitens signed, a Right to Work measure prohibiting the termination of employees for refusal to join or bankroll an unwanted union.

Unfortunately, it now seems inevitable that the freedom-loving Missourians who fought for years to pass a state law revoking union officials' compulsory-dues and compulsory-fee privileges will have to refight the entire battle over the next 13 months.

Even before forced dues-repeal legislation was adopted by the Missouri House and Senate, Big Labor had launched a multi-million-dollar campaign to circumvent elected lawmakers and strangle Right to Work in the cradle.

'If We Don't Get Chris Koster Elected, Missouri Will Very Quickly' Be Right to Work

Top union bosses are justifying the multi-million-dollar campaign, funded largely by forced dues and fees extracted from employees outside of Missouri, with claims that state voters didn't know what was at stake in the 2016 elections.

Such forced-unionism propaganda is patently false.

"Right-to-Work Debate Puts National Spotlight on Missouri Governor's Race" was the apt headline for a news story filed in late August 2016 by St. Louis *Post-*

See **Voters** *page 2*

Voters Knew the Stakes in 2016

Continued from page 1

Dispatch reporter Kevin McDermott.

To illustrate his point, Mr. McDermott quoted fervently pro-forced unionism state Rep. Jake Hummel (D-St. Louis):

"For organized labor, it is make or break. . . . If we don't get Chris Koster elected, Missouri will very quickly be a right-to-work state."

On the campaign trail, Mr. Greitens enthusiastically courted the support of the overwhelming majority of Missourians who agree with the Right to Work principle.

He vowed again and again to fight for passage of a state Right to Work law, because compulsory unionism is morally wrong and also because, in his words, "Missouri has lost countless good-paying jobs to more business-friendly states."

Every Pro-Right to Work Lawmaker Seeking Reelection Was Returned to Office

On Election Day, at the same time they backed the pro-Right Work candidate for chief executive, Missouri voters returned to office all Right to Work-supporting legislators in the Missouri House and Senate who sought reelection.

National Right to Work Committee President Mark Mix commented:

"No politically sentient person in Missouri could have been the least bit surprised this February 2 when the Missouri Legislature sent S.B.19, legislation prohibiting the termination of employees for refusal to join or bankroll a union, to Gov. Greitens' desk.

"And every Missourian who even casually follows public affairs must have expected Mr. Greitens to sign this measure, as he promptly did."

Repeal Petition Language Is Crafted to Mislead

Big Labor's ongoing campaign to destroy Missouri's fledgling Right to Work law is premised on an obvious lie, but no one should assume for that reason that it can't succeed.

On August 18, the Missouri AFL-CIO hierarchy and a union front organization known as We Are Missouri submitted to Secretary of State Jay Ashcroft what clearly seem to be a sufficient number of petitions to prevent the Right to Work law from taking effect as scheduled and force a November 2018 election to overturn it.

Under Missouri law, such petition drives may be used to block enforcement of a recently enacted state statute and mandate an election over whether or not it should stay on the books. It now seems all but certain that the repeal referendum will occur next fall.

"Missouri union bosses have just started spending, with the assistance of union kingpins nationwide, what will surely end up being millions of forced-dues dollars to revoke Right to Work protections for employees before they're even implemented," said Mr. Mix.

"Their goal is to restore their legal power to get workers fired for not turning over part of their paychecks to Big Labor.

"They know the Right to Work principle they oppose is overwhelmingly popular, so they will be aiming throughout this campaign to confuse voters about what the law really does."

As this Newsletter edition goes to press in early September, the National Right to Work Legal Defense Foundation, the Committee's sister organization, is still attempting in court to change the Big Labor-friendly ballot language Mr. Ashcroft has rubber-stamped so voters won't be confused.

Mr. Mix (who also heads the Foundation) pointed to a June decision by Cole County Circuit Judge Daniel Green agreeing with Foundation attorneys and their freedom-loving employee clients that the summary language on the repeal referendum is "misleading."

CREDIT: JULIE SMITH/THE JEFFERSON CITY NEWS-TRIBUNE VIA AP

Since he signed legislation making Missouri America's 28th Right to Work state, Gov. Eric Greitens (pictured left) has repeatedly spoken out in the law's defense. His continued strong support is key for the law's survival.

If Biased Referendum Language Remains, Committee Will Help Citizens See Through It

Unfortunately, in late July the Missouri Court of Appeals Western District heeded the wishes of Big Labor lawyers and reinstated Mr. Ashcroft's misleading language, which asks voters if they want to "adopt" a law that has already been passed and signed by the governor.

Foundation attorneys are now asking the state Supreme Court to reconsider this misguided ruling, but at press time it is still unclear if an appeal will even be heard.

Mr. Mix promised that, if the biased ballot language remains despite the best efforts of the Foundation and its clients, the Committee is prepared to put ample amounts of time, money and talent into a campaign to help citizens see through it.

"Big Labor is conspiring to make Missourians' battle to retain their Right to Work law as difficult as possible. But I am optimistic it will be won all the same," Mr. Mix concluded.

‘We Knew All Along We Were Being Sold Out’

Charges ‘Call Into Question the Integrity’ of UAW Contracts

The United Auto Workers (UAW/AFL-CIO)-Chrysler National Training Center in Detroit is a tax-exempt nonprofit operation funded by Fiat Chrysler Automobiles (FCA), one of the two giant Big Labor-impaired car and truck manufacturers that went bankrupt in 2009 and were subsequently bailed out by D.C. politicians.

The FCA training center, like two other such centers sponsored by Big Labor-dominated General Motors and Ford, is supposed to help the UAW rank and file prepare for new careers if or when their auto-sector jobs disappear.

(It is primarily due to such job losses that UAW membership has plummeted by 285,000 just since 2002.)

But for six-and-a-half years, according to a federal indictment unsealed in late July, the UAW-Chrysler training center was actually being used to funnel millions of dollars into the pockets of corrupt UAW bosses and FCA executives.

Prosecutors charge that, starting in 2009, then-FCA head of labor relations Al Iacobelli, then-UAW Vice President General Holiefield, and Monica Morgan, at that time Mr. Holiefield’s girlfriend and subsequently his wife, began using training center funds as their personal piggy bank.

CREDIT: DETROIT NEWS FILE

According to federal prosecutors, for six-and-a-half years, Fiat-Chrysler executive Al Iacobelli (left) and UAW Vice President General Holiefield used a tax-exempt, multi-million-dollar worker training fund as their personal piggy bank.

Rank-and-File Auto Worker’s Question For UAW President: ‘Do You Think We’re Stupid?’

Mr. Holiefield (who passed away in 2015) and Ms. Morgan allegedly together pilfered a total of $1.2 million from the training center. Since it is a tax-exempt charity, taxpayers as well as workers were the victims.

The UAW kingpin and his bride used training center funds to pay off a $262,219 mortgage on a home they owned in Macomb County, Mich., as well as for first-class air travel and luxurious clothing and jewelry for her.

The late Mr. Holiefield was the only UAW official named in the July indictment, but the charges indicated that several other senior UAW officials were involved in a conspiracy to steal at least $4.5 million.

In mid-August, shortly before this Newsletter edition went to press, former UAW Associate Director Virdell King became the second union boss to be named as a coconspirator in the training center case.

According to a Detroit *Free Press* news account, Ms. King was charged with stealing more than $40,000 in worker training funds to buy, for example, “a shot gun, golf equipment, luggage, concert tickets, theme park tickets,” and a $1000 pair of Christian Louboutin shoes for herself. She later entered a guilty plea.

David Gelios, the head of the FBI in Detroit, has said the allegations against Mr. Iacobelli, Mr. Holiefield, Ms. King, and other unnamed UAW bigwigs call “into question the integrity of [UAW] contracts negotiated during the course of this criminal conspiracy.”

Dennis Williams, the UAW president, insists Mr. Gelios is wrong. The fact that Mr. Holiefield was accepting large sums of money that ultimately came out of FCA coffers did not affect his negotiations with FCA, Mr. Williams insists.

But many forced-dues-paying UAW members are not accepting the UAW party line. *Automotive News* quoted one rank-and-filer’s Facebook comment directed at Mr. Williams:

“So you mean to tell me [the] lead negotiators for . . . the UAW and Chrysler were in cahoots with each other and it didn’t have any sort of impact on contract negotiations? Do you think we’re stupid?”

Indeed, as leftist journalist Jerry White has noted, the allegations against Mr. Holiefield actually confirmed the “long-held suspicions” of many FCA workers. He quoted one Jeep worker from Toledo, Ohio: “We knew all along we were being sold out.”

Compulsory Unions Are the ‘Happy Hunting Ground Of . . . Lustful Despots’

National Right to Work Committee Vice President Greg Mourad commented: “Employees who are protected from compulsory unionism are often able to deter Big Labor corruption. Union bosses who might be inclined to cheat them know that union members who even suspect they’re being ripped off can quit the union and cut off all financial support for it.

“But compulsory unionism fosters Big Labor corruption by denying the individual employee the power to fight back by ceasing to bankroll the organization.

“That’s why, as labor-relations scholar Sylvester Petro colorfully put it nearly 60 years ago, once trade unions become ‘voluntary associations,’ they will ‘no longer be the happy hunting ground of the lustful despots which they now are.’”

Former Union President Supports Right to Work

Forced Dues-Seizing Union Dons 'Disconnected' From Rank and File

Thanks to years of careful preparation and hard work by National Right to Work Legal Defense Foundation attorneys and their employee clients, there is a strong possibility that, within the next year or two, public servants nationwide will enjoy Right to Work protections.

Many government union bosses are already loudly complaining about the potential loss of their forced-dues privileges.

But Ben Johnson, a former six-year president of the Vermont subsidiary of the giant American Federation of Teachers (AFT) union and a former three-year president of the Vermont AFL-CIO, sees the looming change as beneficial.

During an interview this summer with Sean Higgins of the Washington *Examiner*, Mr. Johnson acknowledged: "Pretty often you cannot even explain right-to-work to union members" without their thinking it "sounds like a pretty good idea."

'We Knew We Would Never See More Than Probably 10-20% Of Them Sign Up as Members'

Recognizing that many Americans may be interested to hear how a man who was a high-ranking union official as recently as last year came to believe that compulsory unionism is wrong, Mr. Johnson has made a 17-minute video with the National Right to Work Committee. It may now be viewed on the Committee website.

Mr. Johnson today acknowledges there is "something screwy" about the idea that "an employer can take money from your paycheck against your will and give it to a private third party you may want nothing to do with, and whose very existence you may oppose on philosophical, financial, or strategic grounds."

CREDIT: PROGRESSIVE LABOR SOLUTIONS, LLC

Ben Johnson: "[I]t's time to eliminate" union officials' power "to collect mandatory agency fees . . . ."

But throughout his years as a union officer in the Green Mountain State, he didn't regard such compulsion as wrong, because he viewed the world "solely in terms of power," or, to put it even more bluntly, as "Kill or be killed . . . ."

The proximate cause of Mr. Johnson's change of heart was AFT bosses' long campaign, beginning in 2009, to corral Vermont childcare workers into their government union.

He knew from the start that these independent contractors and small business owners, "paid a subsidy by the state to provide childcare for low-income families," were "not employees of anyone, really, and certainly not [of] the state."

He and his colleagues also quickly came to realize there was no "statewide community" of childcare providers, and no such community could be forged:

"We knew we would see no more than probably 10-20% of them sign up as members.

"They were spread across the state, house by house. To visit all of them even once a year took an enormous expenditure of time and money."

'The Real Value Proposition' Was 'They Could Help Us' Create a 'Political Machine'

Why would Big Labor officials even be interested in forming a union in which forced-fee payers would outnumber voluntary members by roughly 5.5 to one?

Mr. Johnson's explanation is remarkable:

"The real value proposition to the union . . . was that because they were covered by the contract we could communicate with them about politics.

"And because they each saw 5-6 families a day through their childcare businesses, they could help us create a powerhouse political machine that could reach every nook and cranny in every corner of the state."

Ultimately, the AFT campaign to secure monopoly-bargaining privileges over Vermont childcare workers failed, and Mr. Johnson decided he no longer wanted to head an organization "at war with the people" it is supposed to be serving.

While he had once believed forced fees for nonmembers made unions "powerful," he concluded that, in practice, as he told Mr. Higgins, "the automatic payment system has allowed unions to become disconnected from their members."

Right to Work Vice President Matthew Leen commended Mr. Johnson for recognizing, after a decade-long career as a union official, that if unions can't "survive on their own, by persuading nonmembers to join," they shouldn't survive.

"Ben Johnson's story can help Right to Work supporters remember," Mr. Leen commented, "that our fight is fundamentally against a corrupt labor-law system, and not any group of people."

NATIONAL RIGHT TO WORK NEWSLETTER

www.nrtwc.org October 2017

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:

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

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

Manufacturing Migrates to Right to Work States

Cost of Living-Adjusted Factory Pay Lower in Forced-Dues States

According to U.S. Commerce Department data released this spring, last year, for the first time ever, the majority of the entire U.S. manufacturing output occurred in states that had prohibited compulsory union dues and fees.

As recently as 2006, just 37.9% of current-dollar manufacturing production in the U.S. took place in Right to Work states.

Early this year, the 27th and 28th state Right to Work laws were respectively adopted in Kentucky and Missouri.

Consequently, it now seems inevitable that, when the Commerce Department issues its annual report on state manufacturing GDP for 2017 next spring, it will show an even higher share of U.S factory output emanating from Right to Work states.

From 2011 to 2016, Right to Work States' Factory Payroll Employment Grew by 5.9%

National Right to Work Committee Vice President Mary King commented:

"The 50.1% of all domestic manufacturing output captured by Right to Work States in 2016 was a milestone in a long march toward worker freedom.

"In 1986, the sixth year of the Reagan presidency, just 28.9% of U.S. factory production came out of Right to Work states, then 21 in number.

"By 1996, the year Bill Clinton was reelected, the Right to Work share of U.S. manufacturing output had risen to 32.4%, although the number of Right to Work states remained 21.

"Right to Work's gradual rise to dominance in domestic manufacturing output and employment is a consequence in part of the adoption of Right to Work laws in Oklahoma, Indiana, Michigan, Wisconsin, and West Virginia between 2001 and 2016.

"This year's Right to Work victories in the Bluegrass and Show-Me States represent a continuation and acceleration of that trend.

"But even if you exclude states with recently adopted protections against forced unionism, the manufacturing success of Right to Work states is evident from the data.

"For example, from 2011 to 2016, the 22 states that had Right to Work laws on the books for the entire period enjoyed a 5.9% overall increase in factory jobs.

"That's nearly double the combined percentage gain for the 24 states that were still forced-unionism in 2016."

Big Labor Bosses Have Foisted Counter-Productive Work Rules On Employees, Businesses

Ms. King added that counter-productive work rules imposed and perpetuated for decades by Big Labor bosses wielding forced-unionism privileges are obviously a key factor behind the state manufacturing GDP data.

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

"Starting in the late 1980's, it became increasingly apparent that firms under rigid union monopoly-bargaining rules like the Big Three automakers were being crushed by union-free domestic competition, which is most often based in Right to Work states.

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

By comparison with the manufacturing facilities of America's past, the new factories springing up in Right to Work states located in the Southern, Rocky Mountain, Great Plains, and Great Lakes regions are highly efficient.

Factories of 21st Century Require Enterprising Workers

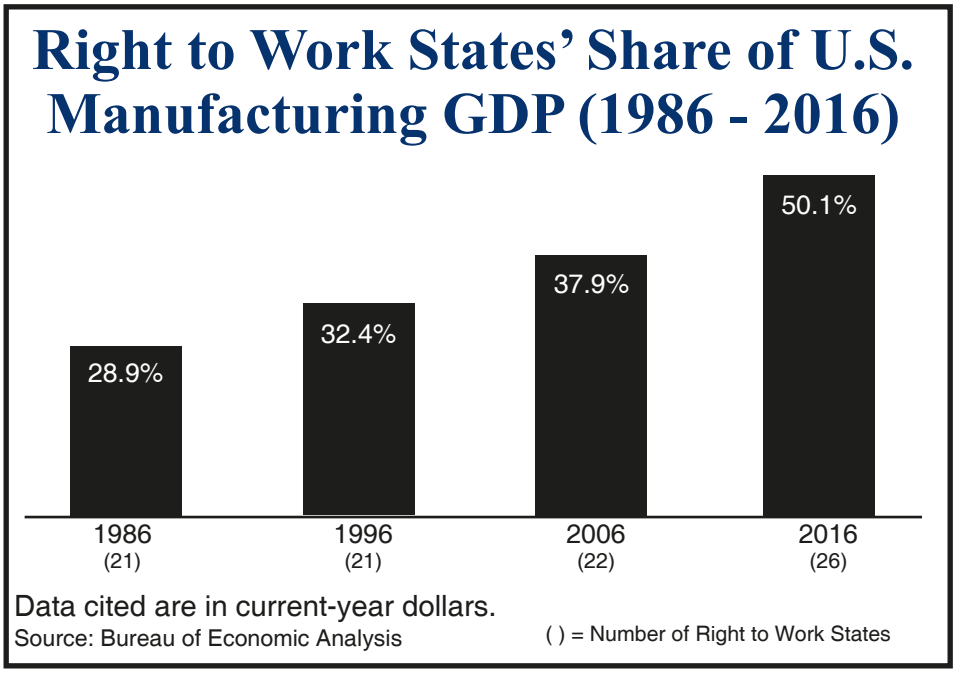
They require enterprising workers. And the highly productive jobs located in such sites are enabling millions of workers to provide well for themselves and their families

Commerce data, adjusted for regional cost-of-living differences according to an index calculated by the Missouri Economic Research and Information Center (MERIC), a government agency, show that in 2015 the average annual compensation per Right to Work state manufacturing employee was $76,454.

That's nearly $3400 more than the average for states that still lacked Right to Work protections in 2015.

"The manufacturing sector must be seen as a vital component of our national prosperity," said Ms. King. "It is a sector that today represents 13.4% of the entire private economy.

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



Between 1986 and 2016, the share of all U.S. manufacturing production for Right to Work states nearly doubled, rising from 28.9% to 50.1%. And it's almost certainly headed higher still.

Will Congress Protect Franchise Employees?

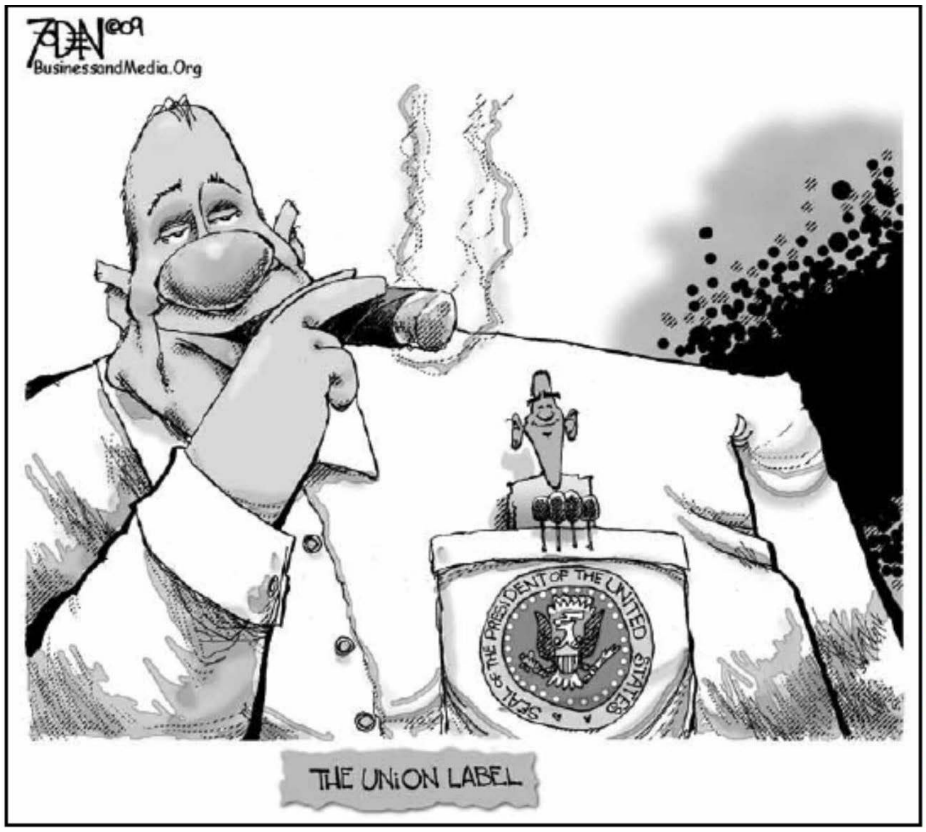
Measure Would Overturn Outrageous August 2015 Obama NLRB Decision

From early 2010 until this August, President Barack Obama's handpicked pro-forced unionism appointees held full control over the National Labor Relations Board (NLRB).

Throughout these years, they executed a series of power grabs that were clearly designed to help union officials seize monopoly-bargaining privileges over as many workers as possible. And one of the most egregious and destructive of the Obama NLRB's rulings was issued on August 27, 2015.

Obama-selected Chairman Mark Pearce and two other NLRB members declared that, from that day on, franchisors and companies that employ subcontractors and temporary staffing agencies may frequently be regarded as "joint employers" of franchise and subcontractor employees.

This dramatic policy shift was implemented by a 3-2 majority of a bitterly divided Board in deciding a case brought by Teamster union bosses against Browning-Ferris Industries (BFI).



CREDIT: GLENN FODEN/BUSINESSANDMEDIA.ORG

Independent-minded employees are still suffering due to pro-forced unionism policies inaugurated by the Obama NLRB. But Congress and President Trump can help end these abuses by adopting legislation such as H.R.3441.

Small Businesses Are Far Less Likely to Cede Workers' Freedom to Union Officials

Prior to the *BFI* decision, remote companies were treated as "joint employers" under federal law only if their actions had a "direct and immediate impact" on workers' terms and conditions of employment, as legal commentator Walter Olson explained in a blog post decrying the ruling.

In contrast, under the NLRB's extraordinary current policy, remote companies may be regarded as "joint employers" if, in Mr. Olson's words, "they have the power, even the potential power, to significantly influence working conditions or wages at the subcontractor" or franchisee.

National Right to Work Committee President Mark Mix explained:

"Under decades of precedents, franchisors have never been regarded as employers of workers at independently owned stores, and employees of subcontractors have only rarely been regarded as also being employed by the company that hires the subcontractor.

"Union bosses have long desired to overturn these precedents.

"They know from experience that small companies are far more likely to stand up to Big Labor pressure and refuse to sell out employees who wish to remain union-free than are large firms.

"In order to avoid negative publicity generated by union officials and their allies, large corporations have time and again agreed to so-called 'card checks' and 'neutrality' deals that actually help Big Labor gain monopoly-bargaining power over employees."

Measure That Would Protect Franchise, Contract Employees Has Bipartisan Support

By the time this Newsletter edition reaches its readers, the Senate will likely have confirmed Trump-selected attorney William Emanuel as the fifth NLRB member. A majority of seats will apparently be held by opponents of bureaucratic schemes granting Big Labor even more power over individual employees than is authorized by federal statutes.

But the Trump NLRB won't be able to undo harmful Obama NLRB rulings like *BFI* until cases challenging those precedents make their way to the Board, and that could potentially take years.

Fortunately, legislation introduced in the U.S. House, known as the Save Local Business Act, or H.R.3441, could potentially protect franchise and contract employees from aggressive unionization drives in the near future.

Mr. Mix noted that H.R.3441, which is sponsored by a total of 44 House lawmakers, including members of both major parties, at press time, would ensure that, when franchises and contract companies refuse to corral their employees into unions, remote companies will not face any legal repercussions.

"And if H.R.3441 becomes law," added Mr. Mix, "it will be effectively impossible for a future pro-forced-unionism NLRB to reinstate *BFI*'s skewed 'joint employer standard' bureaucratically.

Last month, in a letter distributed to every U.S. House office on behalf of the 2.8 million Right to Work members nationwide, Mr. Mix urged representatives to cosponsor H.R.3441 if they have not already done so and also push for hearings and floor votes on this measure.

‘Legitimate’ Death Threats?

Continued from page 8

seemingly outlandish claims that threats of violence and actual violence perpetrated to advance Big Labor objectives may not be prosecuted under the Hobbs Act really are supported by the *Enmons* decision.

‘Regime of Violence, Whatever Its Precise Objective, . . . Is Condemned by the Act’

Justice Potter Stewart, writing for a majority of the court in February 1973, declared that union thugs who had been indicted for firing high-powered rifles at three utility company transformers, draining the oil from a transformer, and blowing up a substation, could not be prosecuted under the Hobbs Act.

Justice William O. Douglas, joined by Chief Justice Warren Burger and Justices Lewis Powell and William Rehnquist, strongly disagreed:

“At times, the legislative history of a measure is so clouded or obscure that we must perforce give some meaning to vague words. But where, as here, the consensus of the House is so clear, we should carry out its purpose. . . .

“The regime of violence, whatever its precise objective, is a common device of extortion and is condemned by the [Hobbs] Act.”

Despite *Enmons*, prosecutors still thought they could prevail in *Fidler*. Their hopes were based on rulings by some federal courts that seemed to show the *Enmons* loophole does not apply to the likes of the Local 25 defendants.

Prosecutions Can Occur Only When Union Extortionists Seek ‘No Show’ Jobs?

Mr. Fidler, Mr. Ross, Mr. Cafarelli, and Mr. Redmond (along with former Local 25 Secretary-Treasurer Mark Harrington, who pleaded guilty before the case went to trial) were accused of threatening and assaulting independent employees and nonunion business owners.

Bravo TV, the production company that carries *Top Chef*, wasn’t legally required to negotiate with union bosses over anything.

Under some legal precedents, *Enmons* consequently seemed not to offer legal protection for the Teamster goons in Boston.

For example, in 2014, Senior Judge Michael Baylson of the U.S. District Court for the Eastern District of Pennsylvania refused to dismiss racketeering charges against Philadelphia Ironworkers Union militants.

Judge Baylson ruled that *Enmons* did not protect the Local 401 gang because their targets were union-free employees and businesses.

But Senior Judge Douglas Woodlock, who presided over the *Fidler* case in Boston, ultimately interpreted the *Enmons* exemption for union thuggery far more sweepingly.

According to Judge Woodlock, *Enmons* applies when union thugs are trying to take jobs away from union-free workers and thus make them available for forced-dues-paying unionists. It doesn’t apply, he explained, if the jobs sought are “no show” jobs that involve no work at all.

After the jury received the judge’s instructions, it was virtually inevitable that all the Teamster defendants would be acquitted on all charges. And that’s what happened on August 15.

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

National Right to Work Committee President Mark Mix said, regretfully, that the *Fidler* denouement is likely to have negative repercussions for independent workers and businesses across the country:

“This case looks like it’s going to lead to a dramatic expansion of union officials’ ability to intimidate, to assault, and to increase their coercive power over workers and business across the country.

“The only silver lining for Americans who believe in equal justice under the law is that the verdict will undoubtedly also help focus public attention on the need for Congress to overturn the misbegotten *Enmons* decision.”

In September, soon after this edition of the Right to Work Newsletter goes to press, Congressman Steve King (R-Iowa) is expected to introduce legislation known as the Freedom From Union Violence Act.

This measure, which has the Committee’s strong support, would overturn *Enmons* and hold union bosses who orchestrate threats and violence, regardless of their exact purpose, accountable under the Hobbs Act.

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

“The Committee is now ready to help Mr. King and other lawmakers do that. And I am confident Committee members nationwide will lend us their support in this endeavor.”

CREDIT: CLASSICISTNE.FILES.WORDPRESS.COM

Judge Douglas Woodlock noted towards the end of the trial that the *Enmons* decision generally precludes the advancement of Hobbs Act racketeering cases against union militants. The exception, he emphasized, is “narrow.”

How Did Teamster Toughs Get Away With It?

'Legitimate Union Goals' Defense Pays Off For Big Labor Lawyers

At a federal trial concluding August 15, Teamster toughs John Fidler, Michael Ross, Robert Cafarelli, and Daniel Redmond were 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.

During the trial, the union bullies' lawyers sporadically suggested the charges against them were "exaggerated."

But they never really denied that extortion as Americans commonly understand the term had occurred.

Instead, to avoid guilty verdicts the Teamster defendants in *U.S. v. Fidler* invoked through their lawyers, again and again, the controversial precedent set by a 5-4 U.S. Supreme Court nearly 45 years ago in *U.S. v. Enmons*.

'The Union Doesn't Have To Take No For an Answer'

Like many other reality shows, *Top Chef* maintains a permanent crew that travels to shooting locations across the country with the cast and furnishes an array of services, including transportation.

Consequently, the union-free production does not need to hire temporary truck drivers anywhere, including the Boston metropolitan area. But the hierarchy of Teamsters Local 25 in Beantown insisted that several forced-dues-paying union drivers be hired all the same.

In August 2014, *Top Chef* had originally planned to film an episode at the Omni Parker House Hotel and the Menton restaurant in Boston itself.

However, these two venues told *Top Chef* it was no longer welcome after receiving calls in advance of the scheduled filming from Ken Brissette, an appointee of union-label Boston Mayor Martin Walsh, "informing" them that they would be harassed by a Teamster mob if they didn't back out.

Consequently, the shoot was moved to Milton's Steel and Rye restaurant.

There, as Assistant U.S. Attorney Laura Kaplan told jurors August 1, the entire cast and crew as well as restaurant patrons faced a "gauntlet" of Teamster verbal and physical attacks.

Union goons threatened to assault and even kill crew members as a means of "persuading" the show's producers to change their minds and sign a union contract.

CREDIT: NATE RAYMOND/REUTERS

Multiple witnesses testified that Daniel Redmond (left), Robert Cafarelli (center), and their cohorts had threatened and intimidated a reality show's cast and crew. But the Teamster toughs had the legal deck stacked in their favor.

Union lawyers responded that threats, harassment, vandalism, and physical coercion perpetrated to advance such an objective are all, in the wake of *Enmons*, permissible under federal law.

As Kenneth Barron, the defense attorney for Michael Ross, bluntly told the jury: "The union doesn't have to take no for an answer."

Hobbs Act Normally Prohibits Actual or Attempted Extortion

The federal Hobbs Act of 1946 normally prohibits actual or attempted extortion, i.e., the obtaining of things of value through threats or force, when it affects interstate or international commerce.

And the *Fidler* record includes ample compelling evidence of criminal activity seemingly prohibited under the Hobbs Act.

For example, 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 with the aim of intimidating them.

Moreover, 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 in."

Unfortunately, union lawyers'

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