



NATIONAL RIGHT TO WORK NEWSLETTER

VOLUME 63, NUMBER 11

www.nrtwc.org

November/December 2017

Support For Right to Work Act Escalating *Congressional Sponsorship of H.R.785 and S.545 Has Topped 100*

Thanks largely 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 U.S. House and Senate early this year continues to rise.

H.R.785 and S.545, the national Right to Work measures respectively introduced early in the 2017-18 Congress by Rep. Steve King (R-Iowa) and Sen. Rand Paul (R-Ky.), had a combined total of well over 100 sponsors as this Newsletter went to press in early October.

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.

Four Top-Ranking States For 2006-16 Job Growth All Have Right to Work Laws

“When H.R.785 or S.545 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 Right to Work President Mark Mix.

“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.”

Compulsory unionism is, above all, a moral issue.

At the same time, of all the economic reforms Congress may consider during its 2017-18 session, federal forced-dues repeal, otherwise known as the National Right to Work Act, would surely have

See **Faster** page 2



In September alone, 29 U.S. House members signed on as cosponsors of H.R.785. Among the new cosponsors that month were Mimi Walters (R-Calif., inset left), Francis Rooney (R-Fla., center), and Luke Messer (R-Ind.).

CREDIT FOR U.S. CAPITOL PHOTO: GETTY IMAGES

CREDIT: TWITTER PHOTO

CREDIT: ENIGMANSOW

CREDIT: WIKIPEDIA

Faster Job Growth For U.S.

Continued from page 1

the strongest positive impact for jobs and incomes.

To illustrate the point, Mr. Mix called attention to the U.S. Labor Department Bureau of Labor Statistics (BLS) data gauging civilian household employment growth over the past decade.

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

“All of the four top-ranking states for 2006-16 employment growth are Right to Work states,” said Mr. Mix. “Meanwhile, seven of the eight lowest-ranking states for job growth lacked Right to Work laws as of 2016.”

(Since Indiana, Michigan, Wisconsin, and West Virginia all adopted Right to Work laws between 2012 and 2016, they are excluded from this analysis. Since Kentucky’s and Missouri’s forced-dues bans were not adopted until this year, they are counted as compulsory-unionism states here.)

Compulsory Union Dues Bankroll Growth-Hindering Policies

Overall, BLS-reported civilian household employment in Right to Work states grew by 8.1% over the past decade.

That increase is nearly double the average for forced-dues states.

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

“Union bosses funnel a huge portion of the forced dues and fees they collect with federal policy’s abetment into politics,” Mr. Mix 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 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 federal 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 and Employees in Current Right to Work States Would ‘Share the Benefits’

Mr. Mix explained: “Businesses and employees located 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.”

He vowed that, throughout the rest of this year and in 2018, the 2.8 million National Right to Work members would continue to encourage House Speaker Paul Ryan (R-Wis.) and Senate Majority Leader Mitch McConnell (R-Ky.) to allow hearings, debate, and roll-call votes on H.R.785 and S.545.

Mr. Mix declared: “Freedom-loving Americans have a right to know 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.”

Poll After Poll Shows Lopsided Public Support For Right to Work Principle

He urged Committee members and supporters to keep turning up the heat on their elected officials.

“Recorded votes in the House and Senate will advance the Right to Work cause,” emphasized Mr. Mix, “even if Big Labor rounds up enough pro-forced unionism and union boss-appeasing politicians to prevent the legislation from passing either chamber of Congress.”

“That’s because,” he continued, “recorded votes will make it clear exactly which politicians support employees’ personal freedom of choice, and which are Big Labor stooges.

“And poll after poll shows nearly 80% of Americans who regularly vote in federal contests support Right to Work.”

Mr. Mix added that, even though it’s almost impossible to get them to say it publicly and explicitly, the evidence is clear that union bosses themselves know public opposition to compulsory unionism is massive and intense.

“In fact, one of the most prominent anti-Right to Work activists in America, University of Oregon ‘labor studies’ professor and union consultant Gordon Lafer, recently couldn’t help admitting, ‘Almost every union I know is in a panic about what to do about Right to Work.’

“Dr. Lafer and his cohorts are undoubtedly concerned that six states have passed laws prohibiting forced union dues and fees just since the beginning of 2012, and that so far these laws have withstood multiple Big Labor attempts to get them overthrown in court.

“But it won’t really be time for them to panic until floor votes on federal forced-dues repeal are held in both chambers of Congress!”



CREDIT: GORDONLAFER.COM/COMPANY

Big Labor knows public opposition to forced unionism is overwhelming and intense. Union consultant Gordon Lafer recently had to admit: “Almost every union I know is in a panic about what to do about Right to Work.”

Missouri Union Bosses' Kentucky Problem

Immediate Right to Work Implementation Sparks a Boom Next Door

Early this year, Kentucky and Missouri respectively became the 27th and 28th states to adopt Right to Work laws.

But what they have experienced since with regard to labor policy is not at all the same.

The Bluegrass State Right to Work law took effect in early January and has remained in effect ever since.

A union boss-instigated lawsuit to overturn the statute has yet to be heard in court.

The Show-Me State Right to Work law, in contrast, has yet to take effect.

Union bosses were able to use a quirk in the Missouri legal code to block implementation by gathering petitions from slightly more than a fifth as many citizens as voted for the state's pro-Right to Work governor in November 2016.

Brightening Economic Outlook In Kentucky Will Undercut Big Labor Rhetoric in Missouri

The Big Labor petition drive also put on the November 2018 ballot a measure to strangle Missouri's Right to Work law in the cradle.

National Right to Work Committee Vice President Matthew Leen commented:

"Top union bosses have already launched a multi-million-dollar campaign, funded largely by forced dues and fees from employees outside of Missouri, to overturn the results of the 2016 elections and perpetuate their forced-dues privileges.

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

"And, judging by what union bosses have done again and again during similar ballot campaigns in the past, one key component of the Big Labor propaganda blitz in Missouri will be predictions of economic doom if the Right to Work law is allowed to take effect.

"But next year union flacks may have their work cut out for them, because in neighboring Kentucky, a Right to Work law adopted just a few weeks before Missouri's is being implemented, and the Bluegrass State's economic future is looking brighter and brighter."

As Kentucky Gov. Matt Bevin pointed out at a May 26 press conference, the state had already attracted by then a total of \$5.8

billion in announced 2017 private capital investments by job-creating businesses.

Kentucky Broke Annual Record For Capital Investments Less Than Halfway Through 2017

Not quite five months into the year, Kentucky had already surpassed its previous annual capital-investment record of \$5.1 billion, achieved in 2015.

By the end of June, a little more than a month later and halfway through 2017, companies had pledged to make more than \$6.76 billion in new-facility investments and expansion projects in Kentucky.

With six months of the year left, the previous annual record had been surpassed by 32%!

A key example of the kind of investment for which Right to Work Kentucky has been successfully competing is Braidy Industry's commitment, announced in late April, to build a \$1.3 billion aluminum rolling mill in Greenup County.

Jobs Being Created Offer Good Pay and Benefits For Kentucky Employees

Construction will begin next year. When the plant is finished, it will hire roughly 550 workers for jobs paying \$38 an hour plus benefits.

And according to Braidy CEO Craig Bouchard, without Right to Work, Kentucky "wouldn't have been on the list" of possible sites.

Given the high wages offered by the firm, especially when Kentucky's low cost of living is factored in, and fringe benefits like a day care facility, fitness centers, and lunches every day for \$1, "it's going to be a place you want to work," Mr. Bouchard has credibly predicted.

Mr. Leen said the nascent economic boom in neighboring Kentucky, a state that prior to enactment of its Right to Work law had experienced long-term private-sector job growth well below the U.S. average, could make it difficult for union bosses to demonize Right to Work in Missouri.

"Of course," Mr. Leen added, "the good economic news from Kentucky will only have a positive impact on the Right to Work ballot campaign in Missouri if Missourians hear about it.

"Thanks to generous members and supporters nationwide, the Committee is now preparing to invest ample amounts of time, money and talent into helping Missouri citizens see through Big Labor propaganda about Right to Work before they vote on it.

"Informing Missourians about what's happening in Kentucky is an important part of the plan." 

Top Facility Deals of 2017 in Kentucky

January-April 2017

Company	Investment	Location
Amazon Fulfillment Services	\$1.494 Billion	Hebron
Toyota	\$1.33 Billion	Georgetown
Braidy Industries	\$1.3 Billion	Ashland
Granger	\$273 Million	Louisville
The Kroger Co.	\$60 Million	Independence
Appalachian Harvest Co.	\$50 Million	Pikeville
Asahi Bluegrass Forge	\$40 Million	Richmond
Enviroflight LLC	\$32 Million	Maysville
Waste Management Inc.	\$30 Million	Louisville
Buffalo Trace Distillery	\$25 Million	Frankfort



Craig Bouchard

Source: Kentucky Cabinet for Economic Development

Halfway into 2017, companies had already pledged \$6.76 billion in investments in Kentucky, including \$1.3 billion from Braidy Industries. CEO Craig Bouchard has observed, without Right to Work, Kentucky "wouldn't have been on the list."

Ex-Organizer Explains Coercive Union Power

Barring Workers From Speaking For Themselves Profits Union Dons

Chris Brooks is a former organizer for the Tennessee Education Association (TEA/NEA) union. He is currently on the staff of the virulently pro-forced-unionism publication *Labor Notes*.

Not surprisingly, given his job history, Mr. Brooks is a lifelong opponent of Right to Work laws, which protect the individual employee from being fired for refusal to join or pay dues or fees to an unwanted union.

However, by comparison with the vast majority of top union bosses who share his opposition to Right to Work, Mr. Brooks is refreshingly frank about how monopolistic unionism actually operates.

Employer's False Perception That Employees Are Monolithic Enhances Union Bosses' Clout

The National Labor Relations Act and other federal and state workplace-governance laws that are patterned after the NLRA empower union bosses to represent workers who don't want a union, as well as those who do.

This is why, according to Big Labor apologists, federal and state labor laws must also empower union bosses to force unwilling workers to pay union dues or fees. Otherwise, union officials and workers who agree with them will be unduly "burdened."

However, as Mr. Brooks explains at length in an article published by *New Labor Forum* in September, the fact is that union officials benefit greatly from monopoly bargaining, which allows them to offer the sole "employee" perspective on workplace matters at the negotiating table.

The benefit to Big Labor is still great even when union nonmembers remain free, as they have been for 70 years in Right to Work Tennessee, where Mr. Brooks was formerly employed, to refuse to fork over any money to the union without being fired as a consequence.

Monopoly Bargaining Rollback 'A Powerful Blow' to Teacher Union Bosses in Tennessee

Tennessee had already been a Right to Work state for nearly six-and-a-half decades in 2011 when, thanks in part to the lobbying efforts of the National Right to Work Committee and its Volunteer State members, lawmakers in Nashville adopted

the Professional Educators Collaborative Conferencing Act (PECCA).

From 1978 until the PECCA was signed into law by GOP Gov. Bill Haslam, Tennessee statutorily authorized union monopoly bargaining over public school teachers and other K-12 instructional employees.

Under certain conditions, the PECCA allows independent educator organizations that are opposed to monopolistic unionism, of which the largest and most notable is the Professional Educators of Tennessee (PET), to participate in contract discussions and offer an alternative employee perspective.

It is largely for this reason, in Mr. Brooks' view, that "the passage of PECCA was a powerful blow" to TEA union chiefs and their political machine.

Mr. Brooks quotes Carol Hambright, the former president of the TEA union subsidiary in Polk County, regarding the impact of the loss of its monopoly privileges on her organization.

"We griped . . . for years," she recalled, about negotiating contracts for people who didn't want to join the union and refused to bankroll it. But now she would accept "in a heartbeat" that putative

"burden" in order to exercise the privilege of "exclusive representation again."

Benefits to Big Labor Bosses 'Far Outweigh' Costs 'They May Incur'

Right to Work Vice President Mary King commented:

"Members and supporters of the Committee have long known that the enormous benefits union bosses derive from government-authorized monopoly bargaining far outweigh any costs they may incur in the course of exercising this special privilege.

"Nevertheless, the fact that a dyed-in-the-wool proponent of compulsory unionism like Chris Brooks has now admitted in print that monopoly bargaining without forced dues is a modestly mitigated boon for Big Labor, rather than a 'burden,' is a helpful development."

Ms. King encouraged Committee members to share the findings of Mr. Brooks' article (entitled "Cure Worse Than the Disease") with any politician who brazenly invokes the "burden" canard as an excuse for refusing to support Right to Work. 📌



Labor laws authorizing and promoting monopoly bargaining empower the officials of a single union to offer the sole "employee" perspective on workplace matters at the negotiating table. This hugely benefits the union hierarchy.

‘I’m Going From Middle Class to Poor’ *Teamster Retirees in Upstate New York Hit With 29% Pension Cut*

In December 2014, Barack Obama signed a measure altering 40 years of labor law, and paving the way for unprecedented cuts in benefits for current retirees in troubled multiemployer pension plans (MEPPs).

As of this September, according to an analysis by Baker & Hostetler LLC, 113 MEPPs covering 1.3 million employees and retirees, or 25% of all participants in such plans, had already been found by the U.S. Labor Department to be in “critical and declining” condition.

Under the so-called “Multiemployer Pension Reform Act” (MPRA), rubber-stamped by a “lame-duck” Congress prior to being signed by Mr. Obama, plans that are classified as “critical and declining” are potentially eligible to reduce pension benefits by 30% to 65%.

‘The Question Is When And How They [Benefit Cuts] Are Going to Happen’

In public, union bosses try to disavow responsibility for the MPRA, which was sponsored by then-Congressman George Miller (D-Calif.), a career-long Big Labor politician. But the fact is, the MPRA could never have been adopted without the support of the bosses of multiple unions whose rank-and-file members now face drastic pension benefit cuts.

In fact, the original 2013 blueprint for the MPRA, known as “Solutions, Not Bailouts” (or “SNB”), was heartily endorsed by plumbers union General President William Hite and Tom Nyhan, the executive director of the Teamster Union’s Central States, Southeast & Southwest Areas Pension Fund.

Mr. Nyhan was unapologetic about the fact that the SNB plan would cut retiree benefits sharply:

“We are going -- it’s not a question of if there are going to be benefit cuts. There are going to be benefit cuts. The question is when and how they are going to happen.”

Big Labor Job Destruction A Major Cause of Union Retirees’ Predicament

In early August, the New York State Teamsters Conference Pension and Retirement Fund became the third MEPP in the U.S. to receive approval from the Treasury Department to slash benefits for its members.



CREDIT: RICK CARLINI/ALBANY (N.Y.) TIMES UNION

New York Teamsters, who had for decades been forced as a job condition to pay into a union-controlled pension fund, were pressured at meetings into approving immediate steep cuts in their pension benefits.

Consequently, a few weeks later roughly 35,000 forced-dues-paying active and retired Teamsters, mostly residing in upstate New York, faced a Hobson’s choice.

They could cast a vote in favor of most retirees’ losing 29% of their benefits and of active employees’ losing 18% starting as soon as October 1.

Or they could vote potentially to lose half or more of their pension benefits when the grossly underfunded New York State Teamster retirement fund went bankrupt. Managers predicted that, without immediate cuts in benefits, this would happen within a decade.

A key reason why multiple Teamster and many other Big Labor-dominated MEPPs are underfunded is union work rule-induced job destruction, which has cut sharply the number of fund contributors relative to retirees.

In the trucking industry, for example, according to economists Barry Hirsch and David Macpherson, over the past 10 years alone U.S. unionized employment plummeted by nearly 15%, even as union-free employment rose by 6%.

Ultimately, opponents of the cuts fell far short of securing the votes of the majority of plan participants, which under the MPRA was what they needed to prevail.

Of course, many Teamster retirees and

active employees are deeply distraught about the outcome.

‘Very Few in the Rank And File Realized What Was Happening’

Even before the vote happened, one retiree quoted by the Albany (N.Y.) *Times Union* lamented: “I’m going from middle class to poor.”

What makes matters even worse is that, as another news account noted, “very few in the rank and file realized what was happening” until they got a notice from the fund in August 2016.

“New York Teamster pension trustees and other Teamster officials who had access to the books must have been aware there was a grave problem for many years,” said Greg Mourad, vice president of the National Right to Work Committee.

“If Teamster boss-selected pension managers had leveled with future retirees a decade ago, it would at least have given workers time to prepare.

“The gross mismanagement of MEPPs by union bosses and their handpicked trustees is another distressing illustration of just how little union bosses deserve their forced-dues privileges. And of how readily politicians like George Miller will do Big Labor’s bidding, even if unionized workers are the people getting hurt.”

Forced Unionism Lowers Workers' Real Earnings

Economic Rationalizations For Curtailing Individual Freedom Fail

Today roughly 52% of Americans live in one of the 28 states that have adopted Right to Work laws prohibiting the termination of employees for refusal to pay dues or fees to a union they don't want and never asked for.

Twenty-two states have had such a law for at least a decade and a half. But six other states, including Kentucky and Missouri, which barred compulsory union dues just this year, have adopted Right to Work protections for employees since early 2012.

State Right to Work laws simply ensure that the individual employee's freedom not to join or bankroll a union is afforded the same protection as the freedom to join and bankroll a union.

After all, as U.S. Supreme Court Justice William Brennan's 1984 majority opinion in *Roberts v. Jaycees* acknowledged, "Freedom of association . . . plainly presupposes a freedom not to associate."

Forced-Dues States 25.6% More Costly to Live in Than Right to Work States

The extraction from employees of forced financial support for a labor organization as a job condition is primarily a moral issue, rather than an economic one.

However, proponents of compulsory unionism have focused heavily on economics in waging public campaigns against Right to Work measures. Consequently, Right to Work advocates need to be well-informed about the actual economic performance of states that have prohibited compulsory unionism.

One fact that Big Labor apologists often ignore completely is the substantial cost-of-living advantage Right to Work states as a group enjoy over forced-unionism states as a group.

Data calculated and published by the Missouri Economic Research and Information Center (MERIC), a state government agency, show that in 2016 forced-unionism states (then 26 in number) were on average 25.6% more expensive to live in than Right to Work states.

Regression Analysis Used to Distinguish Impact of Right To Work, Other Variables

Just this spring, City University of New York (CUNY) professor Mitchell Langbert conducted a statistical study to determine whether and to what extent Right to Work laws raise cost of living-adjusted disposable incomes and employees' earnings.

To answer these questions and sort out the impact of "competing explanatory variables" on incomes in Right to Work and forced-unionism states, Dr. Langbert used a technique known as "multiple regression analysis."

As he pointed out, there are several significant demographic differences between Right to Work states as a group and forced-unionism states as a group, and there are also policy differences other than voluntary vs. compulsory unionism.

In his regression analysis, he included "state-level measures for exports of manufactured goods per capita, overall state population, the population of the largest city, labor market freedom

not counting [Right to Work] laws (as measured by the Cato Institute), and the presence of a [Right to Work] law."

He also included special controls for the unique characteristics of two forced-unionism states, California and New York -- and one Right to Work state, Virginia.

Analysis Found Right to Work Laws Boost Annual Employee Pay by Nearly \$4300

Among the variables selected by Dr. Langbert, only the presence/absence of a Right to Work law and the percentage of 25-44 year-olds with at least a bachelor's degree education had a statistically significant impact on annual wages.

Ultimately, he determined that the annual Right to Work boost for real wages is \$4290 per employee, after controlling for other kinds of deregulation, workforce education, and other factors.

"Other kinds of labor deregulation are not as important" in raising incomes as Right to Work laws, Dr. Langbert concluded.

Even an analysis that does not control for demographic and other differences between Right to Work and forced-unionism states shows a substantial, albeit more modest, earnings advantage for states that protect employee freedom.

According to the U.S. Commerce Department's Bureau of Economic Analysis (BEA), in 2016 there were 78.576 million full-time and part-time private-sector employees (including contract workers and the self-employed as well as workers on company payrolls) located in the 26 states that then had Right to Work laws.

After adjusting for regional differences in the cost of living with the help of MERIC indices, private-sector employees in Right to Work states earned a total of \$3.681 trillion in cash compensation and benefits like health insurance last year. That comes to \$46,841 per employee.

Meanwhile, the 87.510 million private employees in forced-unionism states took in a total of \$3.937 trillion in cash compensation and benefits, or \$44,985 per employee.

Cost of living-adjusted compensation per private-sector employee is thus, according to the most recent available data, roughly \$1850 higher in Right to Work states than in forced-unionism states. 📌

'Other kinds of labor deregulation are not as important as [Right to Work laws] in improving per capita disposable income.'

- Dr. Mitchell Langbert,
CUNY management
professor



CREDIT: CITY UNIVERSITY OF NEW YORK

Mitchell Langbert

Legislative Remedy Available

Continued from page 8

This is 395's work! This is 395's territory! Don't come back!"

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

Mr. Lindner was able to escape by scaling a construction fence. He promptly contacted authorities.

Unfortunately, Mr. Kudingo wasn't the only D5 employee who was battered. Iron worker Joe Weil, for example, was reportedly beaten with wooden boards and "suffered injuries to his person, including but not limited to having a boot-shaped welt mark on his back." (Mr. Weil has since passed away.)

Because of the criminal assault that occurred on January 7, 2016, D5 Iron Works had to cease all work on the PCCA site. Mr. Kudingo was hospitalized and had to have his jaw wired shut for roughly three months.

As part of his ongoing treatment, he is now expected to have to have his jaw broken again.

Today, Mr. Lindner, Mr. Kudingo and their colleagues continue to live in fear of future Big Labor violence directed at themselves or at their families.

Because D5 Iron Works is based in Illinois, and the PCCA building site is in Indiana, Local 395 officers and their militant followers could potentially be prosecuted under the federal Hobbs Act, which prohibits the use of extortionate violence and threats in interstate commerce.

Unfortunately, nearly 45 years ago the U.S. Supreme Court's controversial, 5-4 *Enmons* decision exempted threats, vandalism and violence perpetrated to

secure "legitimate" union goals from Hobbs Act prosecutions.

As a consequence of *Enmons*, contended union lawyer Kenneth Barron this summer in the course of his successful defense of a Boston Teamster tough accused of extortion, "The union doesn't have to take no for an answer."

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

National Right to Work Committee President Mark Mix recalled the core argument of the powerful *Enmons* dissent, penned by Justice William O. Douglas, with Chief Justice Warren Burger and Justices Lewis Powell and William Rehnquist joining him:

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

Mr. Mix commented:

"Unfortunately, Justice Douglas' sound understanding of Hobbs did not carry the day back in February 1973, when *Enmons* was decided.

"The *Enmons* loophole often makes it extraordinarily difficult to prosecute union thugs.

"It may well be due to awareness of the pitfalls for prosecutors of Big Labor thuggery created by *Enmons* that no federal charges have been brought against Local 395 union chiefs, despite the compelling evidence against them.

"The most the pending civil suit can do for the victims is furnish them with financial reimbursement for their medical expenses and business losses, and perhaps



Union militants allegedly left Scott Kudingo with a broken jaw and boot-shaped welt marks on his back.

their pain and suffering, plus an injunction to deter future attacks by union thugs. As welcome as such remedies are, they are not justice."

To prevent lawless union bosses from getting away with violence and extortion in the future, the Committee and its members are now pushing for Congress to overturn the *Enmons* decision.

Freedom From Union Violence Measure Can Hold Union Dons To Ordinary Legal Standards

As this edition of the Right to Work Newsletter went to press in early October, the Committee was working with Capitol Hill allies to secure the introduction of legislation known as the Freedom from Union Violence Act.

This measure, which is a major Committee prerogative in the 2017-2018 Congress, would overturn *Enmons* and hold union bosses who orchestrate threats and violence, whatever their exact purpose, accountable under the Hobbs Act.

"Because *Enmons* was a matter of statutory, not constitutional, interpretation, Congress retains the power to reverse it legislatively," explained Mr. Mix.

"Committee officers are now ready to help pro-Right to Work lawmakers do that. And I am confident Committee members nationwide will readily offer us their active support." 

NATIONAL RIGHT TO WORK NEWSLETTER

www.nrtwc.org November/December 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)).

© 2017 by the National Right to Work Committee[®]. Permission to reprint individual articles granted. Credit requested.

No Criminal Charges For Brutal Church Assault?

Controversial 1973 Supreme Court Ruling Often Hogties Prosecutors

It's been nearly two years since three officers of AFL-CIO-affiliated Iron Workers Local 395 allegedly led a brutal assault on tradesmen employed at a church-owned construction site in northwestern Indiana.

During this assault, union goons are accused of having thrown to the ground Scott Kudingo, an employee of the Cary, Ill.-based firm D5 Iron Works Inc., and then "clubbing, kicking and punching" him "in the face, arms, back and body."

As a consequence of the vicious attack, Mr. Kudingo's "jaw was shattered and broken in two other places."

And at least some of the union toughs who kicked him in the face and back are believed to have been wearing "steel toe boots."

Despite Ample Evidence Implicating Union Dons, No Arrests Have Been Made

As journalist Connor Wolf explained in a report for *Inside Sources* this February, based in part on witness statements taken by the police right after the incident, there is ample evidence that top officers of Local 395, based in Portage, Ind., participated in the church attack.

Witness after witness I.D.'d Local 395 President Jeffrey Veach and Business Agent Thomas Williamson Sr., joined by roughly 10 henchmen, as having attacked D5 Iron Works tradesmen at a construction site in Dyer, Ind.

Moreover, photographs taken by the victims with their cell phones show at least two vehicles registered with Local 395 as the owner were parked at the scene during the attack.

Mr. Veach and Mr. Williamson claim through their attorneys that they are innocent.

But rather than testify about what they were supposedly doing on the afternoon of January 7, 2016 other than leading an attack on union-free construction employees, they have invoked their Fifth Amendment right not to incriminate themselves.

The Dyer Police Department investigated the assault complaints against Local 395 bosses and other union militants, but it has never taken any action against the alleged assailants. Instead, Dyer law enforcement turned the case over to the U.S. Labor and Justice Departments.



CREDIT: KANSAS UNIVERSITY ARCHIVES PHOTOS

Supreme Court Justice William O. Douglas understood: "The regime of violence, whatever its precise objective, is a common device of extortion and is condemned by the [Hobbs] Act." Unfortunately, in February 1973 he did not carry the day.

However, no federal criminal charges have been filed against Local 395 bosses or their henchmen, either.

Screaming 'This is 395's Territory!' Union Thugs 'Shattered' Tradesman's Jaw

Currently, the only charges faced by Local 395 kingpins and their alleged coconspirators in connection with the church assault stem from a federal civil lawsuit filed by D5 Ironworks, its owner, Mr. Kudingo, and other tradesmen.

According to the amended complaint filed by the plaintiffs in *D5 Iron Works v. Iron Workers Local 395* early this year, on January 6, 2016, one day before the alleged assault occurred, Mr. Williamson intruded on the site where the Plum Creek Christian Academy (PCCA) was being expanded.

Mr. Williamson ignored an admonition from D5 Iron Works President Richard Lindner, who was then operating a crane

on the site, to leave because he was interfering with business operations and trespassing.

Undeterred, the union business agent proceeded to pressure Mr. Lindner to convert his union-free project into a union-only one.

When Mr. Lindner refused, Mr. Williamson walked over to the school offices of the nearby Dyer Baptist Church, which runs the academy. There, Mr. Williamson pressured Pastor Lee Atkinson to terminate D5's contract unless it kowtowed to Local 395 bigwigs.

Apparently, Mr. Williamson didn't like what he heard from the Baptist clergyman.

At roughly 3 PM the following day, according to the civil complaint, a Local 395 assault team stormed the PCCA construction site.

As the assailants proceeded to shatter Mr. Kudingo's jaw, they allegedly screamed at him: "This is union work!"

See **Legislative** page 7