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Senators Seek to Drag More Workers Into Unions

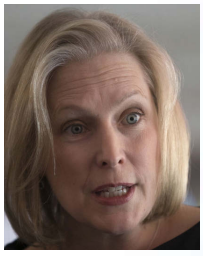
Likely 2020 Democrat Presidential Hopefuls Target Right to Work

Several U.S. senators who have been named by Inside-the-D.C. Beltway pundits as potential contenders for the 2020 Democrat presidential nomination recently banded together to introduce legislation that would greatly expand Big Labor's legal power to corral workers into unions whether the workers want them or not.

On May 9, Sens. Bernie Sanders (I-Vermont), Sherrod Brown (D-Ohio), Kirsten Gillibrand (D-N.Y.), Kamala Harris (D-Calif.), and Elizabeth Warren (D-Mass.), along with seven other members of Congress' upper chamber, introduced the cynically mislabeled "Workplace Democracy Act," or S.2810.

Along with its House companion measure, H.R.5728, introduced the same day by Wisconsin's Mark Pocan (D) and 16 original cosponsors, S.2810 would gut Right to Work measures already adopted by 28 states and continuing to gain support at the state and federal levels.

But that's just for starters.


Brown Inset Credit: AP Gillibrand Inset Cedit: Politico Harris Inset Credit:Harris Facebook

Sanders Credit:Alex Wong - Getty Images Inset Warren Credit:The Atlantic.com

Original U.S. Senate cosponsors of radical Bernie Sanders' Right to Work destruction scheme include Democrats Sherrod Brown, Kirsten Gillibrand, Kamala Harris, and Elizabeth Warren (inset from left to right).

Legislation Would 'End' Right to Work by Repealing Taft-Hartley 14(b)

The Sanders-Pocan scheme would, as a press release issued by the Green Mountain State senator bluntly acknowledged, "end" Right to Work protections for private sector workers across the U.S. "by repealing Section 14(b) of the Taft-Hartley Act . . . ."

Section 14(b) authorizes states to enact Right to Work laws prohibiting compulsory union membership and compulsory union financial support as a condition of employment.

If S.2810 or H.R.5728 were to become law, private sector employees in Right to Work states would no longer be protected from being forced to pay union dues or fees just to keep their jobs.

Section 14(b) Repeal Would Leave Job-Creating Firms With Nowhere to Flee

"Under Sanders-Pocan, job-creating businesses that have been harmed by Big Labor class warfare and/or forced union dues-funded Tax & Spend state politicians would no longer be able to mitigate the damage by growing and investing in a Right to Work state," said National Right to Work Committee President Mark Mix.

"The practical results would include

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Freedom, Prosperity Menaced

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far fewer job opportunities and far slower real pay growth for hardworking Americans -- that is, the exact opposite of what Bernie Sanders and Mark Pocan claim they want."

In addition to foisting forced union financial support on millions of private sector employees who currently have a free choice, Sanders-Pocan would make it far easier for Big Labor to obtain "exclusive" (monopoly) bargaining power over employees.

And this remarkably radical legislation would also make it far easier for Big Labor to browbeat employers into consenting to fire employees who refuse to join or pay dues or fees to a union.

Specifically, S.2810/H.R.5728 would rewrite federal law concerning "card checks" to help union bosses shove hundreds of thousands of small businesses and millions of additional workers under Big Labor control.

Under current law, union bosses are already able to acquire monopoly power to negotiate employees' pay, benefits, and work rules solely through the collection of signed "union authorization cards."

Consequently, individual workers under the peering eyes of union organizers may be intimidated into signing not just themselves, but also all of their union-free fellow employees, over to union-boss control.

Big Labor Would be Able to Circumvent Altogether Unionized Workers' Wishes

However, as stacked as current law is in favor of Big Labor's forced-unionism power, employers nevertheless retain the right to stand up for their independent employees against union-boss intimidation tactics.

The Sanders-Pocan legislation would empower union officials to impose forced unionism through card check automatically, with no recourse for any pro-Right to Work employee or employer.

Moreover, under Sanders-Pocan, if union heads and employers negotiating a first contract fail to make a deal within roughly four months, then a federal "arbitration panel" will unilaterally implement a contract binding for two years on union members and non-members alike.

"Sanders-Pocan would enable union bosses with monopoly-bargaining power to circumvent altogether the wishes of unionized workers by prevailing upon federal bureaucrats to give them forced-dues privileges," said Mr. Mix.

"And workers couldn't do anything about it for a minimum of two years!"

"If the 14(b) repeal, card check, and multiple other forced-unionism provisions in the cynically mislabeled "Workplace Democracy Act" were to become law, the results would be a devastating loss of personal freedom for workers and a shipwreck for the U.S. economy," charged Mr. Mix.

Loss of Right to Work Engine Would be Devastating For America as a Whole

As an illustration of the potential economic damage, Mr. Mix pointed to America's manufacturing sector.

"In 2017," he noted, "81,800 out of the 88,000 net manufacturing jobs added nationwide were located in states where Right to Work laws have been adopted and are being enforced.

"In other words, 93% of the total U.S. factory job increase for 2017 over 2016 occurred in Right to Work states.

"And while the Right to Work manufacturing advantage has widened recently, it has been substantial for many years. From 2012 to 2017, manufacturing employment expanded by 5.5% in the 23 states that had Right to Work laws on the books for the entire five years.

"That's more than triple the 1.7% gain for the 22 states that were still forced-unionism in 2017.

"Without Right to Work states, there would certainly be far fewer jobs created in the U.S. as a whole. And job seekers who couldn't find good-paying positions in slow-growth forced-unionism states would no longer have anywhere to flee."

Union-Boss Stranglehold Over Beltway Politicians Threatens Right to Work

Of course, since the Democrat Senate caucus with which Mr. Sanders is aligned and the Democrat House caucus to which Mr. Pocan belongs are both in the minority, it is unlikely they will be able to fulfill their ambition to destroy Right to Work in the immediate future.

But Right to Work advocates should keep in mind it was just seven-and-a-half years ago that union-label Democrat politicians held operational control over the White House and both chambers of Congress.

"The fact that contenders for the 2020 Democrat presidential nomination as well as rank-and-file Democrats from Right to Work states like Wisconsin Sen. Tammy Baldwin are eagerly signing on to S.2810 and H.R.5728 is very disturbing," said Mr. Mix.

"Right to Work protections for employees will never really be secure until union bosses' lock-grip over one of the two major political parties in the U.S. comes to an end."

Credit: Bloomberg via Getty Images

As of the end of May, Sen. Tammy Baldwin (left), representing Right to Work Wisconsin, and 13 other senators and House members from Right to Work states had cosponsored legislation imposing forced union dues nationwide.

‘Our Quality of Life Will Improve’

Relocating to Right to Work Idaho Lifts Workers’ Living Standards

Bob Piazza is the president of a high-tech pump manufacturer that has operated successfully in Sonoma, Calif., for 70 years. But not for much longer.

As Sonoma *Index-Tribune* editor Lorna Sheridan reported on April 30, before the end of the year Mr. Piazza’s firm, Price Pump, will “pull up stakes and move its headquarters -- lock, stock, and barrel -- to Boise, Idaho.”

Mr. Piazza did not make this decision lightly. As he told Ms. Sheridan, he has lived all of his 74 years in California, and he and his wife have lived together there for the 53 years they’ve been married. When the firm moves, the Piazzas will have to move to Idaho.

‘. . . the Way Things, are Going, We Don’t Have a Choice’

“I don’t love change,” he admitted to the *Index-Tribune*. “But the way things are going, we don’t have a choice.”

He cited California’s heavy tax burden and government “over-regulation” as good reasons to move, but the state’s extraordinarily high cost of living is perhaps the worst problem of all. Just for starters, it makes it extremely difficult for him to fill many positions:

“It’s impossible to hire [entry-level] workers here as [such] workers can’t afford to live here.”

California is one of 22 states that still lack a Right to Work law prohibiting the termination of employees for refusal to pay dues or fees to an unwanted union. The high cost of doing business in California and many other forced-unionism states has nothing to do with high living standards for employees.

In fact, half of Price Pump's 36 employees have gladly accepted offers from Mr. Piazza to make the move with the company to Right to Work Idaho, where they will be able to continue doing the same jobs for the same pay they are receiving in Sonoma.

But a dollar goes much further in the Gem State than it does in the Golden State.

According to data collected and published by the Missouri Economic Research and Information Center, a state government agency, the overall cost of necessities like housing, food, energy and health care is 53% higher in California than it is in Idaho.

Credits: Robbi Pgegily/Index Tribune (Suncma, Calif.)

Price Pump President Bob Piazza recently cited one key reason why his firm is leaving forced-unionism California: “It’s impossible to hire [entry-level workers] here as [such]workers can’t afford to live here.”

One Price Pump employee who lost his house during the Great Recession told Mr. Piazza he would be making the move to Idaho because it would “give him a chance to be a homeowner again.”

Big Labor Politicians are Primarily Responsible for California’s Unaffordability

According to Ms. Sheridan, a number of Price Pump employees “have been pleased to find that they can buy a house in the Boise area that is comparable to their home in Sonoma for less than half the cost.”

The *Index-Tribune* quoted the assessment of Quality Assurance Technician Ryan Daley, who along with his wife and another 11 employees made a trip to Boise to see the area in March:

“[My wife and I] agree that the Boise area would be a fantastic place to raise our young family and keep the American dream alive. Our quality of life will improve.”

It is regulation-happy, tax-hiking politicians, installed in office and kept in power by Big Labor’s forced-dues-fueled political machine, who are primarily responsible for the high cost of living and doing business in California.

A September 2017 editorial appearing in southern California’s Orange County *Register* focused on the public policies fostering high housing costs:

“[Z]oning restrictions that limit the amount of developable land; . . . high development impact fees, overly strict building codes and labor rules that drive up the cost of building; abuses of the California Environmental Quality Act that delay or kill development altogether . . . .”

Right to Work Passage a Critical Step for Making California Less Job-Toxic

National Right to Work Committee Vice President Matthew Leen commented: “If elected officials in the Golden State want to stop the hemorrhaging of good jobs to Right to Work states like Idaho, they need to make their state more hospitable to private sector employees and business owners.

“And passage of a Right to Work law prohibiting the termination of employees for refusal to join or pay dues to an unwanted union is an absolutely necessary first step towards making California a better place to work and hire employees of all educational backgrounds and skill levels.”

Compulsory Unionism an 'Economic Albatross'

Businesses Lopsidedly Prefer to Hire in Right to Work States

As regular readers of the National Right to Work Newsletter know, there is a mountain of evidence indicating that laws and legislation authorizing and promoting compulsory union financial support as a job condition are economically harmful.

One especially powerful example is the survey of CEOs from around the country that *Chief Executive* magazine annually conducts.

The survey asks business leaders to grade all 50 states in three general categories that businesses invariably consider when they are contemplating where to make job-creating investments.

Recently, CEOs were once again asked to draw upon their direct experience to rate each state for a) taxation and regulations b) workforce quality, and c) living environment.

In its May/June issue, *Chief Executive* published its survey results for this year, based on responses received from 300 CEOs across industries.

Overwhelmingly through the years, job creators have judged that, in Right to Work states, employees have superior work ethics, real estate costs are relatively low, and public officials have a much more positive attitude toward business.

Conscientious, Talented Employees Usually Hurt by Union Monopoly Bargaining

And this year every one of the top seven, and 18 of the top 19, states rated as "best for business" overall are in Right to Work states.

In contrast, forced-unionism states dominated the bottom ranks of the 2018 survey.

Not one of the bottom 13 states has a Right to Work law on the books.

"Compulsory unionism is wrong, plain and simple," said Greg Mourad, Vice President of the National Right to Work Committee.

"The fact is, conscientious and talented employees are often economically harmed when they are forced, by government policy, to accept an unwanted union as their 'exclusive' bargaining agent on matters concerning their pay, benefits, and working conditions.

"Harvard economist Richard Freeman, arguably the leading academic apologist for monopolistic unionism in the U.S., has actually paid tribute to union bosses' remarkable success in 'removing performance judgments as a factor in determining individual employees' pay.' "

Forced Dues are 'Like Pouring Salt in a Wound'

"And," Mr. Mourad continued, "when unionized employees who would surely get paid more if their employer could take their performance into account are forced to pay dues or fees to the union bosses who prevent the employer from doing so -- that's like pouring salt in a wound."

Just last year, *Chief Executive* directly surveyed CEOs about the impact of the forced-unionism system on their businesses.

The results showed that a remarkable 78% of CEOs either "only hire" or "prefer to hire" in Right to Work states. Just 3% of CEOs expressed a preference for forced-unionism states!

(See the chart on this page for more information.)

"As Congress and the White House seek to remove government-imposed impediments that are largely responsible for years of sluggish growth," said Mr. Mourad, "they can't afford to overlook the massive burdens imposed on business investment by the forced-dues provisions in federal labor statutes.

"Even states that already have Right to Work laws, and thus protect employees from being directly hit by compulsory unionism, suffer a lot of collateral damage.

"Countless Right to Work state-based businesses have major out-of-state suppliers and customers that are hamstrung by compulsory unionism. Such businesses would clearly share the benefits if their partners were freed from the burden of Big Labor monopoly control."

Mr. Mourad urged Committee members and supporters to keep turning up the pressure on their elected officials to cosponsor and seek roll-call votes on H.R.785 and S.545, pending legislation that would repeal all current federal labor law provisions that authorize compulsory union dues and fees as a job condition.

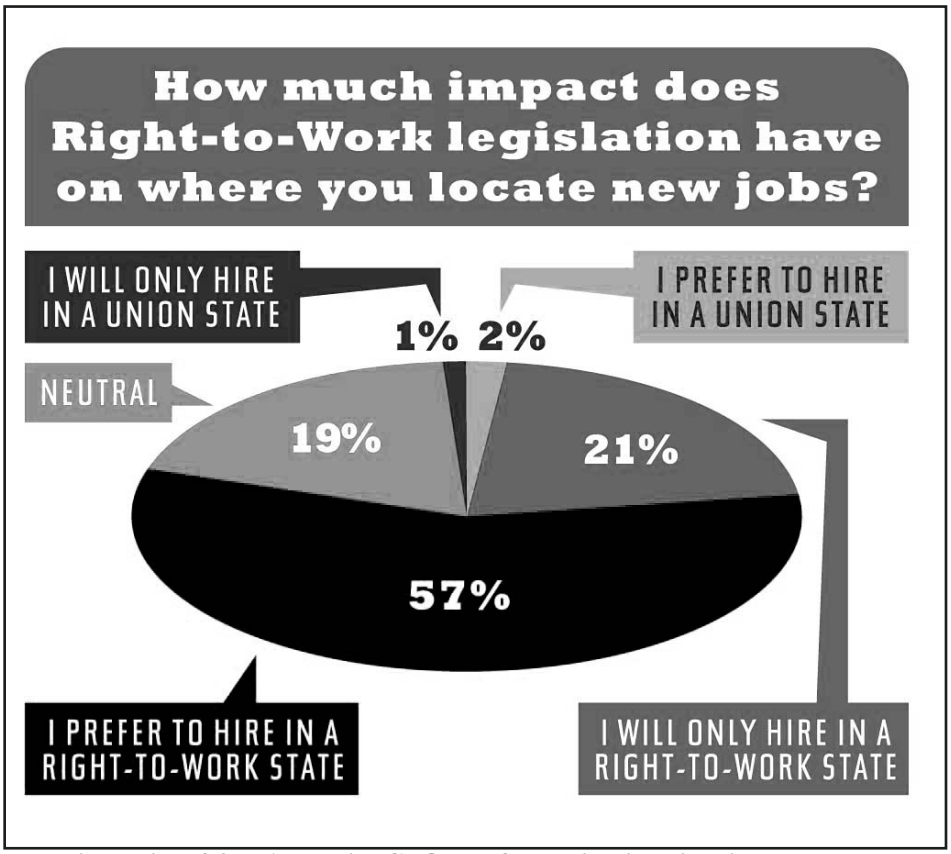

Chart originally published by *chief executive*

By an incredible 26-to-1 margin, CEOs prefer adding jobs in Right to Work states over forced-unionism states, according to a nationwide survey of hundreds of CEOs conducted last year by *Chief Executive* magazine.

Big Labor Political Bulldozer at Full Throttle

Union Electioneering Squad 'Building Power For the Long Term'

AFL-CIO union chief Richard Trumka, Service Employees International Union boss Mary Kay Henry, and other Big Labor officials are going all-out to seize operational control over both chambers of Congress and state governments across the country this fall.

The union hierarchy's nationwide electoral program is being financed primarily by union dues and fees that millions of hardworking Americans are compelled to fork over, on pain of being fired from their jobs.

How much will union bosses spend on electioneering in the current campaign cycle? History indicates it will be far more than any other special interest group.

Drawing on a variety of published sources, last year the National Institute for Labor Relations Research estimated that Big Labor had spent more than $1.7 billion on politics and lobbying in 2015 and 2016.

The Institute's analysis relied almost entirely on reporting forms filed by union officials themselves with federal and state government agencies.

Taken together, union officials' disclosure reports show that the vast majority of the money they spend on electioneering and other ideological activities comes straight from union general treasuries. And union general treasuries consist mostly of workers' compulsory dues and fees.

Sutton-Cordray Credit: UAW

Big Labor politicians like Betty Sutton and Rich Cordray, who are running for Ohio's top executive offices, will apparently take whatever forced-dues support they can get, even from the scandal-ridden United Auto Workers union brass.

Union Operatives Determined to 'Halt' Right to Work Advance 'in Its Tracks'

Under federal campaign-finance law and similar state statutes, forced dues-stocked union treasuries may be used to pay for phone banks, get-out-the-vote drives, propaganda mailings, and other so-called "in-kind" support for candidates.

"Early signs are that union political operatives will pour at least as much forced-dues money into 2017-18 politics and lobbying as they did in 2015 and 2016," said National Right to Work Committee Vice President Mary King.

"Union bigwigs are revving up their political machine far in advance of the November elections and potentially preparing to spend more forced-dues money on electioneering than ever before to quash the burgeoning employee-freedom movement.

"Thanks to grassroots activists, assisted and counseled by the National Committee, the number of Right to Work states has increased to 28 today from just 22 as of the end of 2011."

Ms. King cited a recent analysis of this year's elections by rabidly pro-forced unionism journalist Mark Gruenberg, who wrote:

"Unionists . . . see 2018 as an election year during which they can join with their allies to win races in all levels of government and halt in its tracks" the Right to Work advance.

Mr. Gruenberg's take is supplemented by that of Julie Green, the former Democratic National Committee staffer selected by the AFL-CIO brass in January to head the union conglomerate's new political campaign division.

2018, Ms. Green declares, "is about building power for the long term. . . . [The] machine we're trying to build" is "for the long haul."

Politicians Accept Support From Union Whose Dons FBI is Investigating

Ms. King commented: "Big Labor strategists have good reason to expect the candidates the union hierarchy is backing will unconditionally support forced unionism if they are installed in office or reelected.

"One remarkable illustration of just how dependent on forced-dues campaign support countless politicians are, and how willing they are to do virtually anything in exchange for it, is the eagerness with which many 2018 candidates are seeking United Auto Workers [UAW] union bosses' backing."

As veteran automotive industry journalist Joseph Szczesny observed in May, the "credibility" of UAW bosses has been "damaged by the worst scandal to ever rock" the union's "top executive board."

At this writing, former UAW Vice President General Holiefield, who died in 2015, has been implicated, and three of his former staffers have been indicted, in a federal investigation involving the alleged misuse of millions of dollars in worker training funds.

Former UAW officers Virdell King and Keith Mickens have already entered guilty pleas.

And a number of other officers, including presidential nominee Gary Jones and Vice President Cindy Estrada, have been, in Mr. Szczesny's words, "tarred by the scandal though they have not been charged with any criminal activity."

The fact that politicians like Democrats Rich Cordray and Betty Sutton, respectively running this year to be governor and lieutenant governor of Ohio, placidly accept support from a union whose dons the FBI is investigating shows just how deeply committed they are to compulsory unionism, Ms. King concluded.

Government Union Dons Are 'Above the Law'

Union Contracts 'Take Precedence' Over Nutmeg State Statutes

In forced-unionism Connecticut, a public debate is raging over what to do about the state's dismal economic performance.

Since the last national recession ended roughly nine years ago, Connecticut has ranked dead last among the 50 states for economic growth. And breadwinners, along with their families, are fleeing the Nutmeg State in droves.

From 2006 to 2016, the number of Connecticut residents in their peak-earning years (aged 35-54) plunged by nearly 149,000, or 13.6%. That's nearly double the aggregate 7.4% decline in 35-54 year-old residents for forced-unionism states as a group.

Meanwhile, in the 22 states that had Right to Work laws on the books for the entire period from 2006 to 2016, there was no overall net decline in peak-earning-year population at all.

Extraordinarily Burdensome State Taxes Are Consequence Of Bloated Public Payrolls

One key reason businesses, jobs, and people who have to work for a living are moving out of Connecticut when they can is the state's heavy and mounting tax burden.

Soon after he first became the state's chief executive in 2011, Big Labor Democrat Gov. Dannel Malloy signed into law a record $2.5 billion tax increase package, including a 20% surcharge on the earnings of incorporated businesses.

Just four years later, Mr. Malloy and union-label Connecticut lawmakers imposed an additional $1.3 billion in personal income, property, sales and businesses taxes.

Credit: Justin Wan/Sioux City (Iowa) *Journal*

Journalist Chris Powell: Government union monopoly bargaining and binding arbitration "destroy democracy."

According to a recent analysis published on the popular WalletHub financial web site, in 2018 Connecticut residents will be forking over 10.2% of their income in state and local taxes.

Connecticut's combined state-local tax burden is heavier than those of all but four other states (all forced-unionism), and 27% heavier than the Right to Work state average.

Most of the state and local taxes extracted from hard-working Connecticut citizens are funneled into $19.2 billion (as of 2017) in annual compensation for employees on state and local payrolls.

Getting government compensation expenditures back under control is, therefore, absolutely necessary if meaningful state tax relief is ever to occur.

However, as veteran Connecticut journalist Chris Powell explained this Feburary in a column for Manchester's *Journal Inquirer,* state labor law effectively makes it impossible to reform the way public employees are compensated.

Invoking a study by the Hartford-based Yankee Institute, Mr. Powell explained that the compensation of Connecticut's government employees far exceeds that of most other states "because it is determined by a system that puts government employees above the law . . . ."

Government Union Contracts 'Can Nullify the Public's Right to Know'

Of course, in addition to Connecticut, more than 30 states have adopted laws handing union bosses monopoly-bargaining power to codetermine with elected officials and/or their appointees the pay, benefits and work rules of unionized public employees, including those who affirmatively choose not to be union members.

However, as Mr. Powell noted, Connecticut law subjects to union monopoly bargaining "more of the compensation and work conditions" of public employees than do most other state monopoly-bargaining laws.

Moreover, so-called "binding arbitration" of government union contracts in Connecticut "prevents elected officials from exercising much authority over the terms of government employment."

Connecticut law, Mr. Powell continued, even allows union contracts "to take precedence over state law."

He explained: "For example while ordinarily the disciplinary records of government employees are public records, union contracts can nullify the public's right to know so misconduct and incompetence on the public payroll can be concealed."

National Right to Work Committee Vice President John Kalb agreed, adding:

"Although Connecticut is an extreme case, the fact is that government union monopoly bargaining and binding arbitration laws operate against the interests of taxpayers and talented, conscientious public employees wherever they are on the books.

"Ultimately, as Chris Powell concludes, all such laws should be repealed because they 'destroy democracy.'"

Mr. Kalb vowed that the National Right to Work Committee and its 2.8 million members would continue fighting to roll back and eventually repeal every state monopoly-bargaining law in the U.S., and also to block the passage of any more such laws.

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Politicians Defend Union Coercion

Continued from page 8

explained:

"For decades, Big Labor politicians have used laws and regulations to help union bosses browbeat workers into joining their organizations and hamper workers' ability to leave them.

"Unfortunately, even in the best-case scenario, *Janus* won't stop such schemes.

"And the key reason so many politicians are determined to corral workers into unions and keep them unionized is obvious: Big Labor funnels a substantial share of the billions of dollars it annually rakes in through compulsory unionism into efforts to elect and reelect its political allies.

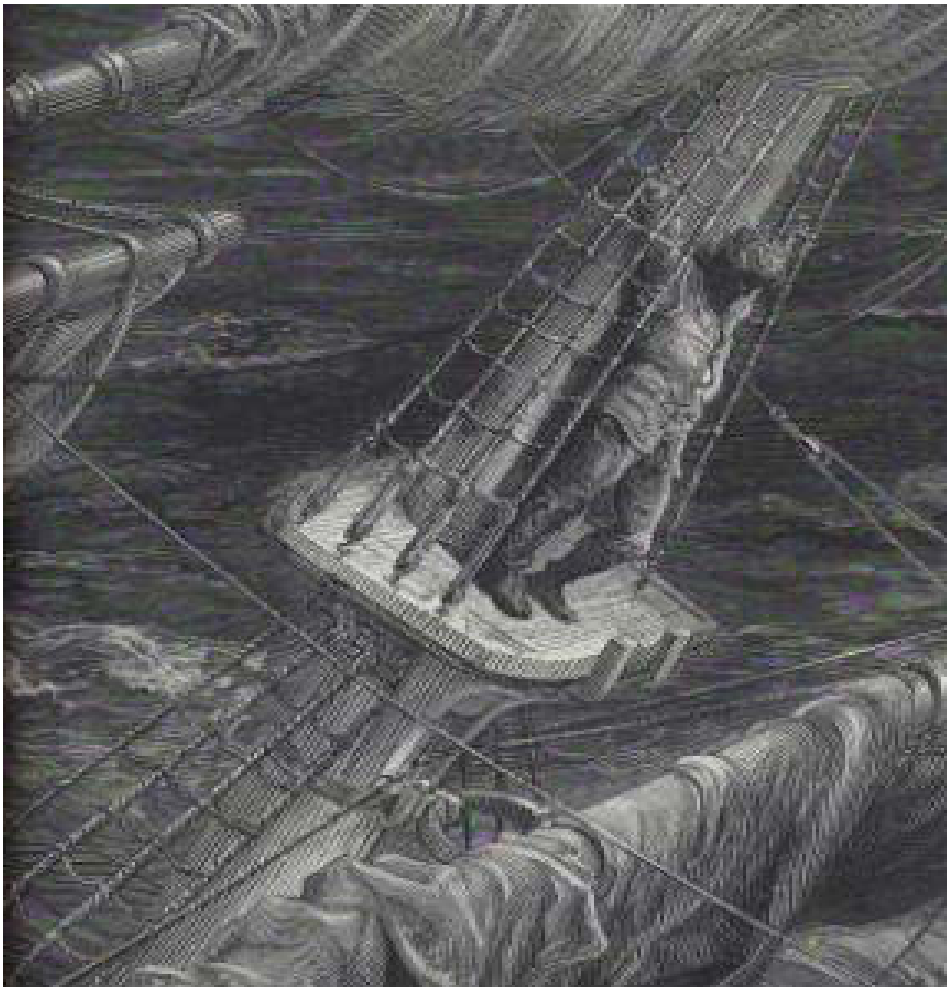
"Or, as Big Labor New York Democrat Gov. Andrew Cuomo put it in April, he is defending union bosses' prerogative to trample workers' First Amendment rights because 'it is the [forced dues-funded] union movement that drives the Democratic Party.'"

On May 21, *Politico*'s Katherine Landergan and Andrew Hanna filed a joint report on the pursuit by politicians in two union boss-dominated states, New York and New Jersey, of "an end-run around *Janus v. AFSCME*."

A New York statute signed by Mr. Cuomo on April 12 and a New Jersey law signed by Garden State Gov. Phil Murphy (D) on May 18, both require that all state and local government employers hand over the contact information for all "bargaining unit" employees to union bosses.

This personal information must be handed over even if the worker hasn't joined the union, expresses no interest in doing so, and tells the employer he or she does not want union officials to have such information.

Perhaps the worst provisions of all in New York's and New Jersey's anti-*Janus* laws seek to make it as difficult as possible for government workers who are currently union members but no longer wish to be to quit and cease financially supporting Big Labor.



Dore Ancient Marine Illustration Credit: Widimedia

Big Labor politicians have long used laws and regulations to help union bosses "strap" workers "to the mast," as future Clinton Labor Secretary Robert Reich admitted back in 1985. *Janus*, unfortunately, won't stop such schemes.

Union Bosses Get Expanded Power to 'Strap' Members Who Want to Quit 'to the Mast'

Union members who are fed up with union bosses' misrepresentation and decide to begin exercising their right not to fork over any money to union officials, assuming the Supreme Court recognizes this right, will only be able to do so during a brief "window period" that occurs only once a year.

And the statutes do not even oblige union bosses to tell workers when their "window periods" are!

"Back in 1985," commented Mr. Mix, "Harvard professor Robert Reich, Bill Clinton's future labor secretary, acknowledged that one key objective of U.S. labor policy since the New Deal has been to help union bosses 'strap their members to the mast.'

"Keeping workers 'strapped to the mast' is plainly what politicians in Big Labor-dominated states like California, Hawaii and Washington, along with New York and New Jersey, have in mind for the post-*Janus* world.

"But Right to Work supporters across America are fighting back, and will continue to safeguard gains that have already been made and extend protections against compulsory unionism to more employees."

Additional Litigation Will Almost Certainly Be Needed To Protect Right to Work

"Of course," continued Mr. Mix, "stopping the passage of anti-Right to Work legislation in Big Labor stronghold states like New York and New Jersey is always an uphill battle.

"But in those places and times where the legislative climate is too hostile for Right to Work supporters to be able to prevent a union power grab from being signed into law, we can still sometimes prevail in court.

"After *Janus,* it is almost inevitable that more litigation, including Foundation challenges on behalf of independent-minded civil servants to the employee-coercing statutes passed in New York and New Jersey this year, will be needed to defend the First Amendment in government workplaces.

"And Right to Work advocates are ready for these fights."

Helping Big Labor Defy the Supreme Court?

Union-Label Politicians Aim to Blunt Impact of Janus *Ruling*

By the time this Newsletter edition reaches its readers, the U.S. Supreme Court will almost certainly have made a ruling in a landmark constitutional case brought forth by independent-minded Illinois civil servant Mark Janus with the assistance of the National Right to Work Legal Defense Foundation.

And Big Labor politicians across the country are obviously anticipating, with trepidation, a decision stating that statutes and other public policies authorizing the termination of public employees for refusal to bankroll a union to which they choose not to belong violate the First Amendment.

That's why, over the past few months, union-label legislators and governors have been hastily adopting and signing measures that are plainly designed to deter educators, public safety officers, and other government employees from ever exercising their right not to join an unwanted union.

Cruomo and Trumka Credit: Forbes

As *Politico* reported May 21, union-label politicians like New York Democrat Gov. Andrew Cuomo (left, pictured here with AFL-CIO chief Richard Trumka) are "pursuing an end-run around *Janus v. AFSCME*."

Granting a 'Private Entity' Taxation Power Over Public Workers 'Undeniably Unusual'

Today more than 20 states have laws on the books explicitly requiring all or some front-line public servants who are subject to Big Labor monopoly bargaining in the workplace to pay dues or fees to a union they may not want as a condition of employment.

And roughly five million unionized public employees -- that is, the vast majority of all such employees across the U.S. -- reside in states where forced financial support for government unions is authorized and promoted.

Janus v. American Federation of State, County, and Municipal Employees (AFSCME), Council 31, in which the High Court heard oral arguments late this February, directly challenges the constitutionality of compulsory financial support for government unions in all U.S. jurisdictions.

The *Janus* plaintiff is a child support specialist at the Illinois Department of Health Care and Family Services.

He is being represented by staff attorneys for the Foundation, the National Right to Work Committee's sister organization, as well as the Winston & Strawn law firm and the Liberty Justice Center in Chicago.

As Mr. Janus and his attorneys emphasize, federal courts have for decades acknowledged that public sector forced union dues and fees are constitutionally problematic.

For example, the late Justice Antonin Scalia admitted in the 2007 majority opinion for the Foundation-won *Davenport* case that it is "undeniably unusual for a government agency to give a private entity the power, in essence, to tax government employees."

In 1977 Decision, So-Called 'Labor Peace' Trumped Workers' Freedom of Speech

Unfortunately, in the Foundation-argued 1977 case *Abood v. Detroit Board of Education* and in subsequent cases citing this ruling, the High Court set aside its First Amendment concerns and upheld the permissibility of forced financial support for government unions' bargaining-related activities.

Writing for the *Abood* court, Justice Potter Stewart indicated that such "impingement" on dissenting public employees' First Amendment rights is an acceptable price to pay for the preservation of "labor peace" in government workplaces.

Mr. Janus and a number of likeminded employees, as well as elected officials, legal scholars, citizen activists, and other individuals and groups who submitted court briefs in support of his case, have cited an array of reasons why the "labor peace" excuse for government sector forced unionism won't wash.

Not the least of these reasons is ample historical experience in the U.S. showing that forced unionism in no way fosters labor peace and that passage of states laws corralling public workers into unions is actually associated with increased labor strife.

As this month's Newsletter goes to press at the beginning of June, most legal observers following the case are apparently assuming five of the nine justices will agree with Mr. Janus and heed his call to overturn *Abood*.

'It Is the [Forced Dues-Funded] Union Movement That Drives the Democratic Party'

But regardless of how *Janus* turns out, an imminent shift to a nationwide system of purely voluntary unionism for public employees isn't in the cards.

Mark Mix, who heads the National Right to Work Committee as well as the National Right to Work Foundation,

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