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Pelosi Bill Would Target Grass-Roots Activists

Clear Aim Is to Muzzle Citizen Groups Like National Right to Work

"It is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the 'liberty' assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech . . . .

"Of course, it is immaterial whether the beliefs sought to be advanced by the association pertain to political, economic, religious or cultural matters, and state action which may have the effect of curtailing the freedom to associate is subject to the closest scrutiny."

With these words, all nine members of the U.S. Supreme Court sharply rebuffed the State of Alabama just over six decades ago for seeking to use its sovereign authority to obtain the names and addresses of members of the NAACP under its jurisdiction.

Credit: John Marshall Harlan II – USSC

Credit: Frederic Lewis/Archive Photos/Getty Images

Justice John Harlan, writing on behalf of a unanimous High Court: "[C]ompelled disclosure of affiliation with groups engaged in advocacy may constitute [an] effective . . . restraint on freedom of association."

'Unconstitutional' Goal Is to Curtail Free Speech Of Ordinary Americans

The author of the *NAACP v. Alabama* ruling was Justice John Marshall Harlan II, generally regarded as an advocate of judicial restraint, but no justice of any stripe dissented from his opinion, or even saw the need to qualify or add anything to what he said.

Unfortunately, in the 2019-20 Congress, U.S. House Speaker Nancy Pelosi (Calif.) and every other member of her Democrat Party caucus seem ready to toss the constitutional principles unanimously upheld by the Supreme Court out the window simply in order to silence inconvenient voices during public debates.

On March 8, Ms. Pelosi rammed H.R.1, the cynically mislabeled "For the People Act," through the House with the support of every single Democrat politician in the chamber.

This power grab now awaits action in the U.S. Senate.

"The clear, unconstitutional aim of H.R.1 is to curtail the free speech of ordinary citizens," charged National Right to Work Committee Vice President Greg Mourad.

Bill Would Help Thuggish Politicians, Union Bosses Track Down Their Critics

People banding together with others who share their legislative goals to advance them through grass-roots action are special targets of H.R.1, even though such organizations have long been explicitly authorized in Section 501(c)(4) of the Internal Revenue Code.

"The so-called 'DISCLOSE Act' provisions of H.R.1 would require nonprofit, citizen-action groups like the National Right to Work Committee to meet burdensome and stifling paperwork requirements simply in order to exercise basic First Amendment rights," explained Mr. Mourad.

"Worst of all, this scheme would force 501(c)(4) groups like ours to disclose

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Manufacturing Jobs Flock Back to Michigan

Factory Payrolls up by 14.8% Since Right to Work Law Took Effect

In 2011, the public debate over whether Michigan should adopt a Right to Work law barring the termination of employees for refusal to join or bankroll a union was heating up.

That September, the Big Labor-founded Economic Policy Institute (EPI) issued a skewed study dismissing the possibility such a law would bring any economic benefits to the Wolverine State.

'Very Hard to See' Such a Strong Comeback Occurring Without Right to Work

Fourteen months later, elected officials in Lansing ignored Big Labor's economists and passed the nation's 24th state Right to Work law, giving Michiganders a chance to see for themselves if the pro-forced unionism "think tank" was right.

Now it should be obvious to all the EPI was wrong.

From 2013, the first year its Right to Work law took effect, through 2018, factory employment in Michigan soared by more than 81,000, an absolute increase far greater than any other state's.

"It's very difficult to see how Michigan could have achieved such a strong economic comeback if the state hadn't made unionism voluntary six years ago," said National Right to Work Committee President Mark Mix.

"Right to Work Michigan's 14.8% manufacturing-employment gain from 2013 to 2018 is nearly quintuple the average percentage increase for forced-unionism states as a group over the same period, and far in excess of the increases for nearby Ohio and Illinois, which have remained forced-unionism.

"And factory employment is just one of many economic indicators pointing to better times for employees and businesses since Michigan's Right to Work law took effect."

Since 2012, Average Weekly Earnings in Michigan Have Risen by 70% More Than CPI

Mr. Mix continued: "For example, from 2012 through 2018, the average weekly earnings for private-sector employees in Michigan as reported by the U.S. Labor Department rose from less than $768 to roughly $890, or 15.9%.

"Private-sector pay per week in Right to Work Michigan rose by 70% more than inflation as measured by the Labor Department's urban consumer price index [CPI].

"And the national CPI greatly *overstates* inflation in Michigan, where, as the indices for interstate cost-of-living differences calculated annually by the Missouri Economic Research and Information Center clearly show, the cost of living has fallen relative to forced-unionism states since 2012."

(See the chart on page three for additional information.)

National Right to Work Committee members and supporters around the country deserve part of the credit for Michigan's success.

For years prior to the Wolverine State Right to Work law's enactment, the Committee had been calling upon candidates for state office in Michigan to pledge 100% opposition to compulsory unionism, and had given encouragement and advice to grass-roots citizens seeking to pass a state law to make unionism voluntary.

Just before the Right to Work legislative showdown in late 2012, the Committee conducted a massive phone and mail mobilization to let freedom-loving Michiganders statewide know their input was needed.

Credit: AP Photo/Detroit News/Dale G. Young

In late 2012, then-Gov. Rick Snyder signed Michigan Right to Work legislation. Since then, the Wolverine State's percentage growth in factory jobs has outpaced the for

Even Post-Right to Work, Union Dons Have Refused To Let Employees Quit

And independently from such mobilization efforts, Right to Work's research arm, the National Institute for Labor Relations Research, supplied elected officials, journalists, policy organizations, and ordinary citizens with information advancing the moral and economic arguments for forced-dues repeal.

Of course, the battle for the individual employee's freedom of choice in Michigan did not end once the Right to Work statute took effect six years ago.

"All too many union officials appear to have the idea that, because they don't like the Michigan Right to Work law, they

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Battle For Freedom Continues

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don't have to obey it," commented Mr. Mix.

Along with the Committee, Mr. Mix heads the National Right to Work Legal Defense Foundation, whose staff attorneys have litigated more than 100 cases to protect Wolverine State employees' freedom not to pay dues or fees to a union since forced-dues extractions were legally barred.

He cited the case of Lloyd Stoner, a Foundation client who works at the Ford truck plant in Dearborn, Mich., as an example of how greedy union kingpins stubbornly refuse to acknowledge member resignations so they can keep funneling a portion of the workers' paychecks into Big Labor coffers.

Acting at UAW Brass' Behest, Ford Kept Collecting Dues Against Worker's Wishes

More than a year ago, Mr. Stoner resigned from Local 600 of the United Auto Workers union. (The UAW has been repeatedly labeled by U.S. attorneys as a "co-conspirator" in a scheme with Fiat-Chrysler Automobiles to pilfer millions of dollars from a worker training center they jointly operate.)

Despite Mr. Stoner's resignation and despite Michigan's Right to Work law, which plainly states that nonmembers may not be compelled to pay any money to a union in order to keep their jobs, UAW officials insisted they could keep exacting dues from him.

And for months Ford kept on deducting dues out of Mr. Stoner's wages and giving them to the UAW.

Fortunately, this February, Mr. Stoner was able, with Right to Work attorneys' assistance, to win a National Labor Relations Board (NLRB) ruling that UAW bosses had illegally caused Ford to continue deducting unauthorized dues from his paychecks and unlawfully retained the money for themselves.

But the fact that Mr. Stoner had to file charges with the NLRB in order to exercise his statutorily recognized freedom of choice confirms that the battle for employee Right to Work protections isn't over yet in Michigan.

Other Union Bosses Should Take Warning From Decision

"One may hope that other Michigan union bosses who have been evading the law and trampling employees' freedom will take warning from the NLRB decision forcing UAW Local 600 to post employee notices acknowledging it violated Mr. Stoner's rights," said Mr. Mix.

"I'm not holding my breath, however. Fortunately, thanks to Right to Work staff attorneys, employees in Michigan don't have to count on union bosses to comply voluntarily with their state's ban on forced union dues and fees."

Incomes Rise, Comparative Cost of Living Gets Lower in Right To Work Michigan

Year	Average Weekly Earnings	Disposable Income Per Capita	Regional Cost-of-Living Index
2012*	$767.79	$34,993	95.1
2013	$784.55	$34,940	94.8
2014	$811.15	$36,548	91.8
2015	$827.32	$38,492	91.2
2016	$826.29	$39,455	88.2
2017	$855.36	$40,730	89.7
2018	$890.06	$42,202	89.3

* Michigan's Right to Work law was adopted in December 2012, but did not take effect until March 2013.

Sources: U.S. Labor Department, U.S. Commerce Department, Missouri Economic Research and Information Center

Since 2012, the last year before Michigan's Right to Work law took effect, average weekly earnings for the state's private-sector workers have risen by 15.9%, even as living costs have fallen relative to other states'.

Citizen Groups Under Fire

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publicly the names of our donors.

"Effectively, Right to Work officers would either have to help thuggish politicians and union bosses track down and harass our supporters for daring to criticize them, or risk fines and, potentially, imprisonment."

'The Effect of Compelled Disclosure . . . Will Be To Abridge' Member Rights

An unwarranted government demand that a private organization surrender and acquiesce to public disclosure of its supporters' personal information is precisely the type of abuse the Supreme Court condemned in *NAACP v. Alabama*.

"It is hardly a novel perception," stated Justice Harlan on behalf of the Court, "that compelled disclosure of affiliation with groups engaged in advocacy may constitute [an] effective . . . restraint on freedom of association."

Ultimately, "the effect of compelled disclosure of the membership lists will be to abridge the rights of its rank-and-file members to engage in lawful association in support of their common beliefs."

"Given that many Big Labor bosses contend unabashedly that they ought to be exempt from prosecution under federal anti-extortion law whenever they are pursuing 'legitimate' union goals, Committee members plainly have reasonable cause to expect reprisals if they lose their right to privacy," said Mr. Mourad.

Committee Ready to Help Block H.R.1 in Senate

Shortly before this edition of the National Right to Work Newsletter went to press, the Committee contacted every senator on behalf of Committee members, stating bluntly that H.R.1 would "have the effect of stifling" the voices of this coalition of freedom-loving Americans.

Mr. Mourad said that, with top Senate leaders on the record in opposition to H.R.1, there are good prospects for blocking this attack on the free association and the right to privacy in Congress' upper chamber. And the Committee is prepared to do everything necessary to defeat the legislation there.

‘American Dream’ Lives in Right to Work States

Far Fewer Single-Unit Homes Being Built in Big Labor Domains

Last year, Apartment List, a private service company that connects renters with apartment listings, surveyed 6,400 millennials on their plans for homeownership.

The company reports that 89% of millennials want to own their own homes, but just 4.9% “say they will do so within the next year,” and 34% expect they will have to wait five years or more.

Of those who are putting off homeownership, 72% cite affordability as a reason.

Fortunately, single-family homes are far more affordable in some regions of the country than in others.

Of the 10 Bottom-Ranking States For Housing Permits, Nine Are Forced-Unionism

And U.S. Bureau of the Census (BOC) data have long shown that making the transition from renter to homeowner is far less difficult in Right to Work states than in states where employees aren’t protected from compulsory unionism.

For example, the BOC’s tracking of housing authorizations shows that there were 3.59 permits for construction of privately-owned, single-unit houses per 1,000 residents in the 27 Right to Work states as a group last year.

That’s well over double the 2018 average of 1.62 per 1,000 residents in the 23 forced-dues states.

In absolute terms, there were 592,600 single-unit housing authorizations in Right to Work states last year. That’s 126% more than the total for states where employees may be fired for refusal to join or pay fees to a union.

Getty Images/iStockphoto/LightFieldStudios

Right to Work states enjoy a 2.2-to-one advantage over forced-dues states in single-unit housing authorizations.

“The correlation between state laws prohibiting forced union dues and fees as a condition of employment and single-unit housing authorizations is quite robust,” said National Right to Work Committee Vice President Matthew Leen.

“Eleven of the 13 states with the most authorizations per capita of such housing are Right to Work states.

But all of the six bottom-ranking states -- Connecticut, Illinois, Massachusetts, New Jersey, New York, and Rhode Island -- and nine of the 10 bottom-ranking states are forced-dues.”

More Affordable Homes Just One of a Host of Right to Work Economic Advantages

“Of course,” Mr. Leen added “housing authorizations are only one of manifold pieces of evidence pointing to higher living standards and faster economic growth in Right to Work states.”

As a second example, Mr. Leen cited the U.S. Commerce Department’s Bureau of the Census (BOC) data for mean household income in the 50 states for 2017, the latest year for which such statistics were available as this Newsletter edition was prepared:

“Adjusted for regional tax and cost-of-living differences according to indices calculated by the Tax Foundation and the Missouri Economic Research and Information Center, the BOC data show an average after-tax income of $57,416 in Right to Work states.

“That’s nearly $4,500 higher than the average for states that still lack Right to Work protections for employees.

“The three top-ranking states for cost of living-adjusted after-tax household income -- Virginia, Texas, and Utah -- are all Right to Work.”

Laws Help Raise Living Standards by Empowering Individual Employees

Mr. Leen continued: “There’s no reason to be surprised by the fact that Right to Work states are more successful than forced-unionism states at helping their residents better provide for themselves and their families.”

Right to Work laws, he explained, simply protect the freedom of employees to get and hold a job without forking over dues or fees to a union that is recognized as their “exclusive” (actually, monopoly) bargaining agent.

“Unless they are protected by a Right to Work law,” he said, “independent-minded employees have no power to fight back against a greedy and tyrannical union boss by withholding their financial support.

“And when employees have no personal freedom of choice, union bosses have relatively little incentive to tone down their class warfare.

“Employees are consequently far less likely to reach their full productive potential and reap the accompaning benefits.

“That’s a key reason why single-unit housing authorizations, real-after tax spendable incomes, and countless other economic indicators point to the fact that forced dues lower living standards.”

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Taxpayer-Funded Union Agents Are 'Volunteers'?

Big Labor Tries to Defend 'Official Time' Privileges in Florida

Public support for the principle that membership in and financial support for a labor organization should be matters of individual choice has deep roots in Florida.

In 1944, Florida and Arkansas became the first two of the 27 states, so far, to protect employees' Right to Work. The Sunshine and Razorback States acted more than two-and-a-half years before the U.S. Congress explicitly gave the green light for such protections in the 1947 Taft-Hartley Act.

The Right to Work principle is even enshrined in the Florida Constitution.

But for many years now, government union bosses have undercut Florida's and other states' Right to Work laws by wielding their government-granted monopoly-bargaining privileges to extract so-called "official time" (sometimes also referred to as "release time") deals from public employers.

Official-time schemes enable government employees who are also union officials to be paid by taxpayers to advance the interests of the union rather than the missions of their agencies.

Credit: WJCT-TV (Jacksonville, Fla.)

A number of public officials in Florida have openly admitted that they do not even try to monitor what government union bosses like Jacksonville's Steve Zona do in order to receive taxpayer-funded paychecks.

Taxpayer Money Finances Union Grievance Cases Against Taxpayer-Funded Agencies!

Last year, in response to public-records requests they received from the Washington, D.C.-based Competitive Enterprise Institute (CEI), Miami-Dade County, the City of Jacksonville, and the City of Tampa admitted they do not even try to monitor the activities union agents conduct on the taxpayer dime.

And the cost to taxpayers is substantial, as CEI policy analyst Trey Kovacs reported in a commentary early this March:

"In FY 2014, FY 2015, and FY 2016, Miami-Dade County employees spent nearly 100,000 hours on release time each year, at a cost to taxpayers of $3.2 million, $3.1 million, and $2.9 million, respectively."

In Jacksonville and Tampa, "the cost of release time amounted to several hundred thousand dollars annually."

Jacksonville's pact with several government unions explicitly authorizes union agents to be paid by taxpayers while they pursue grievance cases against taxpayer-funded agencies!

National Right to Work Committee Vice President Mary King commented:

"The most effective single solution for anti-taxpayer official-time schemes and a host of other related Big Labor abuses is to prohibit all union monopoly bargaining in government workplaces.

"Without so-called 'exclusive union representation' power to codetermine with public employers the terms and conditions of employment for union nonmembers as well as members, Big Labor officials find it relatively difficult to grab official-time privileges.

"A good first step would be simply to prohibit government union officials from wielding their monopoly-bargaining power to extract official-time deals from public employers.

"That's the approach of H.B.13, legislation introduced this year by pro-Right to Work Florida state Rep. Jayer Williamson [R-Pace]."

Apologists For Official Time Will Fight Tooth and Nail to Perpetuate It

"Mr. Williamson's bill," continued Ms. King, "would simply prohibit public employers from cutting deals with Big Labor that permit government employees who are also union activists from getting paid by taxpayers to attend union conventions, lobby for union boss-favored legislation, or conduct other union business.

"On March 6, H.B.13 was reported favorably out of the Florida House Oversight, Transparency, & Public Management Subcommittee. Subsequently, National Right to Work contacted every Florida House member to urge support for this measure.

"But union-label politicians will fight tooth and nail to perpetuate Big Labor's release-time privileges.

"At the subcommittee hearing, one member actually dared to claim that the Florida government union operatives who are currently taking taxpayers' money for union work are 'volunteers,' and thus insinuated that opponents of release time are opposed to 'volunteering.'

"The reality, of course, is that volunteers are people who work for free. Public employees who are paid to conduct union business cannot legitimately be labeled as 'volunteers.'

"Today, thanks to the National Right to Work Legal Defense Foundation's 2018 Supreme Court victory in *Janus,* public employees have a recognized First Amendment right not to subsidize union advocacy directed at public officials.

"Official-time schemes that force taxpayers to subsidize such Big Labor advocacy are just plain wrong. The Committee will do everything feasible to help the people of Florida and the other 49 states stop them."

‘The People Who Can Leave Are Leaving’

Union Boss-Dominated Garden State Faces Economic Death Spiral

Since the beginning of 2018, Democrat politicians who avidly support monopoly privileges for Big Labor have had a firm hold on all the reins of power in forced-unionism New Jersey.

But Gov. Phil Murphy has yet to come to an accord with New Jersey Senate President Steve Sweeney (West Deptford Township) and Assembly Speaker Craig Coughlin (Woodbridge) regarding what to do about the Garden State’s abysmal fiscal outlook.

This year, largely because a major 2018 state income-tax increase rammed through Trenton by the governor, with Big Labor’s assistance, is raising far less revenue than expected, government revenues are falling substantially short of what the state budget calls for.

The “solution” being offered by Mr. Murphy and his government union-boss allies is to raise the burden on already-beleaguered taxpayers yet again.

‘Triple Whammy’ For New Jersey Breadwinners And Their Families

“High living costs, a heavy tax burden, and an exorbitant government debt burden are a triple whammy for New Jersey breadwinners and their families,” said National Right to Work Committee Vice President John Kalb.

“According to an index gauging regional differences in the cost of living calculated by the Missouri Economic Research and Information Center, a state government agency, a dollar in New Jersey is worth just 82 cents, or 18% less than its average value for the 50 states.

“And according to the nonpartisan Tax Foundation, last year New Jersey residents had a heavier total (federal, state and local) tax burden than their counterparts in all but two other states.

“Moreover, according to a study conducted by Pew Research, over the past decade-and-a-half New Jersey has been the most fiscally irresponsible state in the country, routinely spending more than it collects in taxes, fees, and federal grants.

“Unfortunately, Gov. Murphy appears to be in complete denial about the impact his policies have on people from all walks of life.

“Last spring, he publicly insisted his ill-fated 2018 tax hike would take New Jersey in a ‘stronger and fairer’ direction. Now he is pushing for more of the same. “Sen. Sweeney and Speaker Coughlin at least realize there’s a serious problem.”

Right to Work Could Help Abate New Jersey’s Key Economic Problems

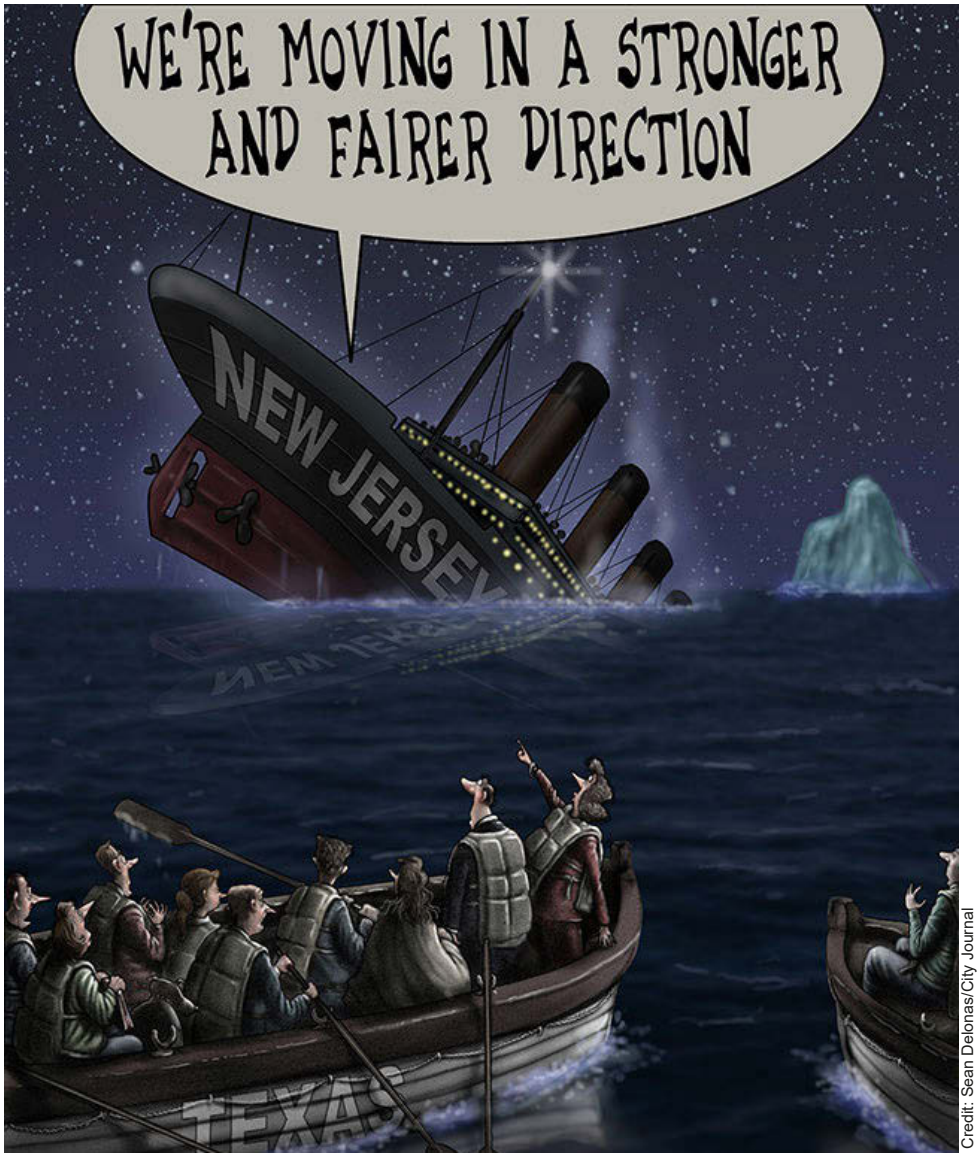
“They are both proposing reforms to stem skyrocketing compensation costs for New Jersey’s overwhelmingly unionized government workforce before any additional tax hikes are considered,” continued Mr. Kalb.

“New Jersey is already ‘overtaxed,’ acknowledges Mr. Sweeney. That’s why, he says, ‘The people who can leave are leaving.’

“State Right to Work legislation and revocation of government-sector union monopoly-bargaining privileges could actually make the kind of public spending reforms Mr. Sweeney and Mr. Coughlin are talking about possible.

“But these two legislative leaders are lifelong apologists for compulsory unionism, and there’s not yet any sign they are interested in changing course, even as New Jersey heads towards fiscal disaster.

“New Jersey is just one example of the economic trouble a state sets itself up for by refusing to protect employees’ Right to Work. Concerned citizens across the country ought to pay heed to what is happening there.”



Credit: Sean Delonas/City Journal

Even as thousands of working-age New Jerseyans flee to Right to Work states each year to escape onerous living costs and taxes, Big Labor Gov. Phil Murphy claims the state is on the right track.

Congress Has Duty to Act

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lawyer, Trump-appointed General Counsel Peter Robb, issued instructions to agency regional directors and other staff about how to ensure employees' *Beck* rights are practicable, and not merely theoretical.

Workers Have a Right to Know They Don't Have to Be Full Union Members

One key point emphasized by Mr. Robb in his memorandum is that, in order for *Beck* rights to be meaningful, union operatives must be required to let employees know they have a right to "be or remain" nonmembers *at the same time as* the union "initially seeks" to collect forced dues or fees from the employees.

Moreover, union operatives must also acknowledge, at the time they are making demands that employees bankroll the union, that the employees who are not members have the right not to pay for any and all nonbargaining activities conducted by the union.

"The NLRB reversal of the lawless *Geary* decision and General Counsel Robb's memorandum on unions' duty to notify employees of their rights under *Beck* and other related High Court decisions together constitute a step in the right direction," said Right to Work President Mix.

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

Federal Forced-Dues Repeal Would Furnish Genuine Free-Speech Protection

Mr. Mix continued: "The fact is, as long as federal policy authorizes union officials to extract forced union dues and fees from millions of unwilling employees, the freedom of workers to refuse to bankroll political and ideological causes with which they disagree will be in danger.

"Long experience has shown that no court precedent or regulation will deter unscrupulous union officials from using nonmember workers' forced fees for politics when they think they can get away with it.

"Fortunately, 27 states now have Right to Work laws on the books prohibiting forced union membership, dues and fees.

"Employees in such states are truly and consistently protected from being forced to finance Big Labor's favored causes and candidates.

"But it remains Congress's obligation to crack down on forced-dues lobbying and electioneering and protect the free-speech rights of private-sector employees across the nation.

"And this objective can be accomplished by passage of a national Right to Work law that repeals the handful of provisions in federal labor law under which millions of employees are still being forced to bankroll unions."

Senate Right to Work Measure Currently Has 20 Cosponsors

This spring, the Right to Work Committee is continuing to work with U.S. Sen. Rand Paul (R-Ky.) to build Capitol Hill support for S.525, federal forced-dues repeal legislation that Mr. Paul introduced in February.

"No citizen," commented Mr. Mix, "whether he or she is a worker, a small-business owner, a student, a housewife, or a retiree, should ever be 'compelled' (to paraphrase Thomas Jefferson) to 'furnish contributions for the propagation of opinions' that he or she 'disbelieves and abhors.'

"Rand Paul's S.525, also known as the National Right to Work Act, would put a stop to what Jefferson properly called a 'sinful and tyrannical practice.' It is currently cosponsored by 20 senators."

Soon after this Newsletter edition goes to press at the beginning of April, pro-Right to Work U.S. Rep. Joe Wilson is expected to introduce a House companion measure to S.525.

Once federal forced-dues repeal measures are before both the Senate and the House, the Committee will begin mobilizing freedom-loving citizens nationwide to push for committee hearings and floor votes on Right to Work in both chambers of Congress.

Credit: Twitter/NLRB General Counsel

General Counsel Peter Robb (center left) and other Trump NLRB appointees have recently taken certain positive actions to make *Beck* rights a reality, but even this modest progress could be undone by a future NLRB.

Trump NLRB Targets Forced Dues-Funded Lobbying

Long-Awaited Reversal of Lawless Geary *Ruling a 'Good First Step'*

Just over three decades ago, the U.S. Supreme Court confirmed in *Beck v. Communications Workers of America*, a case argued and won by National Right to Work Legal Defense Foundation attorneys, that forced dues-paying private-sector workers who never join or resign from the union have certain rights.

In particular, such independent-minded workers have the right under federal law to pay a forced, but reduced, union "agency" fee rather than full forced dues in order to keep their jobs.

(Of course, in Right to Work states, 21 in number at the time *Beck* was decided in 1988, with six additions since then raising the total to 27, unionized employees who choose not to become union members may not be fired, period, for refusal to pay dues or fees to Big Labor.)

Moreover, stated *Beck*, objecting workers' forced fees may not be spent on lobbying unless that lobbying is somehow an integral part of negotiations between union officials and members.

Credit it: YouTube.com/Cascade Policy Institute

In 1988, communications worker Harry Beck (now retired in Oregon) and his Right to Work attorneys scored a landmark High Court free-speech victory. But Big Labor has never genuinely accepted the *Beck* decision.

Obama NLRB Effectively Gave Big Labor a Green Light to Ignore *Beck*

But seven years ago, Barack Obama's National Labor Relations Board (NLRB) gave union bosses a green light to force nonmembers who object to the use of their "agency" fees for anything other than bargaining to pay for virtually all, if not all, Big Labor lobbying.

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

National Right to Work Committee President Mark Mix explained that, in practice, this was no limitation at all:

"Big Labor always claims its lobbying and electioneering schemes 'ultimately inure to the benefit' of unionized workers. Consequently, if *Geary* had stood, *Beck* protections against forced dues for union lobbying would have been gutted."

In 2014, the Supreme Court's unanimous *Noel Canning* decision invalidated Barack Obama's putative "recess" appointments of two of the three NLRB members who had signed on to the *Geary* decision, on the grounds that the Senate was not actually in recess when the appointments were made. That means *Geary* was issued by an illegally constituted Board.

For Years, NLRB Stonewalled Instead of Fulfilling Its Duty to Reconsider *Geary*

But for years after *Noel Canning* came down the NLRB stonewalled instead of fulfilling its legal duty to reconsider *Geary*.

Finally, this January, Right to Work attorneys, acting on behalf of Jeanette Geary, an independent-minded Rhode Island nurse and union nonmember, and a number of her colleagues, filed a court petition seeking an order that the NLRB take action on their case, which was still pending without a valid decision.

'Court Precedent Compels Holding Lobbying Costs Are Not Chargeable'

The U.S. Court of Appeals for the D.C. Circuit subsequently granted Ms. Geary's petition, ordering the NLRB to respond by March 4.

Just three days before the deadline, the Board finally acted.

In a sweeping 3-1 decision, the NLRB held that United Nurses and Allied Professional (UNAP) union bosses had unlawfully spent forced union fees forked over by Ms. Geary and other union nonmembers on lobbying activities:

"We believe that relevant Supreme Court and lower court precedent compels holding costs are not chargeable" to union nonmembers who assert their right under *Beck* to refuse to bankroll Big Labor's nonbargaining activities, said the Board majority.

The NLRB also held that UNAP officials had violated the law by failing to provide Ms. Geary "with an audit verification letter" in support of their claim that the forced fees they were demanding of her were permissible under *Beck*.

Just before the NLRB took belated, but positive action in *Geary*, the Board's top

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