NATIONAL RIGHT TO WORK NEWSLETTER

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Right to Work Activism Spreading Like Wildfire

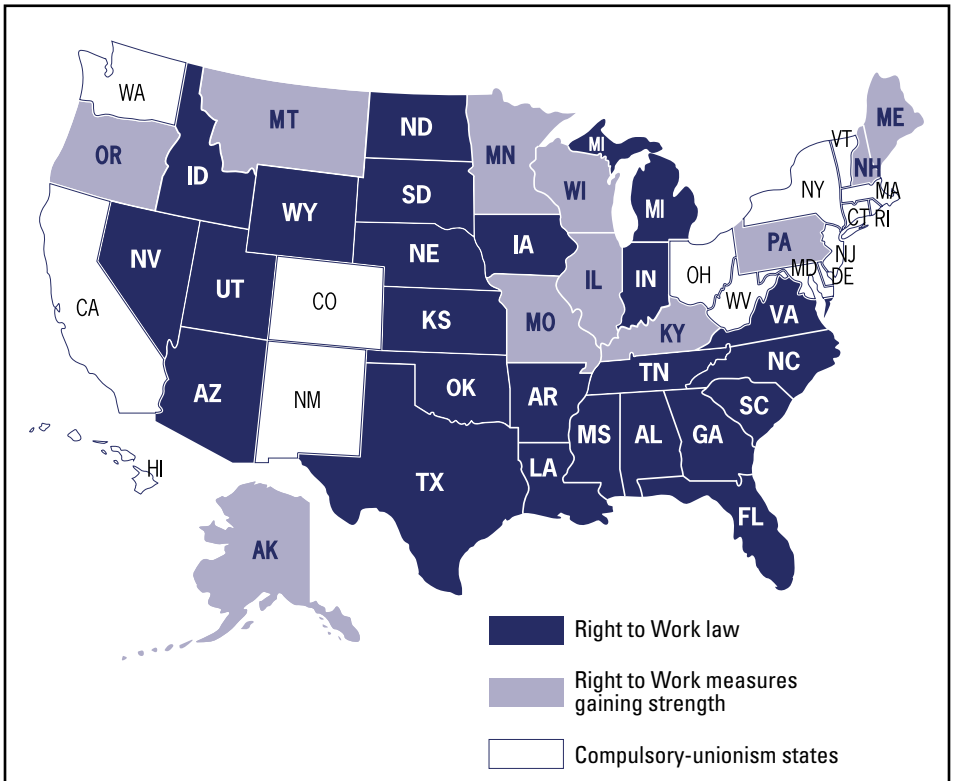
Victories in Indiana, Michigan Build Momentum in Other States

From the West Coast to New England, freedom-loving citizens who are inspired by the enactment of Right to Work laws in Indiana and Michigan last year are now lobbying legislators with renewed vigor to oppose compulsory unionism in their states.

Indiana adopted the 23rd Right to Work law in February 2012 and Michigan approved the 24th in December. For the first time since 1954, two states prohibited the firing of employees for refusal to pay dues or fees to an unwanted union in a single calendar year.

Now state and regional groups in Alaska, Oregon, Montana, Minnesota, Wisconsin, Illinois, Missouri, Kentucky, Pennsylvania, New Hampshire and Maine are hoping they can follow in the footsteps of Indiana and Michigan Right to Work activists.

The National Right to Work Committee is assisting, and will continue to assist, the various state and regional groups in their mobilization efforts.



Geography of Right to Work Laws

During 2012 alone, the number of states with Right to Work laws on the books rose from 22 to 24. Now National Committee leaders are helping grassroots activists from coast to coast to build on these successes.

'With Each Election Cycle, Hoosier Right to Work Forces Gained Strength'

"Both the Indiana and the Michigan Right to Work laws are the result of years of preparation by ordinary citizens and elected officials deeply concerned about their states' future," commented National Right to Work Committee President Mark Mix.

"There are important differences in how the two laws came about, however.

"In Indiana, starting in 2003-2004, Hoosier Right to Work supporters with the National Committee's help conducted full-scale candidate survey programs in election cycle after election cycle."

As part of this program, every campaign year, thousands and thousands of information packets regarding state legislative and statewide candidates' positions and records on Right to Work were mailed to identified pro-Right to Work citizens.

Responding to the program, these Indiana citizens phoned and wrote their candidates to insist that they publicly pledge to support Right to Work.

By the time the 2009-2010 election cycle was over, there were substantial pro-Right to Work majorities in both chambers of the Indiana General Assembly. "With each election cycle,

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Right to Work Movement Has Momentum

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Hoosier Right to Work forces gained strength," recalled Mr. Mix.

He elaborated:

"As many National Committee members know, before a 54-44 majority in Indiana's House of Representatives finally stood up to Big Labor by voting to adopt a state Right to Work law in early 2012, union lobbyists had thwarted efforts to pass forced-dues bans through the chamber in 2004, 2006, 2008 and 2010."

Politicians Who Stubbornly Kept on Carrying Water For Big Labor 'Went Down to Defeat'

"But with the emergence of the Indianapolis-based Indiana Right to Work Committee as a major citizens lobby, many politicians who had once rode the fence decided to take a stand in favor of Right to Work," Mr. Mix continued.

"Other politicians who stubbornly continued to carry water for Big Labor went down to defeat.

"Finally, in late 2011, GOP Gov. Mitch Daniels and GOP House Speaker Brian Bosma [Indianapolis], who had up to then opposed consideration of Right to Work measures in the General Assembly, heeded the persistent pleas of grass-roots activists and changed their position. After that, a Right to Work victory came swiftly."

Michigan's adoption of a Right to Work law at the end of 2012 was, to a large degree, part of a chain reaction that began when Indiana banned forced union dues.

Well aware that public support for a Michigan Right to Work law was intensifying, and seeing what had just happened in Indianapolis, United Autoworkers (UAW/AFL-CIO) union czar Bob King decided it was time to mount a preemptive strike in the Wolverine State.

Mr. King successfully solicited the support of his fellow union bosses. Together, they concocted and got on the November 2012 ballot Proposal 2. If it had been approved, it would have made it impossible for Michigan's elected officials to adopt a Right to Work law.

In Michigan, Big Labor's Anti-Right to Work Proposal 2 Backfired

Unfortunately for Mr. King and his cohorts, the people of Michigan refused to go along. And Proposal 2's defeat by 57.4% of Michigan voters actually emboldened many elected officials who had been vacillating to support Right to Work.

"In retrospect, the union bosses' Proposal 2 was a gross miscalculation," said Mr. Mix. "Of course, it never would have led to the approval of a state Right to Work law if freedom-loving Michiganders hadn't been prepared to take advantage of the opportunity that presented itself to them shortly after the fall elections.

"On the other hand, without Proposal 2, Right to Work passage in Michigan would likely have required several additional years of grass-roots mobilization efforts."

'The Union Hierarchy Is Unlikely to Repeat Its Michigan Mistake'

"The union hierarchy is unlikely to repeat its Michigan mistake," Mr. Mix cautioned.

"Therefore, states that hope to pass Right to Work laws in the future should expect before this happens to have to go through several election cycles in which vast numbers of ordinary citizens are mobilized to contact their candidates and urge them to oppose compulsory unionism.

"Not just in Indiana, but also in Kansas, Wyoming, Louisiana, Idaho and Oklahoma, it took years of public education and grass-roots mobilization to pass a Right to Work law.

"Euclid is said to have replied to King Ptolemy's request for an easier way of learning mathematics that 'there is no Royal Road to geometry.'

"Since the mid-1950's, multiple attempts by well-intentioned citizens in state after state to deal with the scourge of forced union dues and fees over the course of a few months through a Right to Work ballot initiative have all proven futile.

"Just as there is 'no royal road to geometry,' there is no 'royal road' to Right to Work passage.

"The only effective way to counterbalance Big Labor's forced dues-funded clout is to get Right to Work supporters actively involved in lobbying their legislative candidates on this issue through state survey programs."

Mr. Mix expressed optimism that Right to Work proponents in states like New Hampshire, Missouri, Maine and Pennsylvania, where hearings on forced-dues bans are occurring this winter, as well as in other states where the Right to Work movement is gaining strength, will stick to sound strategies.

"There is no doubt about the enduring appeal of the Right to Work principle," he observed.

"No American should be forced to join or bankroll a union as a condition of employment. The vast majority of citizens agree. But it requires careful planning to transform massive public support into an effective and lasting policy change."

CREDIT: AP/J. SCOTT APPLEWHITE

The lesson of recent history is that it is possible for Right to Work supporters to beat AFL-CIO kingpin Richard Trumka and his army of lobbyists on their own turf and pass a ban on forced union dues.

Big Labor 'Victory' Rescinds Workers' Raises

Extraction of Compulsory Union Dues Adds Insult to Injury

Regular readers of the National Right to Work Newsletter are undoubtedly familiar with the single rationalization Big Labor most commonly offers for laws and legislation authorizing union officials to force employees to pay union dues, or be fired. In simple English, union bosses' excuse is that ALL employees who are subject to monopolistic union representation in the workplace "benefit" thereby.

Union propagandists do not generally claim, in blunt words, that every single unionized worker earns higher pay, gets better benefits, or has more job security as a consequence of the efforts of his or her union monopoly-bargaining agent. Stated directly, that would be too obviously false.

CREDIT: UFCW.ORG CREDIT: EDINBOROFIRE.ORG

United Food and Commercial Workers union czar Joe Hansen (inset) and his cohorts are determined to prevent any front-line Giant Eagle employee from getting a raise based on his or her individual merit.

Big Labor Apologists Hope No One Examines False Assumption

Instead, in contending for forced union dues and fees, Big Labor apologists simply assume workers who are under a union monopoly owe a debt of gratitude to the monopolists, and hope no one examines the assumption.

This debating tactic has never worked well with American citizens, who polls show have overwhelmingly supported Right to Work laws prohibiting forced union membership and dues as a condition of employment for decades.

But all too many politicians in both major parties have historically been willing, for self-serving reasons, to swallow Big Labor's "ALL workers benefit" assumption whole.

'The Union's Position Is Anything But Individual Increases'

A recent federal court case emanating from northwestern Pennsylvania should make it harder for union-label and union boss-appeasing politicians to get away with parroting this tired excuse for forced unionism.

The legal battle began when managers of the Giant Eagle supermarket chain decided to give "two dozen industrious employees raises above their union pay scales," as Heritage Foundation analyst James Sherk explained in a January commentary for *National Review Online*.

Normally federal law flat-out prevents unionized employers from paying more than union scale without union officials' explicit permission. But Giant Eagle believed it had leeway to use pay incentives to retain good employees under a contract clause that seemed to give the company that prerogative.

But the bosses of Local 23 of the United Food and Commercial Workers (UFCW) union, like other union officials, hate the idea of employers' having the discretion to reward employees in a way that maximizes the business's profits, productivity and value.

The Local 23 brass quickly filed a grievance asking an arbitrator to force the company either to increase the wages of other employees, or rescind the increases it had already granted. As Local 23 Secretary-Treasurer Paul Brophy explained to the arbitrator, "the union's position is anything but individual increases."

The arbitrator sustained the union grievance, and directed Gaint Eagle to rescind the raises. The company appealed in federal court, but in November 2012 Judge Arthur Schwab of the U.S. District Court for the Western District of Pennsylvania upheld the arbitrator's ruling.

'The Action of the Union . . . Will Have the Effect of Taking Away Raises of Certain Members'

"As Judge Schwab observed with bemusement in his opinion, 'the action of the Union in the arbitration will have the effect of taking away raises of certain members, thereby causing harm to its own members,'" noted National Right to Work Committee Vice President Greg Mourad.

"Unfortunately, government-authorized union monopoly bargaining does hand Big Labor the power to hurt many workers who are under its control. But until the laws promoting union monopolies are repealed, can we at least stop pretending that all workers benefit from being corralled into a union?

"To force workers who have been harmed, economically or otherwise, by union monopoly bargaining to pay union dues is like pouring salt in a wound.

"Passage of just-introduced federal forced-dues repeal legislation [S.204], commonly known as the National Right to Work Act, would be a modest but important step toward restoring fairness in national labor policy."

National Right to Work Bill Introduced in Senate

Rand Paul's S.204 Could Help Reinvigorate Anemic U.S. Economy

On January 31, U.S. Sen. Rand Paul (R-Ky.) and 10 original cosponsors introduced legislation that would restore an important personal freedom for millions of American employees.

Sen. Paul's S.204, also known as the National Right to Work Act, would simply repeal the current provisions in federal labor law that authorize compulsory union dues and fee payments as a condition of employment.

"When S.204 becomes law, private-sector employees in all 50 states will have the freedom to choose as individuals whether or not to join or pay dues to a union," explained Mary King, vice president of the National Right to Work Committee.

"No employees covered by federal labor statutes will face job loss as a consequence of their decision to refuse to join or bankroll a union.

"And S.204 accomplishes this important policy change without adding one word to federal law. Instead, this bill removes all the forced union dues-imposing provisions now included in the National Labor Relations Act [NLRA] and the Railway Labor Act [RLA]."

Compulsory unionism is primarily a moral issue.

At the same time, of all the economic reforms Congress may consider this year and in 2014, S.204 would surely have the strongest positive impact for incomes and jobs.

Top Eight Job-Growth States During Barack Obama's First Term Are All Right to Work

To illustrate the point, Ms. King called attention to the U.S. Labor Department's data for civilian noninstitutional employment in the 50 states from January 2009, the month Barack Obama first took office as U.S. President, through December 2012.

This is the most comprehensive Labor Department gauge of job growth available.

"In the 22 states that had Right to Work laws on the books protecting employees from forced union dues throughout the past four years, civilian employment has grown by a net 1.51 million, or 2.7%, since January 2009," Ms. King observed.

"Meanwhile, in the 27 states that lacked Right to Work laws prior to December 2012, civilian employment fell by nearly 240,000, or 0.3%."

(Indiana, which adopted a Right to Work law in February 2012, is excluded from this analysis. Michigan, which approved a Right to Work law in December 2012, is counted as a forced-unionism state, since its new law does not take effect until this March.)

Ms. King added:

"All the eight states with the highest percentage job growth from January 2009 through December 2012 -- Florida, Nebraska, North Carolina, North Dakota, Oklahoma, Tennessee, Texas, and Virginia -- are Right to Work. Meanwhile, seven of the nine states with the worst job losses are forced-unionism."

Compulsory Union Dues Bankroll Growth-Hindering Policies

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," Ms. King 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 NLRA and the RLA, this massive impediment to economic growth nationwide would be lifted.

"Forced-dues repeal would spur job growth in all 50 states. Businesses based 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.

"The 2.8 million National Right to Work Committee members are now lobbying hard to build Senate support for S.204.

"And we will do the same thing in the U.S. House once companion national Right to Work legislation is introduced there. We anticipate that will happen within the next few weeks."

CREDIT: WWW.CRISTYLI.COM

Had national employment increased as much as employment in Right to Work states during President Obama's first term, 2.6 million more Americans would have jobs today. Mr. Obama apparently cannot hear the facts.

Blocking Union Power Grabs Will Be Even Harder

Senate Republican Caucus Okays Extended-Debate 'Compromise'

Among the major Capitol Hill victories won by pro-Right to Work Americans over the past half-a-century, relatively few would have been possible were it not for the availability of the "extended debate" weapon in the U.S. Senate.

Because of the enormous clout of the forced dues-fueled union political machine, there have been many times since the founding of the National Right to Work Committee in 1955 when Big Labor controlled majorities in both chambers of Congress and had an ideological ally in the White House.

In 1965 and 1966, for example, union lobbyists seemed to have the skids greased for adoption of legislation repealing Section 14(b) of the Taft-Hartley Act. 14(b) repeal would have gutted every single state Right to Work law in the U.S.

And as recently as 2009, Big Labor lined up congressional majorities and then-freshly elected President Barack Obama behind the "Card Check" Forced-Unionism Bill. This scheme was designed to help union bosses corral millions of additional workers and thousands more small businesses under union monopoly bargaining.

Of course, 14(b) repeal, the "card check" bill and a series of union power grabs that came in between were all very unpopular with the public.

But that fact alone would not have prevented these measures from passing. It was the ability of Right to Work supporters, under Senate rules, to keep an extended debate going with the help of as few as 41 out of 100 senators that made the difference, time and again.

'Top Union Bosses Have Long Wanted to Bar . . . Extended Senate Debates'

"Extended debates, otherwise known as filibusters, enable Right to Work advocates and other grass-roots citizen groups to block special-interest legislation until an alerted public can defeat it directly," explained Committee Vice President Matthew Leen.

"That's why top union bosses have long wanted to bar completely extended Senate debates -- or at least make it extraordinarily difficult to conduct them successfully.

CREDIT: MARK WILSON/GETTY

Senate Majority Leader Harry Reid moved last month to sap the strength of forced-unionism foes.

"Last month, after years of browbeating every member of the Senate Democratic caucus to go along with their attack on the extended debate, chieftains of unions like the National Education Association [NEA] and their cohorts were ready to strike."

Grass-Roots Support For Extended Senate Debates Remains Widespread, Intense

"Big Labor Majority Leader Harry Reid [D-Nev.] threatened repeatedly to ignore longstanding Senate rules requiring two-thirds majorities for rule changes and push through union boss-friendly extended-debate 'revisions' with just 51 votes unless Republican politicians cut a deal with him," Mr. Leen recalled.

"But meanwhile, in mid-January, the Committee and other likeminded groups were mobilizing widespread and intense public opposition to Mr. Reid's cynical plan to tamper with Senate rules.

"By the time the 2013-2014 Congress convened, several Democrat senators were publicly wavering about whether or not they would go along with the attack on extended debates.

"A Right to Work victory was in sight.

"But on January 24, the GOP minority caucus undercut Right to Work officers and their allies when it abruptly reached a 'compromise' with Mr. Reid.

"While extended debates with the support of 41 senators remain permissible under this 'compromise,' it contains several objectionable features that, as long as they remain in effect, will make it even harder for Right to Work supporters to block Big Labor power grabs in the Senate.

"For example, under the so-called 'deal' approved by the chamber shortly after it was announced, pro-Right to Work senators will no longer be able to block 'motions to proceed' bringing forced-unionism legislation to the floor.

"That means Harry Reid will be able to have special-interest measures like mandatory 'card checks' ready for floor action just a few hours after announcing that's his intent. To fight back successfully, Right to Work will have to be more nimble than ever before."

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Federal Court Rebuffs Government Union Lawyers

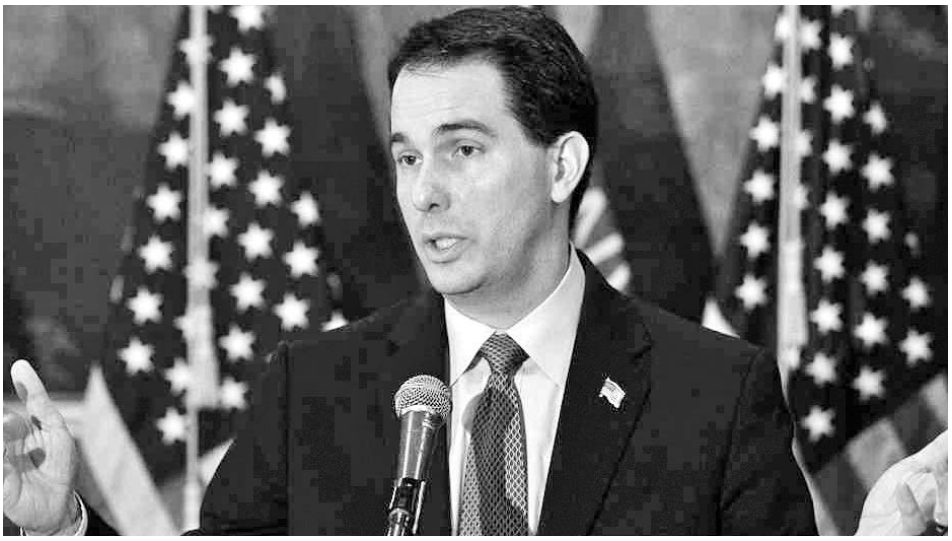
Wisconsin Need Not 'Aid the Unions in Their Political Activities'

Government union bosses haven't been able to overturn Wisconsin's Act 10, which sharply restricts their compulsory-unionism privileges, at the ballot box. And now it seems increasingly unlikely they will be able to overturn it in the courts.

Two years ago, Republican Gov. Scott Walker infuriated union officials when he successfully advanced the measure now known as Act 10. Act 10 abolished forced union dues for teachers and many other public employees and also greatly narrowed the scope of government union monopoly bargaining in other ways.

In June 2012, Wisconsinites went to the polls in special "recall" elections orchestrated by Organized Labor. Despite spending millions of dollars, mostly forced dues and fees exacted from workers, union bigwigs failed to unseat Gov. Walker and Lt. Gov. Rebecca Kleefisch in retaliation for their drafting and winning legislative approval of Act 10.

Last November, Wisconsin voters again rebuked the union brass, handing the Republican leaders responsible for Act 10 an 18-15 majority in the state Senate and retaining a large GOP majority in the state House.



CREDIT: JUSTIN SULLIVAN/GETTY IMAGES

Wisconsin's Act 10, signed into law by Gov. Scott Walker in 2011, protects most public employees from being fired for refusal to pay dues to an unwanted union. All private and public employees deserve this protection.

No Constitutional Mandate For Monopolistic Unionism In Government Sector

In addition to pouring vast sums of forced-dues money into electoral politics to punish Act 10 proponents, union officials have also repeatedly gone to court to get back all of their monopoly-bargaining and forced-dues power.

But the future of Big Labor efforts to use the legal system to kill Act 10 is now in doubt.

On January 18, a three-judge panel for the U.S. Court of Appeals for the Seventh Circuit unanimously rejected a bid by Wisconsin Education Association Council (WEAC/NEA) and other union officials to get Act 10's Right to Work provision declared unconstitutional.

The panel also unanimously rebuffed union lawyers' efforts to overturn Act 10 provisions substantially reducing the scope of teacher and other government union bosses' monopoly power to bargain over employees' wages, benefits and work rules.

The anti-Act 10 federal lawsuit filed by the WEAC union hierarchy and its allies acknowledged that state and local governments are under no constitutional obligation to extract forced dues or fees from civil servants. The suit also admitted there is no constitutional mandate for public entities to recognize unions as employees' "exclusive" representatives in contract negotiations.

However, union lawyers insisted that Mr. Walker and his allies acted improperly when they left key special privileges for most public-safety union officials untouched as they significantly diminished the special privileges of most government union bosses. Consequently, Act 10 violated the U.S. Constitution, according to union lawyers.

All three judges found this Big Labor argument unconvincing. As Justice Joel Flaum explained for the court, "Distinguishing between public safety unions and general employee unions may have been a poor choice, but it is not unconstitutional."

Logical Next Step Is State Right to Work Law

By a 2-1 majority, the panel also upheld other aspects of Act 10 not directly tied to compulsory unionism. For example, the majority found that legislators don't have to facilitate unionization by allowing public officials to deduct union dues automatically from civil servants' paychecks.

"States are under no obligation to aid the unions in their political activities," the opinion tartly explained.

Together with Badger State attorney Rick Esenberg, an attorney for the National Right to Work Legal Defense Foundation submitted a legal brief in the Seventh Circuit case on behalf of freedom-loving Wisconsin public employees who do not want compulsory union dues to be reinstituted.

Right to Work attorneys will continue to represent civil servants who wish to remain union-free in this case if WEAC lawyers file an appeal, as is expected, and in other ongoing Act 10-related litigation.

Meanwhile, the National Right to Work Committee members in Wisconsin whose tireless lobbying efforts helped ensure Act 10's passage two years ago are now pushing hard for adoption of a comprehensive state Right to Work law.

Committee President Mark Mix explained: "Act 10 protects most public employees from being fired for refusal to pay dues to an unwanted union. All private and public employees deserve this protection."

Committee Seeks Congressional Remedy

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"And the actions of the North Carolina trial court and the state Court of Appeals were even more egregious than those of the NLRB in this matter."

Labor Union Officials 'Now Stand Where the King . . . Stood at Common Law'

"The fact is," Mr. Mix continued, "even if the NLRB had done its duty and prosecuted CWA kingpins, the potential penalties for trampling on employees' freedom not to join a union imposed under the NLRA are paltry by comparison with the ITPA's penalties of up to $5000 per instance of exposing a person to ID theft.

"There is no legitimate purpose of labor law served by making a criminal who maliciously discloses someone's name and social security number together to intimidate that person into joining or not joining a union liable to only a wrist slap at most. Especially when a perpetrator of the same offense with any other motive faces a multi-thousand-dollar fine for every count.

"The court ruling that ITPA violations by union bosses are preempted by the NLRA is, therefore, preposterous.

"But ID theft need not become yet another, to borrow the words of eminent 20th Century American legal scholar Roscoe Pound, 'wrong' labor unions and their officials may 'commit to person and property . . . with impunity.'

"In an essay penned back in 1958, this former Harvard School of law dean observed that labor union officials 'now stand where the king . . . stood at common law.'

"Over the past five-and-a-half decades, Big Labor has acquired even more legal immunities. But *Fisher* could prove to be a great opportunity to begin rolling back court-created union special privileges."

One Restoration of Common-Law Accountability For Union Bosses Could Lead to Others

Mr. Mix explained: "Last October, unfortunately, legal efforts by the *Fisher* plaintiffs to reverse the North Carolina Court of Appeals ended when the U.S. Supreme Court denied a petition to hear their appeal.

"But that does not mean there is no remedy.

"This winter, the National Right to Work Committee's legislative staff is working with allies on Capitol Hill to craft an NLRA amendment that we hope can make it onto the federal books in the near future, before the damage of the *Fisher* ruling is compounded by activist courts in other states.

"This amendment will make it absolutely plain that nothing in the statute should be interpreted as preempting state or federal laws specially aimed at protecting Americans from identity theft.

"Such legislation would be valuable first of all as a means of deterring union bosses in the future from abusing independent-minded employees the way John Glenn did in late 2007.

"It could also be useful as a precedent.

"If Congress can overcome inertia and Big Labor opposition in order to restore one kind of common-law accountability for union officials, that could lead to other reforms requiring union officials to face the same penalties for breaking the law that everyone else does."

As soon as a member of Congress agrees to sponsor the proposed Worker Identity Theft Protection Act, the Committee will mount a nationwide lobbying campaign to build Capitol Hill support for the measure, vowed Mr. Mix.

"Senators and congressmen will have a hard time explaining to their constituents why union bosses should be immune from identity-theft laws," he predicted.

CREDIT: FRAGMENT OF A PAINTING BY P.M. TATE/POUND CIVIL JUSTICE INSTITUTE

Eminent 20th Century legal scholar Roscoe Pound: Labor union officials and their militant followers possess "substantially general privileges and immunities . . . to commit wrongs to person and property . . . ."

Union-Boss License to Violate Workers' Privacy?

Congress Can Stop Entrenchment of New Big Labor Special Privilege

In North Carolina, it is a serious offense for a business or nonprofit group to reveal publicly any employee's, customer's, or contributor's name in combination with his or her social security number.

Exposing any person to identity theft in this way, through negligence or malice, makes you liable to a fine of up to $5000 per violation under the North Carolina Identity Theft Protection Act (ITPA).

In the fall of 2007, John Glenn, president of Local 3602 of the Communications Workers of America (CWA/AFL-CIO) union, apparently violated the ITPA. Mr. Glenn maliciously posted the names and social security numbers of 33 AT&T Bell South employees on a publicly accessible bulletin board at the company's facility in Burlington, N.C.

All the employees whose names and personal information were posted in a hallway close to the building entrance, accessible to employees and nonemployees, had exercised their freedom under North Carolina's Right to Work law to resign from the CWA and cease paying dues or fees to a union they didn't want.

CREDIT: BOOMER-LIVINGPLUS.COM

In 2011, the North Carolina Court of Appeals outrageously ruled that union bosses who reveal union nonmembers' personal information in order to intimidate them are exempt from the state's Identity Theft Protection Act.

'They Were Vicious'

As one of the victims, Jason Fisher, later recalled, the public posting of the names and social security numbers of workers exercising their right to refrain from union affiliation was part of an extended union-boss campaign of workplace harassment and intimidation:

"They were vicious. The union president would come up and say they were going to damage my truck."

Mr. Fisher added that, at times, other workers approached him and said "they wanted out of the union," but seeing what had happened to union nonmembers was "just intimidating."

Since Mr. Fisher himself is an independent contractor, rather than an AT&T Bell South employee, CWA kingpins don't even purport to be seeking better wages and benefits for him. Yet he has received the same ugly punishment as other employees who dared to refuse to bankroll the CWA union brass.

In June 2008, 16 of the employees whose rights under the ITPA were brazenly violated filed suit against the CWA, CWA District 3, and CWA Local 3602 in state court. The National Right to Work Legal Defense Foundation assisted them.

But incredibly, both the trial court and the state Court of Appeals found that, since Mr. Glenn's obvious goal was to retaliate against employees for exercising their legal right to refrain from union membership, he is entitled to a special exemption from being subjected to the ITPA's penalties.

Both courts claimed that, since such thuggish trampling of employee rights may violate the National Labor Relations Act (NLRA), it may not be punished by state authorities.

Outcome 'Makes a Mockery' of Laws That Are 'Supposed to Protect the Right to Refrain'

Jason Fisher and the other plaintiffs did originally file, with their Foundation attorney's assistance, a January 2008 complaint with the National Labor Relations Board (NLRB) accusing CWA Local 3602 of violating Section 8(b)(1)(a) of the NLRA and of breaching its "duty of fair representation."

Since Mr. Glenn's vicious tactics were plainly intended to intimidate union-free workers into becoming full union members, rather than forced "agency" fee payers, he violated federal labor law as well as North Carolina's Right to Work law.

But the NLRB did not even issue a complaint against Local 3602 or its parent unions. It did not even require Mr. Glenn to admit he had done anything wrong.

Instead, the NLRB concocted a settlement in which all Local 3602 union bosses effectively had to do is promise they would not publicly reveal employees' personal information again.

"The outcome of the *Fisher* case makes a mockery of federal and state laws that are supposed to protect the right to refrain from joining a union without being denied a job as a consequence," said National Right to Work Committee President Mark Mix.

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