



# Foundation Action

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of the National Right to Work  
Legal Defense Foundation, Inc.

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## Obama FEC Turns Blind Eye to SEIU's Coercive Political Fundraising Scheme

*Foundation FEC complaint  
exposes union boss  
violations in media*

WASHINGTON, DC — In the summer of 2008, Service Employees International Union (SEIU) bosses, infamous for their extensive politicking, amended the SEIU constitution to require local affiliates to meet an annual political fundraising quota under the threat of heavy fines.

The rule imposes on every local a six-dollar per member "fundraising obligation" each year to SEIU COPE, the SEIU's political action committee (PAC). If local union officials failed to meet the fundraising quota, the rules require local union officials to pay fines from general treasury funds – made up of monthly forced dues – to the SEIU International union hierarchy.

The scheme – designed to raise \$9 million per year – appears to be a blatant violation of federal laws.

Under federal election law, all contributions to PACs must be 100 percent voluntary. Moreover, unions may not fund PACs under "the threat of...financial reprisal," nor can they use the dues and fees paid by either members or non-

members to fund a PAC.

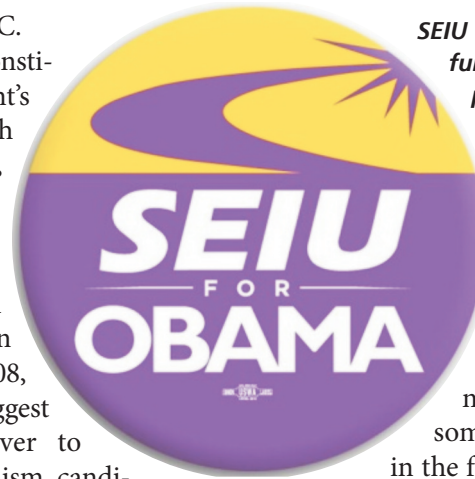
Noting the SEIU constitution amendment's incompatibility with federal election law, National Right to Work Foundation attorneys filed a formal complaint with the Federal Election Commission (FEC) in October 2008, amidst Big Labor's biggest political campaign ever to elect pro-forced unionism candidates to Congress and the White House.

### FEC stonewalls decision, blocks opportunity to appeal

But FEC officials failed to act for the next 19 months, during which the SEIU continued imposing the fundraising targets on its local affiliates. Finally this April, the FEC decided it would not challenge the corrupt scheme.

The main reason the FEC decided not to challenge the SEIU's scheme was that it determined that coercing SEIU locals with fines was somehow different than coercing the members. The FEC failed to explain where the locals would get their fine money other than from their own members. As Foundation attorney Bruce Cameron explained to Fox News, "[The FEC] created a mystical distinction between the union and its membership that makes no sense."

Foundation attorneys were informed of the FEC's decision to dismiss the charge 23 days after it was issued, but the FEC did not state its rea-



*SEIU union bosses' illegal  
fundraising scheme was  
part of Big Labor's  
billion dollar elec-  
tion blitz in 2008.*

sons for dismissal. Instead, it promised to tell Foundation attorneys why it had dismissed their case at some unspecified time in the future. FEC officials

then waited an additional 111 days to release their faulty reasoning.

The FEC's stonewalling denied Foundation attorneys the opportunity to appeal the decision. According to federal law, a dismissal can only be appealed in a narrow 60-day window.

see **ILLEGAL UNION BOSS** page 4

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# Foundation Clears Way to Inform Teachers of Rights

*Teacher union bosses demand Pennsylvania's teachers be kept in the dark*

HARRISBURG, PA — With free legal assistance from the National Right to Work Foundation, a Bucks County, Pennsylvania citizen activist bested teacher union bosses in state court over his right to inform nonmember teachers of their constitutional rights.

Several years ago, Simon Campbell, fed up with teacher union bosses' special privileges, founded a group called "StopTeacherStrikes" dedicated to the goal of making sure all public school children in the state have the legal right to a strike-free education after his own children were forced out of school in the wake of a debilitating union boss-instigated strike. Currently, 37 states bar public school teachers from striking.

Late last year, Campbell requested that public school districts disclose the mailing addresses of teachers who have refrained from formal union membership with the Pennsylvania State Education Association (PSEA) union but are still forced to pay union dues or fees as a condition of employment because Pennsylvania does not

have Right to Work protections for its workers.

Campbell wanted to advise the teachers about their rights under National Right to Work Foundation-won U.S. Supreme Court precedents, such as their right not to subsidize union boss activities other than collective bargaining and contract administration and their right to challenge the union hierarchy's calculations regarding the amount of forced dues charged to nonmember teachers.

## PA union bosses sue to keep workers in the dark

Realizing that teachers better knowing their workplace rights could potentially threaten PSEA union bosses' forced dues monopoly, PSEA union officials sued the Pennsylvania Office of Open Records to block Campbell's requests.

However, the Commonwealth Court of Pennsylvania now has outright rejected the PSEA union lawyers' case.

## Right to Work is best way to liberate teachers from union boss control

Despite being rebuffed in state court, PSEA union bosses are appealing the decision to the Pennsylvania Supreme Court. Fortunately, Campbell and Foundation attorneys will continue to fight to inform teachers of their constitutionally protected rights.

"Plain and simple, all Pennsylvania teachers deserve to know their constitutional rights," said Patrick Semmens, Legal Information Director for the National Right to Work Foundation. "And many independent-minded teachers would greatly benefit from Simon Campbell's efforts to inform them of their rights upheld under various Foundation-won Supreme Court precedents."

"However, the best way to protect the rights of Pennsylvania's teachers, and all workers in the Keystone State, is for Pennsylvania to pass a Right to Work law making union membership and dues payment strictly voluntary," added Semmens. ⚡

## Foundation Action

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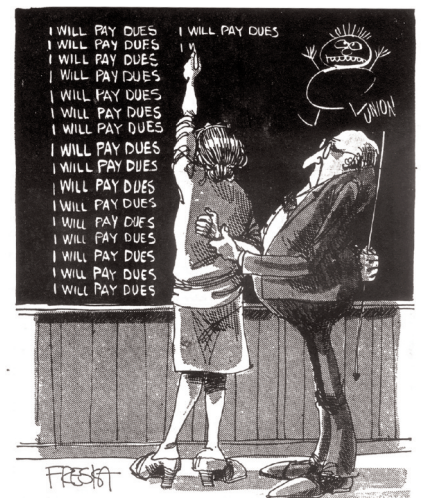
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The Foundation is a nonprofit, charitable organization providing free legal aid to employees whose human or civil rights have been violated by abuses of compulsory unionism. All contributions to the Foundation are tax deductible under Section 501(c)(3) of the Internal Revenue Code.



**Teacher union bosses are doing everything possible to keep educators paying forced dues.**

# U.S. Circuit Court OKs Employee's Card Check Challenge

*Decision affirms employees' right to challenge corrupt union organizing pacts*

BOCA RATON, FL — With free legal assistance from the National Right to Work Foundation, a Mardi Gras Gaming employee has won the right to proceed with a lawsuit aimed at halting a backroom organizing deal. Martin Mulhall and his coworkers at Mardi Gras Gaming have been subjected to an agreement that allows union organizers to launch a coercive card check scheme. In return, union politicians agreed to back the company's efforts to pass a gambling ballot initiative.

With the help of Foundation attorneys, Mulhall originally filed suit against UNITE HERE in 2008 to have the backroom deal invalidated. Although a prior District Court decision held Mulhall lacked standing to bring the suit against the UNITE HERE Local 355 union, the United States Court of Appeals for the 11th Circuit overruled the decision and allowed the case to go forward.

## Union bosses bought off casino company with \$100k pro-gambling campaign

In exchange for over one hundred thousand dollars in union dues spent on a gambling ballot initiative and a union guarantee not to picket, boycott, or strike against the facility, Mardi Gras Gaming agreed to help UNITE HERE operatives push workers into union ranks. Company officials promised union operatives they would hand over employees' personal contact information (including home addresses), grant union officials access to Mardi Gras facilities for the purpose of organizing, and refrain from requesting a federally supervised secret ballot election to determine whether employees actually want to unionize.

Much to the union bosses' chagrin,



*Florida UNITE HERE union bosses spent over \$100k in a deal to deny workers a secret ballot vote.*

one between UNITE HERE and Mardi Gras Gaming give union organ-

the Labor Management Relations Act (LMRA) explicitly prohibits employers from giving “any money or other thing of value” to unions. This rule is intended to prevent union operatives from selling out workers' rights in exchange for concessions from management. In his lawsuit, Mulhall argues that the company's concessions to UNITE HERE are of substantial monetary value because they made the union organizing process easier and less expensive, a position company officials have belatedly admitted is true.

“If UNITE HERE bosses were willing to spend over one hundred thousand dollars to help Mardi Gras Gaming pass a ballot initiative, it's pretty obvious that the concessions they received in exchange for lobbying are valuable,” said Ray LaJeunesse, Vice President and Legal Director of the National Right to Work Foundation.

## Secret deals sell out workers' rights

So-called “neutrality agreements” between companies and unions like the

organizers license to browbeat and intimidate workers into acceding to unionization. Armed with employees' home addresses and access to company facilities, union officials frequently harass and cajole workers on and off the job until they agree to sign cards that are then counted as “votes” towards unionization.

Although the District Court claimed that Mulhall's suit could not proceed because he was in no danger of “imminent injury,” the Court of Appeals' decision recognized that the union's deal could infringe on employees' rights to free association by forcing them to accept union monopoly bargaining. The ruling remanded the lawsuit to United States District Court for the Southern District of Florida to decide Mulhall's complaint on the merits.

“UNITE HERE operatives agreed to a corrupt bargain that advanced union boss interests at the expense of workers' rights,” said LaJeunesse. “We're happy to report that Martin Mulhall's efforts to challenge this backroom deal can now go forward.”✚

## End of Year Gift Planning a Smart Investment

As 2010 draws to a close, many individuals are looking closely at a year-end gift to their favorite charity and thereby easing tax burdens. Now is the time to review your own financial situation and consider effective ways to accomplish your estate goals, as well as your current tax situation.

So far, Congress has not come to terms on how they are going to compromise and extend or revise the Bush-era tax cuts for many wealthy Americans beyond this year. President Obama has proposed that the tax cuts expire, making it important for those in the \$250,000 per year and over household to start planning **today** to avoid the effects of significantly higher tax rates next year! In addition, estate taxes are due to return to a much higher level in 2011.

What can you do right now to help you plan for these tax rate increases? A gift to the National Right to Work Legal

Defense Foundation is a real solution. By taking advantage of a cash or stock gift right now, you can enjoy a tax deduction immediately upon the date of the gift. In the case of a gift of stock or securities (if owned for more than one year), you will receive a tax deduction immediately as well as no capital gains tax. (Please see the box below with information on how you can make a gift of stock to the Foundation's work today).

If you are inclined to review your will or estate plans, now is the time to consult your tax advisor or attorney to consider the best planned giving options available for you and your loved ones. There is a sense of peace that comes from knowing that you have provided for your family and causes, like the Foundation, after you are gone.

The future of the Right to Work movement rests in the hands of generous supporters like you. So please con-

sider a gift before December 31, or make plans today for a planned gift to the Foundation's future work.†

### Advantages of End-of-Year Stock Contributions

A gift to the Foundation of appreciated securities (held for one year or more) allows you to avoid capital gains taxes **and** makes you eligible for a charitable deduction in 2010 up to your AGI limits. Please contact Ginny Smith at (800) 336-3600 Ext. 3303 for more information, or to inform the Foundation of your intention to give a gift of stock.

Stock Transfer Information  
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DTC # 0221 — Acct # WS-39563  
c/o National Right to Work  
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## Illegal Union Boss Misdeeds Exposed by Foundation

*continued from page 1*

The mere notice of dismissal gave Foundation attorneys no idea of the reasoning behind the FEC's decision.

"To bring an appeal I have to show that the FEC abused its discretion. I can't do that with a simple dismissal letter," Cameron told Fox News.

Had the FEC fully explained its reasoning before the window period expired, Foundation attorneys could

have directly and immediately appealed but instead must now consider filing an entirely new complaint. That would even further delay any potential challenge to the actions of SEIU officials.

The SEIU is no stranger to the FEC, which in 2007 levied record fines against SEIU-backed "527" group Americans Coming Together (ACT). In the 2004 presidential election cycle, the SEIU fun-

neled \$26 million into ACT, which helped underwrite fundraisers for the Democrat National Committee.

Former SEIU baron Andy Stern even bragged that SEIU officials intended to give funds paid

by "regular dues-paying members" to ACT political activities – whether or not those rank-and-file workers agreed with the political aims of SEIU officials, ACT, or the DNC.

"The FEC's miniscule fines may have stifled one shady politicking scheme by SEIU officials, but they've simply turned around and created a new scheme to subsidize their radical political agenda," said Mark Mix, President of the National Right to Work Foundation.

"It may be hard for concerned citizens to see where the SEIU ends and the Obama Administration begins," continued Mix. In Obama's first year, no one visited the White House more

**When federal bureaucrats refused to prosecute SEIU bosses for their illegal scheme, the Foundation took its case to the media.**



see **SEIU-OBAMA TIES** page 8

# Nurse Opposition Forces Union Bosses to Abandon Organizing Drive

*Backroom deal was aimed at pushing employees into union's force-dues-paying ranks*

PHILADELPHIA, PA — After an aggressive two-year organizing campaign aimed at forcing unwilling nurses into union ranks, the California Nurses Association (CNA) union and its local affiliates have finally withdrawn from Philadelphia's Hahnemann University Hospital. Despite a backroom deal between management and CNA operatives, independent-minded Hahnemann nurses were able to fend off union organizers with the help of National Right to Work Foundation attorneys.

Under a so-called "neutrality agreement" between the hospital's parent company, Tenet Corporation, and union officials, CNA organizers were given preferential access to hospital facilities and Hahnemann supervisors were gagged from truthfully responding to nurses' inquiries related to unionization. Even though union operatives enjoyed overwhelming organizational advantages, the CNA lost a consent election in June 2009.

## Foundation attorneys help nurses challenge coercive organizing strategies

Undeterred by their 2009 election loss, CNA officials filed a series of frivolous "objections" against the hospital for harassing union organizers. Union operatives also managed to convince hospital officials to agree to disregard the results of the June vote and hold another unionization election. With the help of Foundation attorneys, a Hahnemann nurse stepped forward in January 2010 to file charges against CNA officials and hospital management for staging another unionization drive over the wishes of a majority of hospital employees.



*Philadelphia nurses like Kimberly Hummel successfully beat back an aggressive union organizing drive after union bosses signed a secret deal with hospital management.*

"Union lawyers actually had the nerve to argue that hospital officials impeded their organizing drive after they'd extracted numerous concessions from Hahnemann management," said Patrick Semmens, Legal Information Director for the National Right to Work Foundation.

"Meanwhile, the hospital was actively helping union organizers stage another organizing push to force unwilling nurses into CNA ranks."

During the organizing campaign, Right to Work attorneys helped Hahnemann nurses file legal challenges against the union's abusive organizing strategy. When union officials threat-

ened Kimberly Hummel with a subpoena to attend a "private arbitration" hearing for opposing the CNA's presence, Foundation attorneys helped her file charges against the union's heavy-handed threats with the National Labor Relations Board (NLRB).

After months of litigation, CNA officials belatedly realized they still did not have the support of most Hahnemann nurses and quietly withdrew their NLRB election petition in late August 2010. Once again, union operatives disingenuously claimed that hospital management undermined their organizing drives despite Hahnemann's numerous concessions.

## Union's coercive tactics spread nationwide

This isn't the first time Foundation-aided nurses and CNA operatives have clashed over the union's coercive organizing tactics, either. Several Houston-area medical professionals filed unfair labor practice charges against the union for using the same "neutrality agreement" in Texas. These incidents are clearly part of a national strategy designed to force more nurses into the CNA's dues-paying ranks.

"Independent-minded nurses across the country continue to rebuff the CNA's efforts to cajole them into union ranks," continued Semmens. "We

applaud Hahnemann nurses for standing up for their rights in the face of management's collusion and a legally questionable organizing campaign."<sup>4</sup>

**"Independent-minded nurses... continue to rebuff the CNA's efforts to cajole them into union ranks"**

# Foundation Win Forces Union to Pay Back Over \$200k Used for Politics

*Washington State teachers collect settlement after Foundation wins Supreme Court victory*

SEATTLE, WA — In the aftermath of the National Right to Work Foundation's precedent-setting victory before the United States Supreme Court, Washington State teacher union bosses are being forced to pay for their forced unionism abuses and First Amendment rights violations against thousands of teachers.

In 2001, Gary Davenport, a history teacher at Kentwood High School, and fellow teachers across Washington State who refrained from formal union membership, were being forced to pay \$500 or more per year in fees for the Washington Education Association (WEA) union bosses' so-called "representation" because their state does not have Right to Work protections for its workers.

It was then that Davenport discovered that WEA union officials were illegally using his and some 10,000 other nonmember teachers' forced union dues for the union bosses' political agenda. With the help of the Evergreen Freedom Foundation (EFF) a Washington state-based policy organization, Davenport retained attorneys with the National Right to Work Foundation to litigate the case.

## Foundation attorneys won at U.S. Supreme Court during decade-long legal battle

Foundation attorneys immediately brought a class-action lawsuit, with Davenport as the lead plaintiff, against WEA union bosses for illegally confiscating dues for political spending from the teachers' paychecks in violation of the state's well-intentioned, but ultimately inadequate, "paycheck protection" law.

Before it was gutted by amendment in 2007, Washington's "paycheck protec-



*Gary Davenport's courageous stand paved the way for Washington State's nonmember teachers to receive restitution for union boss political corruption.*

tion" law, enacted in 1992, required union officials to obtain the prior consent of nonunion public employees before spending their mandatory union dues on a small fraction of what the union actually spends on politics.

The case worked its way up through the state court system until it finally reached the Washington State Supreme Court in March 2006. Unfortunately, that court made a bizarre ruling striking down the state's "paycheck protection" law, essentially arguing that the union bosses' First Amendment rights trumped the teachers' rights. Foundation attorneys appealed the teachers' case to the U.S. Supreme Court and the High Court agreed to hear it.

In January 2007, Foundation attorneys represented the teachers before the Court. Six months later, the Court ruled 9-0 to reverse the Washington State Supreme Court's dangerous decision. The Justices, in an opinion written by Justice Antonin Scalia, unanimously ruled that, because unions have no constitutional right to collect fees from nonmembers, a state may require union bosses to obtain affirmative consent before

spending nonmember public employees' forced fees on political activities.

"It is undeniably unusual for a government agency to give a private entity the power, in essence, to tax government employees... indeed, it is uncontested that it would be constitutional for Washington to eliminate agency fees entirely," Justice Scalia noted in the decision. Scalia also reiterated the Court's previous jurisprudence confirming that state Right to Work laws are indeed constitutional.

## Teachers send union bosses to school

A Washington attorney hired by EFF then used the Supreme Court victory as the basis for Washington State courts to hold WEA union bosses liable for illegally spending the teachers' forced union dues. As a result, the Washington State Court of Appeals, Division 2, upheld the teachers' tort claim for restitution of the amounts WEA union officials illegally docked their paychecks to pay for part of their political agenda.

Teachers then forced a settlement with WEA union bosses for almost a quarter of a million dollars. Teachers who are members of the original Foundation's class-action lawsuit have started to receive notice of the settlement as of the printing of this edition of **Foundation Action**. Settlement checks probably will be mailed just before Christmas.

"After a nearly-decade long battle, Washington State's independent-minded teachers are finally getting the justice they deserve," stated Mark Mix, President of the National Right to Work Foundation.

"However, the best way to protect these teachers' and all workers' rights in the workplace is for Washington to pass a state Right to Work law," added Mix.✚

# Right to Work Exposes Forced Unionism on Labor Day

*Right to Work organizations generate extensive Labor Day media coverage*

SPRINGFIELD, VIRGINIA — This past Labor Day, the National Right to Work Foundation highlighted the dangers of forced unionism. This year, Mark Mix, President of National Right to Work, was published with op-eds in prominent publications such as *National Review*, *Investor's Business Daily*, *The Washington Times*, and *The Washington Examiner*; as well as various regional and city newspapers. Mix was also interviewed for and extensively quoted in a multi-edition *Grand Rapids Press* series run during the lead-up to the holiday and on nationally-syndicated talk radio shows such as the *Jim Bohannon Show* and the *Lars Larson Show*. Here are some of the highlights from Labor Day 2010:

## INVESTOR'S BUSINESS DAILY

This Labor Day, American workers are faced with two competing visions of labor relations...

[One] approach is best exemplified by Craig Becker, a former top SEIU lawyer who was recently appointed to the powerful National Labor Relations Board (NLRB) by President Obama. Becker's career is animated by one thing: a desire to expand Big Labor's already-extensive special privileges. His academic writings reveal a callous disregard for workers' rights.

- Mark Mix in *Investor's Business Daily*

## NATIONAL REVIEW

After spending over a billion dollars to elect Barack Obama president and Democratic majorities to Congress in 2008, Big Labor thought it had bought enough support to ram through a "card check" bill that effectively eliminates secret-ballot votes for unionization and lets federal bureaucrats dictate contracts to employees and employers.

But despite an intense, union boss-backed lobbying campaign, attempts to pass card check stalled as elected officials felt the heat from voters, who are overwhelmingly against the bill. With a vote on the legislation unlikely between now and Election Day, opponents of card check may be tempted to rest easy, but Big Labor has other plans.

- Mark Mix in *National Review*

## The Grand Rapids Press

It's the story of our lives.

The fact is, nobody's working in Michigan. Do unions protect jobs? It's a hollow promise," Mix said. "The biggest impediment is compulsory union membership.

- *Grand Rapids Press*, September 5, 2010

## The Examiner

Imagine the outcry if McDonalds executives demanded that franchise owners collect "voluntary" contributions totaling \$25,000 for the company's Political Action Committee (PAC) from employees at every restaurant.

What if the fast food titan's headquarters followed up with a threat - pay us, or face a \$37,500 fine? Do you think this heavy-handed scheme would raise a few eyebrows at the Federal Election Commission (FEC)?

Replace "McDonalds" with "SEIU" in that description and you've got a pretty good idea of Big Labor's latest political fund-raising strategy.

- Mark Mix in the *Washington Examiner*

## The Washington Times

Government union bosses' success in expanding the ranks of employees under their monopoly bargaining power - even as private-sector and nonunion government payrolls have shrunk - spells trouble for the future of the American economy. Our country simply must reverse the long-term trend in which the growth of government-union employment far exceeds that of private-sector employment in good and bad times alike.

Otherwise, American taxpayers and businesses are destined to face ever-more-onerous tax burdens to pay for bigger and bigger government in the decades to come.

- Mark Mix in the *Washington Times*

## SEIU-Obama Ties

continued from page 4

than Stern, who after retiring from the SEIU now sits on the president's debt commission.

### Nomination highlights close ties between Obama & SEIU

Patrick Gaspard, formerly the political director of an SEIU affiliate, now has the same position in the White House. Earlier this year, *Politico* reported that Gaspard failed to disclose a \$37,000 payment from his former employer while working in the Obama Administration.

Obama's recess appointee to the National Labor Relations Board (NLRB), former SEIU lawyer Craig Becker, refuses to recuse himself from pending cases involving SEIU affiliate unions despite the clear conflict-of-interest and much-touted Obama Administration ethics pledge barring appointees from dealing with former employers for two years.

Obama also attempted to install John Sullivan, another SEIU lawyer, to the FEC but withdrew the nomination after National Right to Work exposed his blatant conflict of interest. Strikingly, Sullivan's duties as an SEIU lawyer included defending the union hierarchy's illegal politicking in the ACT case.

"The Obama FEC has turned a blind eye to the SEIU's corrupt scheme, and it could only get worse as President Obama continues to look to SEIU political operatives to run the government," Mix added.✚

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## Message from Mark Mix

President  
National Right to Work  
Legal Defense Foundation

Dear Foundation Supporter,

As I write this note, the 2010 midterm elections are still approaching. Nationwide, concerned citizens are uniting with tremendous passion defending what makes this country so great – individual liberty, the free enterprise system, and the Constitution.

But at the same time, the union bosses have unleashed their biggest political campaign ever. One union official even described Big Labor's election-year campaign as "a massive incumbent protection program."

What he and the rest of the union hierarchy really want to protect – and even expand – is their stranglehold on our politics and our economy.

Thomas Jefferson once wrote, "To compel a man to furnish contributions of money for the propagation of opinions which he disbelieves is sinful and tyrannical." But that's exactly what the union bosses do each and every day, especially in election season.

That's where your National Right to Work Foundation comes in. Over the years, we've fought union militants tooth-and-nail to ensure that independent-minded workers cannot be compelled to subsidize the union bosses' radical political agenda.

The cover story of this month's **Foundation Action** exposes one illegal union boss political fundraising scheme – and the Obama Administration's decision to look the other way.

And on page 6 you can read how Foundation attorneys went all the way to the U.S. Supreme Court to win teachers back nearly a quarter of a million dollars illegally confiscated by union bosses for union politics.

Our staff attorneys have the experience to protect victimized workers by filing federal lawsuits, unfair labor practice charges with the National Labor Relations Board, and official complaints with the Federal Election Commission.

But we can't do it without your continued generous support. From all of us here at Right to Work, thank you for your partnership.

Sincerely,

Mark Mix