

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD

SAINT XAVIER UNIVERSITY,)
)
)
 Employer,)
)
 and) Case No. 13-RC-092296
)
 SERVICE EMPLOYEES INTERNATIONAL)
 UNION, LOCAL 1,)
)
 Petitioner.)
)

REQUEST FOR PERMISSION TO FILE BRIEF *AMICUS CURIAE*

The National Right to Work Legal Defense and Education Foundation, Inc. (“Foundation”) respectfully requests permission to file a brief *amicus curiae* in the above-captioned matter.

The Foundation is a nonprofit, charitable organization that provides free legal assistance to individual employees who, as a consequence of compulsory unionism, have suffered violations of their right to work; their freedoms of association, speech and religion; their rights to due process of law; and other fundamental rights guaranteed by the Constitution and laws of the United States and of the several states.

The Foundation has funded every compulsory unionism case to come before the U.S. Supreme Court in the last forty years, and the cases it has funded

shape the case law of the National Labor Relations Board (“Board”) on that subject.

As a result of *Communications Workers of America v. Beck*, 487 U.S. 735 (1988), and similar U.S. Supreme Court cases funded by the Foundation, the attorneys employed by the Foundation have the most detailed understanding of the expenditure patterns of labor unions outside of organized labor itself. This specialized knowledge is applicable to this case.

While the Foundation does not fund cases on behalf of employers or labor unions, in RC cases such as here, the Board has held that no individual employee has standing to be a party. *See, eg. DHSC-Affinity Ctr.*, No. 08-RC-087639 (Jan. 11, 2013) (denying employees’ intervention petition). In this case, the position of Saint Xavier University would protect employees against compulsory exclusive representation and protect those employees whose religious beliefs are in conflict with supporting a labor union that takes positions contrary to the teachings of the Catholic Church. These are matters within the scope of the Foundation’s litigation program.

If granted leave to file, *amicus* expertise in constitutional law and labor union expenditures would contribute to the Board’s understanding of how a forced bargaining partnership between the Service Employees International Union and Catholic Church, under the supervision of the Board, creates unique First Amendment problems. The proposed *amicus* brief is attached.

Respectfully submitted,

/s/ Bruce N. Cameron

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Dated: March 8, 2013

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing REQUEST FOR PERMISSION TO FILE BRIEF *AMICUS CURIAE* by the National Right to Work Legal Defense and Education Foundation, Inc. is being served upon the following persons by electronic mail and served upon the Regional Director of Region 13 via NLRB e-filing on this 8th day of March, 2013:

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