



Misdirection and Misrepresentation

Big Labor's Campaign Against an Indiana Right to Work Law

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March 2006

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About the Author

Stan Greer serves as senior research associate for the National Institute for Labor Relations Research. Mr. Greer holds a bachelor's degree (1983) from Georgetown University in Washington, D.C., and a master's degree (1986) from the University of Pittsburgh.

About the Organization

The National Institute for Labor Relations Research is an organization whose primary function is to act as a research facility for the general public, scholars and students. It provides the supplementary analysis and research necessary to expose the inequities of compulsory unionism.

The Institute is classified by the Internal Revenue Service as a Section 501(c)(3) educational and research organization. Contributions and grants are tax deductible under Section 170 of the Code and are welcome from individuals, foundations, and corporations. The Institute will, upon request, provide documentation to substantiate tax-deductibility of a contribution or grant.

* * *

Nothing here is to be construed as an attempt to aid or hinder the passage of any bill before Congress or any state legislature.

Executive Summary

A recent paper by Jeff Vincent, research director of the Division of Labor Studies at Indiana University, grossly misrepresents the facts about Right to Work laws and the economic and moral arguments that have been made in support of enacting such a law in Indiana.

In seeking to undermine the powerful economic case for an Indiana Right to Work law, Vincent ignores the uncontroversial fact that living costs, both pre-tax and after-tax, are significantly lower in Right to Work states. Analyses from varied sources that account for living costs indicate that real earnings, household incomes, and disposable incomes are higher in Right to Work states than in non-Right to Work states. Data in a study by two U.S. Census Bureau researchers show that the aggregate real poverty rate is lower in Right to Work states than in non-Right to Work states.

Another key problem with Vincent's paper is that it downplays, almost to the point of ignoring altogether, the importance of economic dynamism in assessing business climate. By his bizarre assessment, it is the very non-Right to Work states that are suffering the biggest net losses of young job-seekers to out-migration to Right to Work states that have the best "business climates" in America.

Finally, Vincent's critique of the moral case for Right to Work laws ignores the fact that all Right to Work proponents seek is equal treatment under the law for employees who favor and employees who oppose unionization. Vincent apparently believes opponents of unionization deserve less freedom than proponents.

Introduction

Recently, a former union official, now the Bloomington-based research director of the Division of Labor Studies at Indiana University, named Jeff Vincent published a paper¹ that grossly misrepresents “The Economic Benefits of an Indiana Right to Work Law,” a study I wrote in 2004 for the National Institute for Labor Relations Research.

My study² called attention to U.S. Census Bureau data showing that there is a sustained net outflow of millions of young employees and entrepreneurs and their family members from non-Right to Work states, including Indiana, to Right to Work states. It inferred from the data that “Indiana simply isn’t creating enough good jobs either to keep its young adults from leaving or to lure in young adults from other states.”

The study noted that, when adjusted for interstate differences in cost of living, per capita disposable income in 2001 was higher in Right to Work states as a group than in Indiana in particular or in forced-unionism states collectively. And it noted that, between 1992 and 2002, the number of people covered by employment-based health insurance in Right to Work states grew nearly twice as fast as in Indiana and half again as fast as in non-Right to Work states overall.

It also summarized the moral case for Right to Work laws, which bar the firing of employees for refusal to join or pay dues or fees to an unwanted union: “A worker’s freedom *not* to affiliate with a labor union is no less deserving of protection than his or her freedom to affiliate with a union.”

In his paper, which union officials have circulated among Indiana legislators and media, Vincent airily dismisses this study as “boilerplate” and “misleading,” but fails even to give his readers a clear idea of what it says. At times, he rejects the evidence it furnishes without offering any factual or logical explanation why. Elsewhere, he ignores altogether what the study says and instead punches a straw man.

¹ Jeff Vincent, “The 2006 Indiana Right to Work Campaign,” Indiana University, Division of Labor Studies, January 2006. See <http://www.union1.org/badforindiana/PDF%20Files/2006%20IN%20RTW%20Campaign.pdf> to download a copy.

² See <http://www.nilrr.org/INRTWstudy2.pdf> to obtain a copy.

Vincent Ignores the Fact That, On Average, Living Costs Are Far Lower in Right to Work States

Vincent focuses primarily on current living standards in Right to Work states, while devoting relatively little attention either to economic-growth issues or to moral questions. Among the many serious defects in his paper, his failure to take into account interstate differences in the cost of living is perhaps the most obvious.

There is simply no controversy about the fact that the cost of living in the 22 states that now have Right to Work laws on the books is, on average, significantly lower than in the 28 forced-union-dues states. Scholars of widely varying ideological stripes have found that the cost of living in forced-union-dues states tends to be well above the national average.

For example, the most recent version of an interstate cost-of-living index created by researchers for the American Federation of Teachers union (AFT/AFL-CIO), published in July 2003, shows that the typical family in a non-Right to Work state must take in roughly 15% more in pre-tax nominal income to secure the same standard of living as a family in a Right to Work state.³

Right to Work states' cost-of-living advantage was noted in the Institute's 2004 study. It also noted that real average per capita disposable income in Right to Work states in 2001, as reported by the U.S. Commerce Department's Bureau of Economic Analysis⁴ and adjusted according to the AFT's index, was \$25,940, compared to \$25,769 in Indiana and \$25,641 in non-Right to Work states as a group.

In another publication, the Institute has pointed out that, when adjusted with the AFT's cost-of-living index, the average pre-tax earnings of full-time employees as reported by the Bureau of National Affairs⁵ (BNA) are nearly \$800 a year higher in Right to Work states than in non-Right to Work states.⁶ And a study written by University of Colorado economist Barry Poulson, a past president of the North American Economics and Finance Association, and published by the Institute in 2005 looks at household

³ F. Howard Nelson and Rachel Drown, "Survey and Analysis of Teacher Salary Trends 2002," American Federation of Teachers, Washington, D.C., 2003, p.13. The AFT survey and the Institute's analysis of the data can be downloaded from <http://www.aft.org/salary/2002/download/SalarySurvey02.pdf> and <http://www.nilrr.org/Real%20Earnings%20PDF%20masterupdate%20Feb04.pdf> ("Real Earnings Remain Higher in Right to Work States: Fresh Evidence from the AFL-CIO"), respectively.

⁴ U.S. Department of Commerce, *Statistical Abstract of the United States*, 122nd Edition (2002), p. 427.

⁵ Barry T. Hirsch and David A. Macpherson, *Union Membership and Earnings Data Book: Compilations from the Current Population Survey*, 2002 Edition, Bureau of National Affairs, Inc., Washington, D.C., 2002, pp. 30-35.

⁶ "Real Earnings Remain Higher in Right to Work States," Footnote 3, *supra*.

incomes, using income and comparative-living-cost data from a 2004 book by prominent business consultant Peter Sander and journalist Bert Sperling.⁷

With additional help from data in a CD ROM entitled *2004 MSA Profile*, compiled by Woods and Poole Economics in Washington, D.C., Poulson compared adjusted household incomes for 133 metropolitan areas in Right to Work states and 158 metro areas in forced-union-dues states. He found that, when the number of households in each metro area is factored into the equation, the average cost of living-adjusted household income in Right to Work state metro areas in 2002 was \$4258 higher than in non-Right to Work state metro areas.⁸

Similarly, data furnished in a 2003 study by two Census Bureau staff members show that, when adjusted for cost of living, the share of the total population in poverty is 2.4% lower in Right to Work states than in non-Right to Work states. The same study shows the share of 5-17 year-olds in poverty is 3.8% lower in Right to Work states than in non-Right to Work states.⁹

Union Officials Know Cost of Living Matters a Lot, But Ignore It When Attacking Right to Work Laws

Vincent never attempts in any way to refute the Sander-Sperling, AFT union, Commerce Department, BNA, or Census Bureau data or the analysis of them by Poulson and the Institute. Instead, he concludes his paper with a series of charts that completely ignore the cost-of-living factor, but purport to show that wages and family incomes are lower and poverty is higher in Right to Work states than in forced-union-dues states.

It's unlikely this is a mere oversight on his part.

Before becoming an academic, Vincent was an officer of United Food and Commercial Workers union Local 1444 and AFT Local 2254. Union officials frequently deal with regional cost-of-living issues in contract negotiations. In fact, AFT staffer F. Howard Nelson's motive for creating the AFT's "Interstate Cost-of-Living" index in 1989 was undoubtedly to bolster the union's bargaining position in high-cost states and localities.

⁷ *Cities Ranked and Rated*, Wiley Publishing, Inc., Hoboken, N.J., 2004.

⁸ Barry Poulson, "The Standard of Living in Right to Work States," National Institute for Labor Relations Research, Springfield, Va., 2005, p. 16. See <http://www.nilrr.org/Poulson%20SOL%20Study.pdf>.

⁹ Charles Nelson and Kathleen Short, "The Distributional Implications of Geographic Adjustment of Poverty Thresholds," U.S. Census Bureau, Washington, D.C., 2003, pp. 25-26, 29-30. The study may be obtained at <http://www.census.gov/hhes/poverty/povmeas/papers/geopaper.pdf>. The Institute analyzed this study in "Right to Work States Benefit from Faster Growth, Higher Real Purchasing Power – 2004 Update," <http://www.nilrr.org/NILRR%20Fact%20Sheet%20RTW%20States%20Benefit%202004.pdf>.

Similarly, in 2002 officers of International Brotherhood of Electrical Workers (IBEW) union Local 1245 prevailed upon executives of Pacific Gas & Electric to establish a “Joint Cost-of-Living Education Committee” to document the economic problems of and propose solutions for unionized employees in high-cost California (a non-Right to Work state). Union officials have proposed a “cost-of-living/housing premium” to enable their members in the Bay Area and other extraordinarily expensive areas of the state to own their own homes.¹⁰

Like other forced-unionism propagandists, Vincent seems to be operating under the unstated assumption that regional cost-of-living differences must be addressed in contract negotiations in high-cost areas, but should be overlooked when discussing the Right to Work issue. This won’t wash.

Vincent Wrongly Downplays Importance of Economic Dynamism

Another fundamental error Vincent makes is to downplay the importance of job and real income growth in evaluating a state’s economic success. No one disputes Vincent’s contention that “counting jobs” alone is “an insufficient measure of economic health.” But he goes to the opposite extreme, and effectively contends that job creation isn’t important at all. Instead, he indicates, one should only look at current, nominal wage and salary levels, current total economic output, and other factors that tell you nothing about economic growth.

But examining current nominal earnings, incomes and production without looking at growth will frequently give you a grossly distorted picture of a state’s economic success. The importance of accounting for comparative cost of living has already been discussed. And there is another major problem, which can be illustrated with the following, admittedly greatly simplified, example:

Take a hypothetical state. Back in 1994, 60% of its employees made \$50,000 a year, and 40% made \$30,000 a year. The average employee thus earned \$42,000 a year. Over the course of the next decade, half of the \$30,000-a-year earners found jobs in another state that paid \$40,000 a year (in constant dollars), so they quit and moved. Assuming no new employees were hired, and the remaining employees’ pay just kept up with inflation, by 2004 the average constant-dollar earnings in our first hypothetical state would have increased to \$45,000.

No rational observer would say that a \$3000-a-year increase in average real earnings achieved in this way is a sign of economic success.

But analyses that ignore dynamism repeatedly fail to reflect reality and instead

¹⁰ Eric Wolfe, “Confronting the High Cost of Living,” *ILCA Online*, February 16, 2005, <http://ilcaonline.org/print.php?sid=1829>.

depict analogous, albeit more complex, state economies as far less anemic than they really are.

While a total state employment decline over a 10-year period may only be a hypothetical problem, Indiana and other slow-growth states' net loss of millions of young employees and entrepreneurs and their family members to other, faster-growing states over the years is all too real.

Official Census Bureau data show that, between 1994 and 2004, the total number of Americans aged 25-34 fell by 3.2%, from 41.35 to 40.03 million. The overall decline was a result of the "baby bust" of the seventies, and it would have been far greater but for the immigration of millions of young people from abroad.

But despite the overall decline, the number of 25-34 year-olds *increased* by 6.5%, or nearly a million, in the 21 states that had Right to Work laws throughout the 1994 to 2004 period. (Oklahoma, which became the 22nd Right to Work state in 2001, is excluded.)

In non-Right to Work states, meanwhile, the number of 25-34 year-olds plummeted by 8.6%, or nearly 2.3 million. Indiana alone lost a net of 5.9%, or 52,000, of its residents in this age group.¹¹

There is no discrepancy in 1970's birth rates to explain the wide gap between Right to Work and non-Right to Work states. And were it not for immigrants, who disproportionately located in non-Right to Work states,¹² the gap would be even wider. The explanation is simple: By 2004, a net total of more than two million Americans who were born in a non-Right to Work state between 1970 and 1979 had moved to a Right to Work state.

While important, Right to Work status is not the only factor in determining domestic migration trends. Heavily rural states, for example, whether Right to Work or non-Right to Work, have tended to suffer a net loss of young people. But youth out-migration appears to be more closely correlated with the pervasiveness of compulsory unionism than it is with any other single factor.

And with national unemployment remaining generally low over the past decade, it's obvious the vast majority of young employees moving out of non-Right to Work states haven't done so because they couldn't get *any* job where they were. They did so because they could get a *better* job, by their lights, in a Right to Work state.

In his attempt to rebut pro-Right to Work literature from the Institute and other sources, Vincent completely fails to address this point, despite the fact that the Institute's 2004 Indiana study emphasized it.

¹¹ *Statistical Abstract*, 115th Edition (1995), p. 33; 126th Edition (2006), p. 25.

¹² See, e.g., *ibid*, 126th Edition, p. 12, for 2003 state-by-state immigration data.

‘There’s an Exodus of Young People . . . We Need to Reverse It’

Instead, Vincent cites a deeply flawed study¹³ by three union-friendly University of Massachusetts researchers who select six states that young employees are collectively fleeing in droves as having the best “work environments” in the U.S.

In an e-mail message to the co-authors last fall, I noted that the six “best” states in the study – Delaware, New Hampshire, Minnesota, Vermont, Iowa and Connecticut (all non-Right to Work except for Iowa) – suffered an overall 14.0% decline in their 25-34 year-old population between 1993 and 2003, nearly three times as severe as the nationwide decline for that period.

How can these states have such good working environments when young employees are overwhelmingly voting against them with their feet?

When asked to account both for the huge net outflow of young employees from his study’s “good” states and the substantial net inflow of young employees to his study’s “bad” states, co-author Robert Pollin lamely replied:

You raise some interesting issues. We had thought about these issues in a general way in developing our methodology and indicators. As a general methodological consideration, we were concerned in constructing an index to keep it as simple as possible. . . . We think we do provide a reasonably accurate measure of job opportunities. But it may be that we should refine our technique further in subsequent work on this topic. We are always looking to improve it, and we have been thinking through this particular issue a lot.¹⁴

As admirably “simple” as professional Big Labor apologist Pollin’s work-environment index may be, it isn’t even “reasonably” reflective of reality, and businesses, job seekers, and state politicians who have to deal with reality in order to get reelected see things very differently.

The *New York Times* recently reported, for example, that Vermont (with the fourth “best” work environment in the U.S., according to Pollin and his co-authors) “is losing young people at a precipitous clip.” A key factor in the out-migration, the *Times*

¹³ James Heintz, Jeannette Wicks-Lim, Robert Pollin, “Decent Work in America: The State by State Work Environment Index,” Political Economy Research Institute, Amherst, Mass., 2005.

¹⁴ Robert Pollin, e-mail message to the National Institute for Labor Relations Research, November 2, 2005.

explained, is the Green Mountain State's loss of "many good-paying jobs, driving away many well-educated young people and further discouraging businesses." The article quoted a 21-year-old Shaftsbury, Vt., native who had searched unsuccessfully for a job in Burlington, the state's largest city: "Vermont just doesn't offer many opportunities. For someone who's young and trying to make a name for himself, it's just not really the best environment."

In stark contrast to Pollin's rosy assessment, which Vincent eagerly swallows whole, Vermont's GOP Gov. Jim Douglas has recognized the state is in grave peril: "There's an exodus of young people. It's dramatic. We need to reverse it. The consequences of not acting are severe."¹⁵

While Indiana's economic problems are not yet as severe as those of Vermont, which lost 20.5% of its 25-34 year-old population between 1994 and 2004, Hoosiers have no cause to be complacent. And understanding the nature of the problem is the first step toward correcting it.

Why Shouldn't Right to Join And Right Not To Join a Union Be Equally Protected?

In addition to fumbling the economic facts about Right to Work states, Vincent gives a garbled account of what Right to Work laws do.

According to Vincent, Right to Work activists "insist that individual preferences always supersede majority rule." Wrong. Right to Work supporters simply believe that the individual employee's right not to join a union deserves just as much protection under the law as his or her right to join.

In both Right to Work and non-Right to Work states, current federal law protects the individual worker's right to join and pay dues to a union, regardless of whether or not a majority of the employees at the business or in the "bargaining unit" want a union. No worker can be barred from being a full union member and bankrolling all types of union activities, both bargaining and non-bargaining, simply because a majority of workers in the shop have voted against unionization.

Right to Work proponents agree a pro-union employee's unrestricted freedom to join a union shouldn't be contingent on what other employees think. I'm sure Vincent agrees. But Vincent thinks there should be a different standard for an individual employee who doesn't want a union. His or her freedom not to join, according to Vincent, can be restricted if a majority favor unionization. In that case, a union nonmember should be forced to pay union agency fees in lieu of union dues.

¹⁵ Pam Belluck, "Vermont Losing Prized Resource as Young Depart," *New York Times*, March 4, 2006.

But Vincent doesn't explain why there should be a double standard. Either your fellow employees shouldn't be able to dictate to you which private organizations you support, or they should – unless you don't believe in equal protection under the law. If Vincent's real position is that workers who support unionization deserve more freedom than workers who oppose unionization, he should say that plainly, instead of obfuscating.

Vincent also assumes that no sane worker in a union shop could sincerely prefer to be union-free, because “union workers earn more than their non-union counterparts.”

This is wrong in a variety of ways. First of all, in certain key sectors nonunion workers earn, on average, more than unionized workers. For example, according to the BNA, in 2004 the average hourly pay for a nonunion manufacturing employee was \$19.24, \$1.29 more than the average for a union manufacturing employee.¹⁶ Second, even in sectors where the *average* union wage is higher, many nonunion employees may correctly believe that, based on their skills and experience, they could negotiate better pay as individuals than they can through a union monopoly-bargaining agent. Third, employees may reasonably believe that, regardless of the impact a union has on their pay, it hampers their employer's competitiveness and thus increases unacceptably their risk of getting laid off. Between 1999 and 2004, the number of unionized U.S. manufacturing jobs plummeted by 31.8% – double the decline in nonunion manufacturing jobs. Meanwhile, in driver/sales and truck driving, unionized jobs fell by 20.9%, but nonunion jobs *increased* by 2.1%.¹⁷

Polls Indicate Most Union Members Support the Right to Work Principle

Finally, it is illogical to suggest that only economic considerations should be relevant in a worker's decision to join or not join a union. American union officials typically wield a large chunk of the dues money they take in to assist their favored political candidates and promote a wide array of controversial political and ideological causes. Workers should have the right to refuse to bankroll a union whose political and ideological agenda they oppose, regardless of how they believe the union's economic activities affect their pocketbooks.

Union-label Indiana legislators who hope that Vincent's paper will provide them with political cover for voting against Right to Work legislation¹⁸ had better think again.

¹⁶ Barry T. Hirsch and David A. Macpherson, *Union Membership and Earnings Data Book: Compilations from the Current Population Survey*, 2005 Edition, Bureau of National Affairs, Inc., Washington, D.C., 2005, p. 24.

¹⁷ *Ibid*, pp. 48-49, 66, 89-90, 107.

¹⁸ The Indiana House of Representatives defeated a Right to Work amendment to another piece of legislation this February 28 in a 65-31 vote. Grass-roots opponents of forced unionism were pleased to get virtually all incumbent legislators on the record, one way or the other, and are now mobilizing pro-Right to Work citizens around the state to contact incumbent representatives and their electoral challengers about the vote.

Union officials across America have loudly been making similar arguments against Right to Work laws for years, and have failed to make a dent in public opinion. Nationwide surveys show three-quarters or more of politically active citizens support the Right to Work principle.¹⁹

Even rank-and-file union members, who are inundated with the most Big Labor propaganda of all, overwhelmingly support Right to Work. A 2004 survey by world-renowned pollster John Zogby found that, by a 63% to 32% margin, union household members agreed “it is unfair for a worker to lose their job if he or she refuses to pay dues to, or support, a union.”²⁰

In the end, there is no significant constituency for compulsory unionism except for union officials themselves and their diehard apologists in academia and journalism. Vincent’s dreary attempt to shore up opposition to Right to Work in Indiana will do nothing to broaden Big Labor’s base of support.

¹⁹ For example, a 2004 nationwide survey by veteran pollster Del Ali, president of Research 2000, found that 79% of Americans who “always or almost always vote” in statewide elections support a person’s right to hold a job “regardless of whether or not he or she belongs to a union.”

²⁰ Zogby International, “Checking the Premises of ‘Card Check,’” in *Michigan Education Report*, Mackinac Center for Public Policy, Midland, Mich., 2005, Question 20, <http://www.educationreport.org/print.asp?ID=6704>.



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THE PROBLEM

Organized labor has had a profound economic and political impact on the institutions of American power. Yet the far-reaching ramifications of that impact are largely unknown to the public. Academic interest in labor unions and labor relations is at its lowest point in decades.

While there has been a notable proliferation of private interest groups in recent years, none has exposed the excesses of America's union establishment from an academic perspective. Consequently, not enough light has been shed on one of the few remaining forms of tyranny left in America: compulsory unionism.

THE NEED

Labor policy in America has not reflected the will of its citizenry for decades because Big Labor's support in the academic community has allowed it to control debate. As a result, labor unions have not been subjected to the same degree of scrutiny as their counterparts in the corporate world.

In many cases, the interests and concerns of Americans who support the right to work without compulsion are ignored for lack of an academic support structure. Freedom of association has diminished because its proponents frequently are without the analysis and research necessary to effectively make their case.

Obviously, there is an urgent need for an organization that will draw together scholars and economists to perform objective and revealing research into the practices of America's labor unions. The National Institute for Labor Relations Research is such an organization.

THE PROGRAM

1. The Institute's primary function will be to act as a research facility for the general public, scholars and students. It will provide the supplementary analysis and research necessary to expose the inequities of compulsory unionism.

2. It will publish monographs, brochures and briefing papers designed to stimulate research and discussion with easy-to-read summaries of current events. The Institute will also conduct nonpartisan analysis and study for the benefit of the general public.

3. It will render aid gratuitously to individuals suffering from government over-regulation of labor relations and will provide educational assistance to those individuals who have proved themselves worthy thereof.

It is high time that self-interested union officials be confronted with the facts on how their brand of unionism has failed to improve general conditions for workers. With an intensive program of study and education, the National Institute for Labor Relations Research intends to do just that.

Contributions to NILRR Are Tax Deductible

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