



Foundation Action

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of the National Right to Work
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MIT Graduate Students Defeat Discriminatory Dues Demands From Radical Campus Union

Union must cease forced dues, inform thousands of MIT students of right to defund union politics

BOSTON, MA – “Jewish graduate students are a minority at MIT. We can’t remove the [Graduate Student Union (GSU)] or disabuse it of its antisemitism. But we also can’t support an organization that actively works toward the eradication of the Jewish homeland, where I have family living now.”

These were the words MIT Ph.D. student Will Sussman used to describe his, and other graduate students’, battle against radical union bosses at his campus, both in a *Wall Street Journal* op-ed and in June testimony before the U.S. House Committee on Education and the Workforce. GSU union officials gained the legal privilege to force MIT graduate students to pay dues or lose their academic work thanks to biased rulings by the National Labor Relations Board (NLRB) under both President Biden and President Obama. Since then, they’ve wasted no time in forcing even Jewish students with strong objections to the union’s anti-Israel agitating to fund their activities.

Students Battle Anti-Israel Sentiment Boosted by GSU Union Bosses

However, with free legal aid from National Right to Work Foundation staff attorneys, Sussman and his fellow Jewish graduate students Joshua Fried, Akiva Gordon, Adina Bechhofer, and Tamar Kadosh Zhitomirsky fought back against the GSU’s discriminatory dues



Foundation staff attorney Glenn Taubman, who aided the MIT students’ legal victory, told NTD News his phone is “ringing off the hook” because university students and faculty nationwide are seeking ways to defund radical campus unions.

demands. They each filed federal charges at the Equal Employment Opportunity Commission (EEOC), charging the GSU with denying them religious accommodations required by Title VII of the Civil Rights Act of 1964. Now they’ve won full accommodations that allow them to cut off all financial support for the union.

Separately, Foundation attorneys also filed federal unfair labor practice charges at the NLRB for Katerina Boukin, who objected on political grounds to the GSU’s ideological activity. Boukin sought to exercise her rights under the Foundation-won *Communications Workers of America v. Beck* Supreme Court decision, which lets workers who abstain from union membership opt-out of paying for

the union’s political expenses.

In the wake of the October 7,

See *‘Independent-Minded’* page 7

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Puerto Rico Police Bureau Employees Foil Anti-*Janus* Scheme

Federal court strikes down discrimination against workers who exercised First Amendment rights

SAN JUAN, PR – The National Right to Work Foundation’s 2018 victory at the U.S. Supreme Court in *Janus v. AFSCME* opened new horizons for employee freedom across the country. For the first time, the Justices recognized that the First Amendment prohibits union bosses from forcing public sector employees to join a union or pay dues as a condition of employment, and that union bosses can only take dues from a worker’s paycheck with their affirmative consent.

Foundation attorneys’ efforts to enforce the landmark decision yielded a big victory this September for a wide swath of civilian employees at the Puerto Rico Police Bureau (PRPB). In a class action federal lawsuit, more than a dozen PRPB employees charged officials of the Union of Organized Civilian Employees with violating their *Janus* rights by stripping them of an employer-provided health benefit because they refused to join the union.

A recent decision from the District Court of Puerto Rico found in favor of the employees’ arguments, stating that their employer had indeed taken away the health benefit because the employees exercised their right to



Vanessa Carbonell and other employees of the PRPB won big at the Puerto Rico District Court (pictured above) this September. Their Foundation-won decision forces their employer and the union to stop violating their *Janus* rights.

not join or pay dues to the union.

Scheme Forced Workers to Join Union or Lose Access to Better Healthcare

“This is either retaliation for exercise of non-union members’ post-*Janus* non-associational rights under the First Amendment under the Constitution or simply discrimination,” said the Court.

According to lead plaintiff Vanessa Carbonell and her colleagues’ original lawsuit, they all exercised their *Janus* right to opt out of the


union at various points after the 2018 *Janus* decision. They each began noticing that as dues ceased coming out of their paychecks, they also stopped receiving a \$25-a-month employer-paid benefit intended to help employees pay for better health insurance.

The lawsuit demonstrated that PRPB officials cut the benefit off to employees who refused union membership -- a clear case of discrimination against employees who exercise their First Amendment right to abstain from union affiliation.

Union and Employer Must Stop Discrimination

The District Court’s decision, in addition to declaring that the ploy by PRPB and the Union of Organized Civilian Employees is unconstitutional, orders an injunction to stop PRPB officials from continuing to withhold the benefit from Carbonell and other employees.

“*Janus* enshrined a very simple First Amendment principle: That union officials need to convince public employees to support their organization and activities voluntarily,” commented National Right to Work Foundation Vice President Patrick Semmens. “Diminishing Ms. Carbonell and her coworkers’ access to healthcare just because they exercised their constitutional right not to support the union’s agenda is a blatant violation of that principle, and Foundation attorneys were happy to assist them in their victory over that scheme.”

Foundation attorneys are currently litigating two other *Janus*-related cases for Puerto Rico workers, including one for workers at the University of Puerto Rico and another for Reynaldo Cruz, an employee of the Puerto Rican Aqueduct and Sewer Authority. 

Foundation Action

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Massachusetts Trader Joe's Employees Battle Divisive Union Organizing Campaign

Workers demand vote to oust union, blast union bosses in Congress and media

HADLEY, MA – Union bosses and Big Labor-allied media cheered when the Hadley, MA, branch of supermarket chain Trader Joe's became the first unionized location in the country in 2022. But what all their celebration concealed was the fact that union officials had swept to power at the location through a deeply deceptive campaign that demonized both the company and many employees. Now many of the Hadley-based Trader Joe's employees are fighting to kick the union out.

"Officials of this union have sowed division and smeared both our workplace and anyone who dissents from the union's agenda pretty much from the time the campaign began to unionize the store," Trader Joe's employee Les Stratford told *Supermarket News* about the situation. Michael Alcorn, another Hadley Trader Joe's worker who simply wanted to have a conversation with his coworkers about the ramifications of unionizing, said that union militants "weren't going to have a meeting with us...immediately it was like 'you either accept the union, or you don't, and we're not going to talk about it all together because if you don't accept it, we don't trust you.'"

Now, with free legal aid from the National Right to Work Foundation, Stratford, Alcorn, and many other Hadley Trader Joe's employees are backing an effort to vote the union out of power at the store. Stratford in August submitted a union decertification petition asking the National Labor Relations Board (NLRB) to hold an election among his coworkers on whether to remove the union, which contained well over the support needed to trigger a decertification vote under NLRB rules.

Because Massachusetts lacks Right to Work protections for its private sector workers, the union



Trader Joe's employees Les Stratford (left) and Michael Alcorn want to restore the fun and independent work environment that existed in the store before union officials sowed discord.

has the legal privilege to enforce contracts that require Trader Joe's employees to pay dues or fees as a condition of keeping their jobs. In Right to Work states, in contrast, union membership and financial support are strictly voluntary. A vote by the majority of Hadley Trader Joe's employees against the union would free them from both the union's forced-dues and monopoly bargaining powers.

Trader Joe's Employee Exposes Union Tactics on Capitol Hill

In May, Alcorn brought the concerns many of the Hadley Trader Joe's employees had directly into the halls of Congress when he was called by the U.S. House Committee on Education and the Workforce to testify about coercive tactics union bosses use to gain power and stay in power. In addition to describing the union's vilification of any skeptical employee, he noted that union organizers tried to foist union control of the workplace through "card check" -- a process that bypasses the NLRB's secret ballot election system and lets union officials aggressively solicit "cards"

that are later counted as votes for the union.

Union organizers also "made inaccurate and incomplete press releases, creating false narratives about our workplace to promote their own agenda and personal vendettas," Alcorn said.

Workers Need More Freedom to Oust Abrasive Union Bosses

The Hadley Trader Joe's workers' efforts come as the Biden-Harris NLRB announced a final rule which will make it much harder for rank-and-file workers to exercise their right to vote out union officials they oppose. The final rule, among other things, lets union officials prevent decertification votes from going forward by filing unverified "blocking charges" alleging employer interference. While the Trader Joe's employees' petition will be unaffected by the rule change, the new policy will likely quash or substantially delay similar efforts in the future.

"The situation at the Hadley, MA, Trader Joe's store shows exactly why workers' right to vote to remove a union they oppose must be protected," commented National Right to Work Foundation Legal Director and Vice President William Messenger. "During a union campaign, union officials often employ aggressive tactics and 'us vs. them' or hate-the-boss rhetoric that cause division and prioritize union bosses' agenda over workers' freedoms and individual choices.

"That the Biden-Harris Administration stripped workers of what few rights they had to challenge union officials that perpetrate these acts shows they are on the side of Big Labor, not individual workers," Messenger added. ✚

Labor Day 2024: National Right to

NEW YORK POST

Kamala Harris aims to screw workers AND businesses to help Big Labor bosses

All of Harris' coercive, top-down ideas make sense if one subscribes to the worldview she put forth in her arguments in [a SCOTUS] case: **Union bosses know better than workers and should have more control over their lives** — even if it means that some, perhaps many, workers are harmed in the process.

— Op-ed in the *New York Post*, September 1, 2024



Deseret News

Celebrate the freedom and prosperity of Utah's Right to Work law on Labor Day

The connection between Right to Work laws and better economic performance is not a surprise... Right to Work laws also encourage more flexible and responsive union officials in the workplace. **When workers cannot simply be forced to pay dues under threat of termination, union brass must work harder to retain employee support.** This incentivizes union officials to put workers' interests first, rather than promoting their own power....

— Op-ed in *Deseret News*, September 2, 2024

THE HILL

We need a National Right to Work Act, making payments to unions voluntary

The National Right to Work Act would make union financial support strictly voluntary for every worker in America. That's good news for workers currently trapped under the monopoly control of a union that doesn't deserve their money.

Seven top union officials from the International Brotherhood of Boilermakers union were indicted in August for embezzling \$20 million in workers' dues money, a scandal that mirrors one that landed several United Autoworkers union bosses in federal prison....

— Op-ed in *The Hill*, September 2, 2024



"We do know what [Kamala Harris] plans to do now if she makes it to the White House...and that means less rights for individual employees, more power for union officials...."

Mark Mix on "O'Connor & Company" September 2, 2024

FOX NEWS

Labor Day a harsh reminder unions turned into the bosses they pretend to dislike

[T]he Biden-Harris administration has given union officials the ability to unilaterally block worker-requested "decertification" votes to end union affiliation... Union bosses may like the security of knowing no matter what they do, they cannot be removed by those they claim to represent, **but no one could claim with a straight face that trapping workers in unions they oppose is actually pro-worker.**

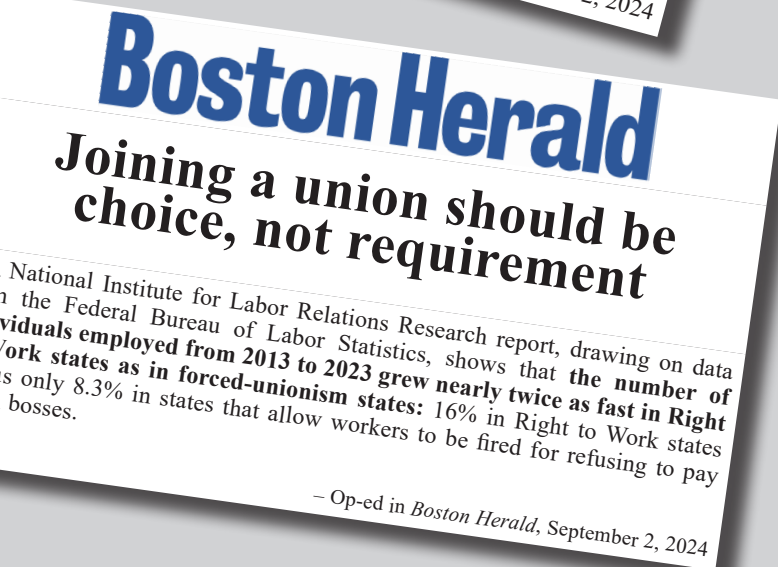
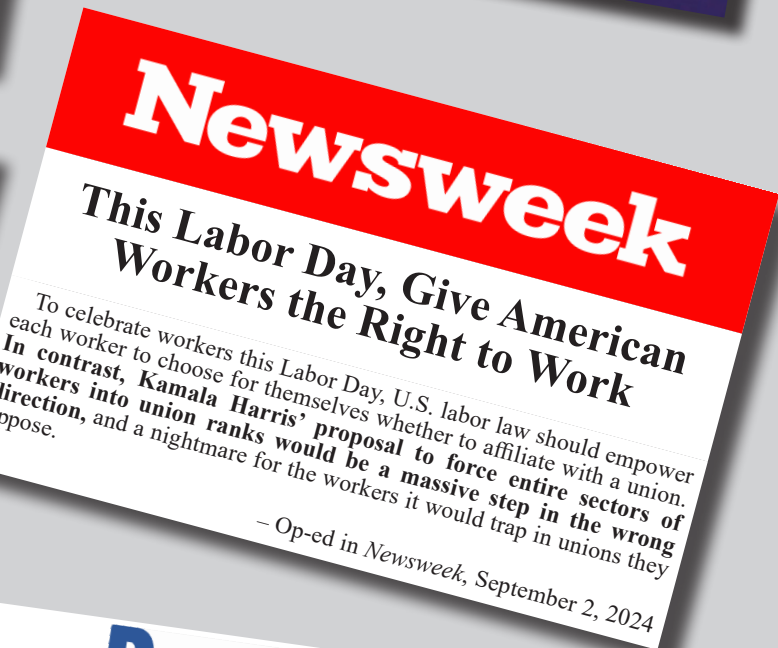
— Op-ed in *Fox News*, September 2, 2024

Want to see more from the Foundation's Labor Day media blitz?

Scan the QR code or go to www.nrtw.org/laborday2024 to listen to Foundation experts talk with some of the biggest names in liberty-loving media.



Work in the News



Consider an End of Year Gift

As 2024 winds down, many supporters are considering a gift of cash, stock, or an IRA gift to their favorite charitable cause. We would be honored if you would consider a tax-deductible gift to the National Right to Work Legal Defense Foundation, a 501(c)(3) charity.

Foundation staff attorneys are working diligently to combat the many Big Labor power grabs implemented over the past four years of the Biden-Harris Administration. At the same time, Foundation litigation is freeing workers from forced dues and union ranks they oppose.

Your Foundation was recently issued a grade of "A" by CharityWatch, an independent nonprofit watchdog organization. Here are the many ways you can support the National Right to Work Foundation and its strategic litigation and media programs:

1. Gifts of Cash;
2. Gifts of Stocks, Bonds, Mutual Funds, or other assets;
3. Gifts from an IRA or Qualified Charitable Distribution (QCD), if 70 ½ or older;
4. Gift of a Lifetime: Including the Foundation in your Will or Trust.

Remember: Gifts made by December 31 can help reduce the taxes you owe by next April's tax deadline! So please act today.

Thank you for your investment at this crucial time! If you have any questions, or would like additional information, please contact Ginny Smith, 1-800-336-3600, Ext. 3303, or email gms@nrtw.org.

Please consult an estate attorney, IRA custodian, or your tax or financial advisor before making a planned gift, QCD, or estate gift.

AT&T Workers Nationwide Win Challenges to Unionization Imposed Through Card Check

Victories by workers in five states preceded Biden-Harris NLRB rule change to block secret ballot votes

WASHINGTON, DC – While the Biden-Harris National Labor Relations Board (NLRB) sought to upend NLRB rules designed to protect workers' ability to vote out unwanted unions, AT&T employees across the country won a series of victories highlighting the importance of allowing workers to challenge coercive union card check unionization with secret ballot votes. The decertification victories all relied on the National Right to Work Foundation-backed 2020 NLRB "Election Protection Rule" (EPR), which was formally eliminated by the Biden-Harris Labor Board in September.

In five separate cases covering well over 1,000 workers, AT&T Mobility employees have successfully overturned Communications Workers of America (CWA) unionization imposed through the notorious "card check" process.

Under card check, union organizers bypass the secret ballot election process and instead collect cards face-to-face from employees that are then counted as "votes" for the union. Without the privacy of a secret ballot vote, many workers report being pressured, bullied, or threatened into signing, which is among the reasons why card check has long been recognized as inherently unreliable and abuse-prone.

Foundation-Backed 2020 Rule Let Over 1,000 AT&T Workers Nix Union Card Checks

The 2020 Election Protection Rule reformed several rules that union officials manipulate to trap workers under monopoly "representation," including by giving employees a way to challenge card check unionization with a secret ballot election. Foundation staff attorneys assisted AT&T employees in five states to do that in advance of the



See You, CWA: Marquita Jones (left), Samantha Cain (middle), and Matthew Gonzalez rallied their coworkers to escape unwanted CWA unions.

Biden-Harris Labor Board's cynical repeal of the rule.

First, in Tennessee, AT&T employee Denis Hodzic filed a petition signed by two-thirds of his coworkers in the unit seeking a secret-ballot vote to remove the CWA union, after CWA agents installed themselves over 100 AT&T In-Home Experts by card check. Initially CWA union officials argued the election should be permanently blocked because the union had already merged the workers into a larger bargaining unit with thousands of other AT&T employees.

CWA Bosses Capitulated

However, citing the Election Protection Rule, which gives workers at least 45 days to challenge a card check with a decertification petition, Foundation staff attorneys were able to win a ruling with the NLRB allowing the vote to proceed. At that point CWA officials chose not to even contest the vote, instead filing paperwork with the NLRB freeing the employees from CWA ranks apparently to avoid an overwhelming final vote against the union.

"The Election Protection Rule was essential for us to rely on as we went through the process of seeking resolution to our tricky situation," Hodzic said of his situation. "The 45-day petition window needs to remain regardless of which group holds the majority position in Washington."

Since then, with Foundation

legal aid, around 1,000 additional AT&T Mobility employees in California, Louisiana, Mississippi, and Texas have all also successfully removed the CWA union following installation through card check. In all four states, once the decertification vote became inevitable, CWA officials simply conceded defeat rather than wait for the results of a formal decertification vote.

NLRB Repeal of Election Protection Rule Traps Workers in Union Ranks

Despite these efforts from independent-minded employees, the Biden-Harris NLRB formally repealed the Election Protection Rule in September, dramatically expanding union bosses' ability to block employee-requested decertification votes.

As a result, now, when workers in Hodzic's situation attempt to challenge a card check with a secret ballot decertification, the NLRB will automatically block their vote for up to one year after a card check, which opens the door to countless other union delay tactics.

"If these AT&T employees had filed their five decertification petitions after September 30th, they would have been trapped in a union they oppose for years and likely forever," commented National Right to Work Foundation Vice President Patrick Semmens. "This is yet another example of the Biden-Harris NLRB steamrolling the rights of independent-minded employees, so union bosses can expand their forced dues ranks.

"Despite this setback for employee freedom, Foundation staff attorneys remain committed to helping workers trapped in union ranks they oppose," added Semmens. "That includes helping them navigate the increasingly rigged NLRB system." ✎

Independent-Minded MIT Students Free From Illegal Dues Demands

continued from page 1

2023, attacks on Israel, Sussman and his fellow students experienced a massive wave of anti-Israel sentiment on MIT campus, including from GSU union chiefs.

“The blood had not yet dried when my colleagues at MIT declared, ‘Victory is Ours,’” related Sussman at a congressional hearing on anti-Semitism in unions. “The full-time GSU staff organizer told NBC10 Boston, ‘Those who rebel against oppression cannot be blamed for rebelling against that repression.’”

GSU Union Backed Off Unlawful Demands After Foundation Intervention

Sussman, Fried, Gordon, Bechhofer, and Zhitomirsky each requested in early 2024 that GSU union officials provide them with religious accommodations to paying union dues based on their objections to union officials’ extremist beliefs. Under federal law, such accommodations vary, but often take the form of letting the objector divert the dues from the offensive union to a 501(c)(3) charity instead. The GSU union’s brazen response was that “no principles, teachings or tenets of Judaism prohibit membership in or the payment of dues or fees to a labor union” and that no religious conflict existed because one of the founders of GSU’s parent union was himself Jewish.

The GSU union backed down after Foundation staff attorneys filed EEOC anti-discrimination charges in response to the lack of accommodation. The students have secured full religious accommodations and will pay money to charities of their choice, despite initial pushback from union bosses. The charities include American Friends of Magen David Adom and American Friends of Leket.



MIT mathematics Ph.D. student Will Sussman fought hard against GSU union bosses’ discriminatory tactics, which included exposing their misdeeds to Congress. He’s now an example to graduate students that their rights are worth fighting for.

Katerina Boukin’s NLRB case was spurred by her disagreements with the union’s political stances on Israel. She stated that she was deeply offended by GSU’s “opposition to Israel and promotion of Leninist-Marxist global revolution” and that “[t]he GSU’s political agenda has nothing to do with my research as a graduate student at MIT, or the relationships I have with my professors and the university administration.”

“[Y]et outrageously they demand I fund their radical ideology,” Boukin said.

Foundation-Won Settlement Informs Students They Can Defund ‘Marxist’ Union

Foundation attorneys won a settlement for Boukin that not only returned illegally-seized dues to Boukin, but also required GSU bosses to inform the entire MIT graduate student body of their

rights to invoke the *Beck* decision. GSU bosses were forced to declare by email that they will not restrict the ability of those who resign their union memberships to cut off dues payments for political expenses and pay a reduced amount to the union. This email notice went out to approximately 3,000 MIT students.

Legal Protections Should Protect Employees’ Right to Object on Any Grounds

“The Foundation-backed MIT graduate students who fought these legal battles have earned well-deserved victories. But defending basic free association rights shouldn’t require such complicated litigation,” commented National Right to Work Foundation President Mark Mix. “This ordeal at MIT should remind lawmakers that all Americans should have a right to protect their money from going to union bosses they don’t support, whether those objections are based on religion, politics, or any other reason.” †

National Right to Work
Legal Defense Foundation



Source: *Charity Rating Guide*
Summer 2024
American Institute of Philanthropy

Amicus Briefs Boost Professors' First Amendment Challenge to Union Monopoly Bargaining Power

As reported in the last issue of *Foundation Action*, City University of New York (CUNY) professor Avraham Goldstein and several of his colleagues have asked the U.S. Supreme Court to hear their First Amendment challenge to union monopoly power in the public sector.

The professors have had enough of Professional Staff Congress (PSC) union bosses' attacks on Jewish culture and identity, and argue that New York State's laws forcing them to associate with PSC and PSC officials' so-called "representation" violate their constitutional rights.

Already, their petition before the Supreme Court is gaining traction: Since the Foundation-backed petition was filed in July, 11 briefs in support of the professors have rolled in from notable legal foundations, religious freedom advocacy groups, and legal scholars. Additionally, in September, the Supreme Court took the step of ordering PSC and New York State officials to file a response brief.

The Supreme Court will likely make a decision on whether to hear the case by early 2025. Check out the Foundation's website at www.nrtw.org for breaking news in this case and other cases being litigated by Foundation staff attorneys.



Message from Mark Mix

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter,

In 2020, with backing from Right to Work supporters nationwide and multiple formal comments filed by National Right to Work Legal Defense Foundation staff attorneys, the National Labor Relations Board (NLRB) issued the "Election Protection Rule."

That reform, which eliminated some of the most egregious ways that union officials trap workers in union ranks they oppose, was an enormous success.

On page 6, you can read about one recent example of how the Election Protection Rule allowed employees to kick out union bosses they opposed.

More than 1,000 AT&T employees across several states successfully decertified CWA union bosses after the union was installed through "card check." In fact, once votes were inevitable, CWA officials didn't even bother contesting the elections.

Yet without the Foundation-backed reforms, those workers would be trapped in union ranks for years without even the opportunity to hold a decertification vote. Further, because CWA bosses had attempted to merge the units into massive, multi-state bargaining units, it is likely the AT&T workers would be trapped in the union forever.

That's just one example of the reforms working, which contributed to a 40% surge from 2020 to 2023 in decertification petitions from workers opposed to unionization.

Naturally, for the union-label Biden-Harris Administration, something had to be done to stop workers from escaping union forced-dues ranks.

So shamefully, in September, the NLRB formally repealed the 2020 Election Protection Rule.

Now, once again, workers can be denied decertification votes after coercive union card checks, and union lawyers can file frivolous "blocking charges" to stall votes for months or even years.

It's just one of many Big Labor power grabs enacted by the Biden-Harris Labor Board to expand union boss power and undermine the rights of independent-minded hardworking Americans.

Reversing these power grabs is one of your Foundation's top priorities, even though such litigation will take months, or even years. However, with Right to Work supporters like you on our side, I am confident that we can ultimately win.

Thank you for all that you do.

Sincerely,