



Foundation Action

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Public Servants Across Country Stand Strong in Defending *Janus* Rights

Foundation attorneys continue fight against union schemes to circumvent First Amendment

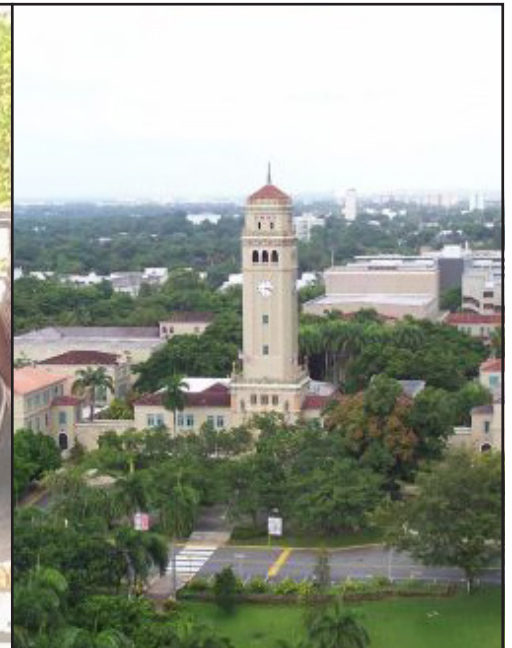
WASHINGTON, DC – As 2025 waned, National Right to Work Foundation staff attorneys brought their expertise to bear as government employees in Washington State and Puerto Rico continued legal battles to get back money that union bosses never should have seized from their paychecks.

These workers are invoking their rights under the Foundation-won *Janus v. AFSCME* decision, which the Supreme Court handed down in 2018. In *Janus*, the Justices ruled that all American public sector workers have a First Amendment right to abstain from paying dues to union officials they don't support.

Despite *Janus'* commonsense protections, many union bosses, intent on keeping their coffers stocked with dues money seized from unwilling public employees, are still trying to skirt the Court's ruling.

AFSCME Bosses Refuse to Return Illegally-Seized Money to Worker

That includes AFSCME union officials in Washington State, whom City of Everett employee Xenia Davidsen is fighting at the Washington State Public Employment Relations Commission (PERC). Davidsen charged AFSCME chiefs with accepting money that City officials had illicitly funneled from



Jose Ramos, a University of Puerto Rico maintenance employee, isn't going to let union bosses maintain their flimsy defense that they are entitled to keep his hard-earned money in violation of the First Amendment.

her paycheck to the union. Davidsen had requested dues deductions to stop in 2024 in accordance with *Janus*, but City officials failed to monitor the email address through which AFSCME directed the City to stop the deductions.

This incompetence led to the City seizing dues money from Davidsen at least 12 times without her authorization -- and AFSCME union officials have stubbornly refused to admit they must post a notice stating they were wrong to accept the deductions. "On none of those...instances did the Union stop to question why it was accepting

dues that it knew were unauthorized to it," argue Foundation attorneys in Davidsen's latest brief before the PERC.

See '*Public Employees*' page 6

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New Lawsuit Slams UCLA for Hiding Public Records on Radical Union ‘Workshops’

Events promoted organizing tactics that compile ‘targeted information’ on workers

LOS ANGELES, CA – In November, the National Right to Work Foundation hit the University of California at Los Angeles (UCLA) with a lawsuit in Los Angeles County Superior Court. For months, university administrators have stonewalled the Foundation’s public records requests concerning two campus workshops that promoted aggressive, targeted union campaign tactics.

The Foundation’s records requests followed similar records requests received by UCLA in the first months of 2025. Taken together, UCLA has effectively violated its obligations under California law for the better part of the year, in an apparent attempt to hide details regarding the taxpayer-funded promotion of Big Labor’s coercive power.

Foundation cases often involve men and women who want to resist unionization campaigns at their workplaces, but face intimidation, threats, or invasive practices from union officials and operatives. That’s important because these events, titled the “UCLA Strategic Labor Research Conference” and “Private Equity Research Strategies,” promoted coercive unionization



Hiding behind UCLA’s picturesque exterior are union radicals who are using taxpayer dollars to prop up the latest in intrusive union organizing tactics. The Foundation submitted public records requests to get to the bottom of it.

tactics, and had heavy political overtones as well. As reports afterward noted, operatives for the climate change movement and other ideological causes had attended the events alongside union officials and activists.

University Shirked Duty to Release Records for Months

Union officials wield significant influence at UCLA. Currently, the university is subject to at least 16 union monopoly bargaining contracts.

According to the complaint, on August 18, 2025, the Foundation

submitted public records requests for documents, presentation materials, speaker information, and related items for both events. UCLA public records staff acknowledged the requests promptly, but delayed any substantive response, sending correspondence either pushing back the compliance date or containing random and irrelevant documents.

“Poll after poll shows that Americans overwhelmingly oppose forcing workers to pay union dues as a condition of employment. So it is outrageous that taxpayers appear to be funding conferences specifically designed to coordinate how to expand union bosses’ forced-dues ranks,” commented National Right to Work Foundation President Mark Mix. “The public deserves to know what kind of tactics -- and potentially radical political activity -- the UCLA administration is using taxpayer dollars to promote, as well as what role union officials have in pushing their agenda at one of the nation’s largest public college campuses.”

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Scan the QR code to see the Foundation’s complaint.

Electrician Forces IBEW Local 16 Bosses to Drop Illegal \$1.29 Million Retaliatory ‘Fine’

Union levied fine to force former member’s new employees under union boss control

EVANSVILLE, IN – Electrician Brian Head has emerged triumphant, having stood his ground against International Brotherhood of Electrical Workers (IBEW) Local 16 union bosses who tried to twist his arm into handing his new business over to union control.

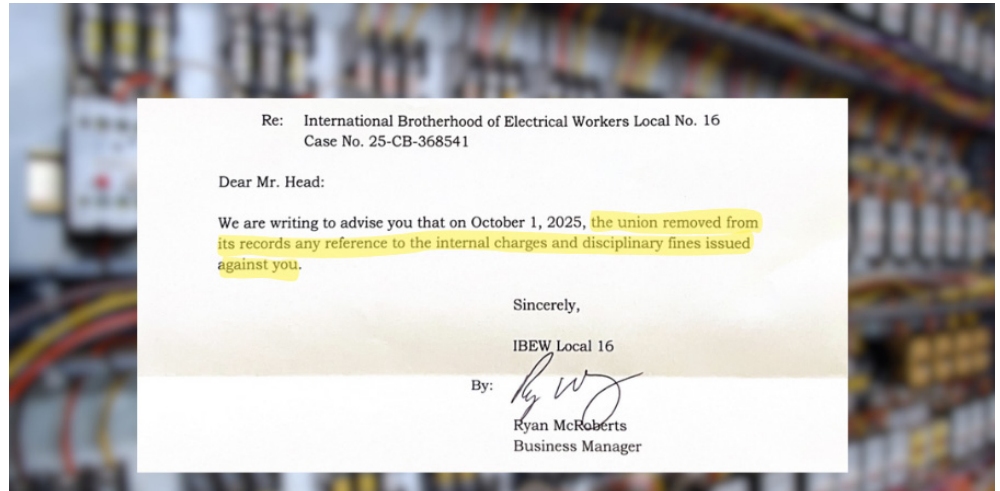
Head, who previously worked for a unionized electrical company, validly resigned his union membership in March 2025 via a notarized letter. IBEW officials acknowledged the letter promptly, but their reply falsely claimed that “[i]t is a six-month process before the resignation is finally effective.”

Union officials began their illegal retaliation against Head following his resignation from membership and the announcement of a new entrepreneurial endeavor: He was purchasing a non-union electrical firm and starting his own business. Head refused to kowtow and sign an IBEW Letter of Assent, which would have likely forced his employees under union control without any kind of vote.

Union Kangaroo Court Tried to Extort Electrician

Even though Head had no legal obligation to give the union control over his employees, IBEW Local 16 officials sent Head correspondence on May 1 demanding he appear before a union tribunal. Head later received a letter from IBEW Local 16 bosses on June 9 finding him “guilty” of violating the union’s constitution and imposing a “\$1.29 Million dollar fine” as a penalty.

Head proceeded to file federal charges against the IBEW local union at the National Labor Relations



Lost Their Heads: IBEW union officials hit Indiana electrician Brian Head with unconscionable union “fines” because he wouldn’t bow to union control. After Foundation attorneys got involved, union bosses swiftly backed down.

Board (NLRB) with free legal aid from National Right to Work Foundation staff attorneys. Head’s charges challenged union officials’ illegal claim that resignations are subject to a six-month waiting period before they are effective.

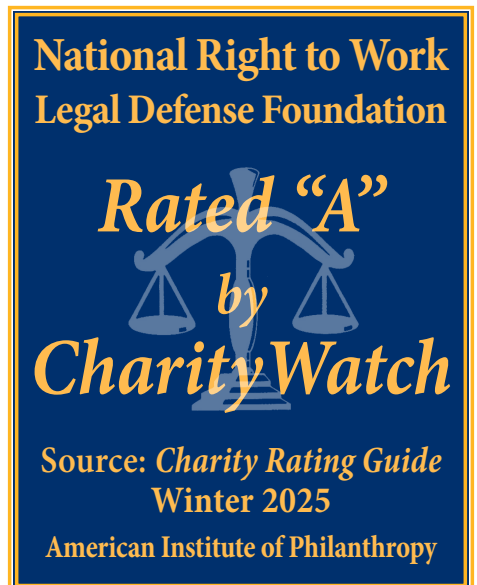
IBEW Abandons Threats After Foundation Litigation

The Director of NLRB Region 25 reviewed Head’s charges against IBEW Local 16 officials’ overreach, and made a merit determination in his favor, finding that the union officials violated Head’s rights under the National Labor Relations Act (NLRA). The union officials quickly backed down and settled the case rather than face Head’s Foundation-provided attorneys at the NLRB.

In addition to rescinding and expunging their bogus million-dollar-plus retaliatory fine, the settlement details that IBEW Local 16 bosses must stop informing workers that there are restrictions on the right to resign one’s union membership. Additionally, they must inform all their members of their rights under

the NLRA and post the settlement on the union’s website.

“The Foundation is pleased to have assisted Mr. Head as he challenged Local 16 union officials’ attempt to illegally extort him after he exercised his right to break free from the union,” commented National Right to Work Foundation Vice President Patrick Semmens. “Big Labor’s thuggish tactics expose a willingness to steamroll workers’ rights in pursuit of monopoly power and dues from unwilling workers.” ✚



Johns Hopkins Ph.D. Student Strikes Back After UE Union Demands Her Private Info

Union officials have no right under federal law to obtain such information

BALTIMORE, MD – Andrea Ori, a molecular biophysics Ph.D. candidate at Johns Hopkins, is the latest graduate student to enlist the help of National Right to Work Foundation staff attorneys in battling union bosses' increasingly aggressive actions on American college campuses. While Ori, a Fulbright scholar, successfully fought for a religious exemption to paying dues to radical United Electrical (UE) union bosses in 2024, in 2025 she quickly discovered that she hadn't escaped the union's coercion.

In October, Ori filed federal charges at the National Labor Relations Board (NLRB), maintaining that UE union officials ordered Johns Hopkins administrators to kick her out of her program because she refused to turn over confidential financial records protected by the Family Educational Rights and Privacy Act (FERPA).

Obama-Era NLRB Ruling Traps Students Under Union Control

The NLRB is the federal agency responsible for enforcing the National Labor Relations Act (NLRA) and adjudicating labor law disputes between union officials, employers, and employees. Even though the NLRA doesn't include graduate students in its definition of "employees," Obama NLRB appointees ruled in the controversial 2016 *Columbia University* decision that the NLRA allows union officials to gain monopoly bargaining power over graduate students at private universities, like Johns Hopkins.

The flawed *Columbia University* ruling, combined with Maryland's lack of Right to Work protections,



UE union officials, who twice endorsed socialist Bernie Sanders for president, love the idea of top-down, government-backed compulsion. That's why they demand graduate students nationwide pay them tribute just to pursue their degrees.

effectively lets union officials kick students out of graduate programs if they refuse to pay union dues. But graduate students can still invoke their right under the Foundation-won *CWA v. Beck* Supreme Court decision to abstain from paying dues for union political activities. Students can also be religious objectors under Title VII, which requires that union officials and university administrators provide religious accommodations to students who oppose union financial support on religious grounds.

UE Union Bosses: Hand Over Private Info Or Leave University

Ori's charges maintain that, after she had successfully obtained a religious accommodation from the requirement that she pay union dues, UE officials began harassing her to turn over pay stubs and other documents that contain protected information. The demands went on for months, culminating in a union

demand for her discharge.

Ori's Foundation attorneys argue that union officials made these demands in bad faith and that nothing in the union contract, Ori's religious accommodation, or federal labor law requires her to turn over her private information. Graduate students' personal financial information is under the protection of FERPA, which requires student or parental consent before educational institutions can disclose identifying information to third parties, like labor unions.

"After months of threatening [Ori] and harassing her to produce these unnecessary and private financial documents containing personal information," the charges say, "the [UE] formally demanded that the University discharge [Ori]." Ori's attorneys contend that the NLRB should consider the union's actions a form of "industrial capital punishment," a term used to describe firing a worker illegally.

"Ms. Ori's case is just the latest

Independent-Minded Workers Back President's Effort to Oust Rogue Agency Officers

President's separation of powers arguments also made by Foundation-backed Starbucks employees

WASHINGTON, DC – Ariana Cortes and Logan Karam, two New York Starbucks employees opposed to union affiliation, have filed an amicus brief with assistance from Foundation staff attorneys in *Trump v. Slaughter*. This is a Supreme Court case that deals directly with the unaccountable, “headless fourth branch of government” — the federal government’s extensive bureaucracy.

Countless unelected federal bureaucrats, including those on the National Labor Relations Board (NLRB), exercise the President’s executive power without being accountable to the President’s leadership. Since 2023, National Right to Work Foundation staff attorneys have pioneered the legal argument that this arrangement is unconstitutional, because it restricts the President’s authority to fire executive branch officers who pursue their own agenda and not that of the elected president.

Cortes and Karam experienced this problem firsthand when they each tried to decertify the union at their respective stores. The NLRB blocked both requests using non-statutory policies invented by federal bureaucrats to appease union officials.

NLRB, Other Bureaucratic Agencies Need to Be Accountable

Left with no other recourse and assisted by Foundation staff attorneys, the two independent-minded workers filed the first case of its kind against the NLRB, arguing that because NLRB members exercise the President’s authority, restricting the President’s ability to



The Justices of the Supreme Court might just see *Trump v. Slaughter* as another struggle between President Trump and the federal bureaucracy. But Foundation attorneys are making sure they know that workers’ individual rights are at stake.

fire them violates the Constitution.

Using arguments that mirrored Cortes and Karam’s, President Trump fired several rogue agency board members at the beginning of his second term. These included Rebecca Slaughter, a Biden appointee to the Federal Trade Commission, who later sued to be reinstated.

Trump v. Slaughter provides the Supreme Court an opportunity

“...[T]he President’s removal power applies to every agency that exercises executive power, including the NLRB.”

— Foundation amicus brief in *Trump v. Slaughter*

to reverse its decision in the 1935 case *Humphrey’s Executor v. United States*, in which the Court crafted an exception to the general rule that the President can remove principal

officers at will under Article II of the U.S. Constitution. In theory, *Humphrey’s* exempted so-called “expert” agencies that exercised “quasi-judicial” or “quasi-legislative” power, but not those that exercise executive power.

Foundation attorneys argue that “the NLRB fails the *Humphrey’s Executor* test” because the NLRB is a “policymaking body that enforces the [National Labor Relations Act] based on its legal conclusions, not scientific or technical judgments.

“[T]he Board does not exercise quasi-legislative or quasi-judicial authority,” write Foundation staff attorneys. “It exercises executive power in everything it does.”

The brief concludes with the Foundation’s legal argument that *Humphrey’s* “cannot neuter the President’s ability to supervise those who exercise substantial parts of [executive] power.” Therefore, the Supreme Court “should make clear that the President’s removal power applies to every agency that exercises executive power, including the

Public Employees Expose Blatant *Janus* Violations

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Meanwhile, Foundation attorneys also defended the *Janus* rights of two groups of Puerto Rico public employees in oral arguments before the First Circuit Court of Appeals last October.

Foundation Challenges Puerto Rico Court's Refusal to Nix Anti-*Janus* Statute

In one case, *Cruz v. UIA*, Puerto Rico Aqueduct and Sewer Authority (PRASA) employee Reynaldo Cruz is trying to reclaim union dues money that officials of the Authentic Independent Union of Water and Sewer Authority Employees (UIA) took in violation of his First Amendment rights. Cruz's lawsuit challenges both union bosses' demands that he pay union dues or lose his job, as well as the Puerto Rico territorial laws that allow such unconstitutional demands.

Though UIA union bosses claim they have already deposited the illegally-seized money with a lower federal court, that court confusingly declined to issue a ruling that legally entitles Cruz to collect the funds.



Public worker Reynaldo Cruz helps make Puerto Rico's aqueducts and sewers flow freely. When he realized that illegally-seized union dues money was not flowing back to him, he ramped up his defense of his *Janus* rights with Foundation aid.

During oral arguments, Cruz's legal team argued that this legal sleight-of-hand created "a roadmap for civil rights defendants to violate civil rights plaintiffs' rights."

Foundation Won't Let Union Bosses & Bureaucrats Ignore *Janus*

Also argued before the First Circuit at the end of 2025 was *Ramos v. Delgado*, in which Foundation

attorneys represent Jose Ramos and other University of Puerto Rico maintenance employees who had dues illegally deducted from their paychecks for years. Ramos and his colleagues are seeking refunds of all dues taken unlawfully since the *Janus* decision.

Puerto Rico continues to be a hotbed for union violations of the *Janus* decision, but luckily, workers continue to stand up with Foundation legal aid. Most recently, public employee Luis Rigau filed a federal lawsuit to challenge the Puerto Rico Industrial Commission (PRIC) union's blatantly illegal reinstatement of automatic forced-dues deductions against nonmembers.

"Despite *Janus*' clear constitutional command, union bosses, legislators, and public officials are still trying to do legal gymnastics to end-run the decision," commented National Right to Work Foundation Vice President and Legal Director William Messenger. "All public sector workers deserve the free choice that *Janus* secures, and Foundation attorneys will continue to back them in their court battles for freedom." ✚

Starbucks Employees Re-energize Fight for Accountable NLRB

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NLRB."

A politically accountable NLRB would support workers like Cortes and Karam as they exercise their individual rights. Success in this case could help ensure that the Starbucks baristas receive a fair judgment from an NLRB that is properly answerable to the elected president for its actions.

"Unaccountable and biased NLRB bureaucrats have caused direct harm to independent-minded workers and



It may not look like much, but this humble Starbucks Coffee location in downtown Buffalo, NY, is where barista Ariana Cortes' fight for freedom from unwanted union bosses began. Now her arguments are before the Supreme Court of the United States.

their individual rights," commented National Right to Work Foundation President Mark Mix. "The Supreme Court should rightfully restore the proper separation of powers, including at the NLRB.

"We are proud that the very legal arguments made by Foundation attorneys are now being utilized by this administration to dismantle the unaccountable fourth branch of government," added Mix. ✚

IT'S A NEW YEAR: MAKE A PLAN TO INVEST IN FREEDOM IN THE WORKPLACE!

At the outset of this New Year, your National Right to Work Legal Defense Foundation is gearing up to assist thousands of independent-minded workers through legal advice, formal legal cases, and precedent-setting litigation.

With over 250 cases and a record number of requests for assistance over the previous year, Foundation staff attorneys are expecting another busy year at every level of our judicial system, including the National Labor Relations Board. We must continue working to roll back all the damage caused by the radical Biden Administration and curb Big Labor's power grabs.

You can be a part of this important battle by donating to the tax-deductible Right to Work Foundation today! Gifts of cash and long-term appreciated stock (held for more than one year) are the most common ways to give in 2026. Additionally, many supporters have chosen to give a QCD (qualified charitable distribution) directly from their IRA account to the Foundation through their IRA custodian or financial advisor. The QCD gift can be made up to \$100,000 each year (as long as you are age 70 ½ or older).

Another way devoted friends of the Right to Work movement have chosen to advance the cause of workplace freedom is by naming the Foundation in their Will or Trust document. Here is sample language that can be used for such a gift:

I give, devise, and bequeath to the National Right to Work Legal Defense and Education Foundation, Inc., 8001 Braddock Road, Springfield, VA 22160, for its general purposes:

- a. The sum of \$_____;
- b. Name a particular investment or piece of property with legal description, custodian, etc., as applicable;
- c. ____ percent of the rest, residue, and remainder of my estate, including property over which I have a power of appointment; or
- d. All the rest, residue, and remainder of my estate, including property over which I have a power of appointment.

We encourage each of you to contact your tax advisor or estate attorney before making a decision regarding your Will or Estate plans.

However you choose to support the Foundation, know that we are humbled by your generosity!

If you would like additional information or have any questions, please contact Ginny Smith at 1-800-336-3600, or email gms@nrtw.org. Thank you for your consideration and investment in the mission of the National Right to Work Foundation.

Graduate Student Battle Against UE Union Continues

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Foundation legal action to show why giving union bosses power over graduate students was never a good idea,” commented National Right to Work Foundation Vice President and Legal Director William Messenger. “UE union officials’ political extremism and hunger for forced dues have turned many college campuses into hostile environments for both academic freedom and student privacy.

“Ms. Ori’s case shows that there’s an obvious conflict between union bosses’ campus power grabs and students’ statutory privacy rights under FERPA -- yet another reminder that Congress never intended for such students to be subjected to monopoly unionism under the National Labor Relations Act,” Messenger added. ✎

Andrea Ori’s Case Takes Baltimore Media By Storm

THE  **SUN**

Johns Hopkins graduate student files charges against union officials

“Ori alleged that the union’s demands violated the Family Educational Rights and Privacy Act... Union representatives and Johns Hopkins University officials could not be reached for comment....”

— *The Baltimore Sun*, 10/24/2025

Mark Mix breaks down Ori’s case with Kim Klacik



Scan the QR code or visit www.nrtw.org/ori to listen.



Message from Mark Mix

President
National Right to Work
Legal Defense Foundation

Dear Foundation Supporter,

Last year, your Foundation again handled well over 200 cases to defend workers’ freedoms.

While many Foundation cases seek to enforce existing legal protections against forced unionism, Foundation staff attorneys are also focused on advancing cutting-edge new legal theories to attack Big Labor coercion.

Fueled by your support, such pioneering legal arguments have resulted in a dozen Foundation-won U.S Supreme Court cases. But the impact doesn’t stop there.

Even when Foundation cases aren’t directly before the High Court, Foundation-developed legal theories are having a massive impact. Take the *Trump v. Slaughter* case (page 5) argued in December at the Supreme Court.

The case concerns President Trump’s moves last year to restore constitutionality and accountability over the sprawling administrative state, and the decision will likely vindicate a legal argument first made in federal court by Foundation staff attorneys in 2023.

That Foundation-backed lawsuit challenged the constitutionality of the National Labor Relations Board (NLRB) on behalf of Starbucks employees whose decertification petitions were being systematically blocked by union-label Biden appointees. The lawsuit argued the President must be able remove NLRB members, otherwise the Board is a “headless fourth branch of government” that clearly violates the Constitution’s separation of powers principles.

In January 2025, President Trump followed through on the Foundation’s legal arguments by firing the former SEIU lawyer appointed by Biden to head the NLRB. Absent her removal, she was set to remain on the Board until 2028, doing the bidding of union bosses by ruling against Foundation-backed employees.

As demonstrated by *Trump v. Slaughter* and the Foundation cases that precede it, your faithful support goes far beyond helping the courageous workers our attorneys go to bat for -- it contributes to making America a fairer and freer place for workers *everywhere*. Thank you!

Sincerely,