

*A Special Bulletin for Leaders*  
Concerned Educators Against Forced Unionism

Fall/Winter 2006

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*Concerned Educators Against Forced Unionism (CEAFU) has been at the forefront in the battle for education reform and against forced unionism abuses in public education for more than 30 years. CEAFU is a Special Project of the National Right to Work Legal Defense and Education Foundation, Inc.*



Photo by Linda Stauleup

*Author Joe Williams talks to independent group leaders after his presentation about how teacher union officials stymie education reform.*

Pennsylvania. Mr. Baldwin first contacted CEAFU after having made contact with Pennsylvania's Keystone Teachers Association (KEYTA), the nonunion group that covers that Commonwealth.

Mr. Baldwin gave an informative and frank review of his experience as a school board member and member of the community. He spoke of the turmoil union negotiations had created in the community and the divisions among teachers harassed by union officials to walk off their jobs. He also shared his thoughts about how forced unionism

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## State Professional Group Leaders Attend 31st Annual CEAFU Conference

CEAFU Key Leaders and other leaders of the education reform movement gathered in Washington, DC in June to participate in the 31st annual CEAFU conference. CEAFU guests enjoyed two days of presentations designed to provide the latest information on teacher union activities in organizing, political action and spending, practical

information on functioning as nonunion professional groups, as well as an evening reception with National Right to Work cosponsors and staff on Capitol Hill.

A Monday evening banquet allowed guests to renew old acquaintances and make new friends.

### Conference Speakers Prepare Independent Group Leaders for Battle

Tuesday morning included Fred Baldwin, author and school board member, from Carlisle,

### ALSO IN THIS ISSUE

- 4 Foundation Takes Free Speech Fight to the U.S. Supreme Court
- 5 Teacher in Right to Work State Trapped in Monopoly Bargaining Quagmire
- 6 Ruling Increases Odds That State Teacher Unions Will Fall Under Federal Disclosure Requirement
- 7 Teacher Union Hierarchy Drops "Professional Association" Mask
- 9 Foundation Aids Independent Professional Teacher Associations to Gain Equal Access
- 10 Strikes, Corruption, and Violence Continue to Plague Teacher Union Members



Photo by Linda Stauleup

Pictured are CEAUFU guests Dr. Ellen Greaves, Professional Educators of North Carolina; Judy Rhoades, Mississippi Professional Educators; a congressional staff member; Justin Hakes, Director of Legal Information, National Right to Work Foundation; and his assistant Patrick Ashby.

caused parents to suffer disruption of their children's education, and he addressed the animosity that ruptured the community during a strike.

Mr. Baldwin also expressed his surprise at the arrogance with which the local teacher union brought in UNI-Serv negotiators from the state and national level.

Reggie Henry, Chief Technology Officer for the Center for Association Leadership, reviewed everything association leaders always wanted to know about trends in association technology, but were afraid to ask.

Mr. Henry's presentation was both entertaining and extremely informative. He peppered his presentation on podcasting and Zoomerang confidential survey technology with hints on how to improve an association's website design: to evaluate the effectiveness and ease of use of your website, bring in a group of 10-year olds from your local elementary school!

Internet technology changes daily, and it is especially important

for CEAUFU leaders to keep up with the latest trends and innovations, both as teachers and as managers of nonunion groups.

Mr. Henry mentors at-risk students in the Washington, DC area, and so he thanked the guests for being a catalyst for students' learning.

Mr. Henry's recommendations were extremely useful, not only for CEAUFU guests as association leaders, but also for teachers in preparing lesson plans and teaching.

National Institute for Labor Relations Research Senior Research Associate Stan Greer explored the implications of the National Education Association's (NEA) partnering with the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO).

In March 2006, NEA executives in Washington, DC, by-passed their representative assembly to forge what they call a "partnership" agreement with the AFL-CIO. This agreement authorizes state NEA locals to "become affiliated with the AFL-CIO."

## NEA Retains Largest Labor Union Title

The NEA has long been the largest labor union in the United States, with more than two million members.

NEA teacher union officials are facing competition in their perpetual quest to "control who enters, stays and leaves the education field," (Past NEA president George Fischer, August, 1970, speech to NEA Convention).

The American Federation of Teachers (AFT), with about half the membership of the NEA, has developed strongholds in many large, urban areas. The AFT has been an AFL-CIO affiliate for years.

The idea of a merger between the NEA and AFT has been tossed about unsuccessfully for years. Although a few state NEA and AFT affiliates have already merged, such as the Wisconsin Education Association Council, many NEA members consider the AFT "a labor union." Both national unions are classified by the IRS as labor unions and must file LM-2 forms with the U. S. Department of Labor along with all other labor unions.

## Conference Guests Hone Communication Skills with Guest Experts

Bess Keller, Assistant Teacher Editor for *Education Week* magazine, and Vashaili Honawar, Staff Reporter, outlined strategies for working with the media, and tips for refining writing and other communications.

Even in the world of computers

and email, teachers and association leaders need to be able to communicate effectively to their members, their students, and to the media.

Working with reporters and media writers is a very important part of building membership as well as spreading the word about compulsory unionism.

These two reporters gave inside stories on what is important to reporters, as well as simple tips as using good grammar and fact checking.

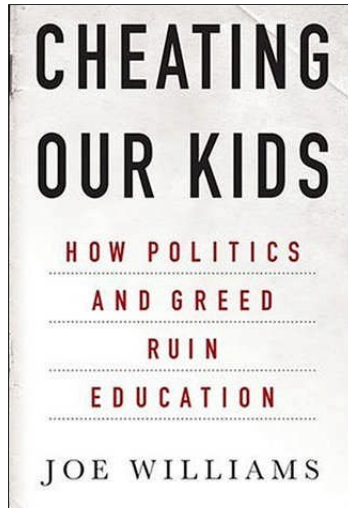
### **CEAFU Guests Get Author's Firsthand Account of How Politics and Greed Ruin Education**

Joe Williams is a New York City-based education writer and author of the groundbreaking book, "Cheating Our Kids: How Politics and Greed Ruin Education." His credentials shine through the pages of this must-read book for anyone who cares about the current condition of education.

Currently a senior fellow with a centrist think-tank called Education Sector, Mr. Williams has contributed chapters to several books on education reform, and edits a blog for the New York State Charter Schools Association.

Previously, he covered the New York City school system for the *New York Daily News*, and the Milwaukee Public Schools for the *Milwaukee Journal Sentinel*.

His experience as a Manhattan parent who sends his two kids to city public schools further extends his credentials to write this expose on the feudality of the modern edu-



*Joe Williams' book "Cheating Our Kids" takes the reader deep into the teeming world of education politics in some of our nation's largest cities, where teacher union officials maneuver for money and power.*

cation system.

Mr. Williams reviewed examples of teacher union power from "Cheating Our Kids," although the book also delves into how school administrations are as guilty as teacher unions of depleting school budgets on wasteful and extravagant ideas that have nothing to do with education.

His emphasis, however, was on the deleterious effect of the teacher union contract, both on teachers and students.

### **Conference Offered Exclusive Professional Development Course for Guests**

Mr. William Strauss, author, historian, noted playwright and partner in LifeCourse Associates, presented an original program on recruiting and working habits among the generations.

A Power-Point presentation especially designed for CEAFU Key Leaders and members out-

lined the various generations back to World War I, and offered explicit characteristics of each generation, their "work personality," and tips for all generations to heed when working together for a more successful organization.

Foundation attorneys Milton Chappell and Jim Plunkett reported on the latest developments in Foundation cases that are of particular interest to teachers, including the Foundation's Equal Access Project.

CEAFU Key Leaders adjourned the conference armed with tactics and strategies to revitalize their efforts in spreading the word about compulsory unionism to teachers. ☞

### **Foundation Takes Free Speech Fight to the U.S. Supreme Court**

#### **'Paycheck Protection' Battle Could Cause Collateral Damage to Employees' Rights**

SEATTLE, WA – Responding to an outrageous Washington State Supreme Court ruling that created a supposed "constitutional right" for union officials to spend political funds seized from nonunion employees, National Right to Work Foundation attorneys persuaded the U.S. Supreme Court to take up their appeal.

If the High Court does not reverse the ruling, it could open the door for union legal attacks against America's 22 state Right to Work laws.

Using tortured reasoning and, as the dissent pointed out, “turn[ing] the First Amendment on its head,” the 6-3 ruling by the state court struck down the last remnant of Washington State’s so-called “paycheck protection” law, a campaign finance regulation that sought to require union officials to obtain permission from nonmember public employees before spending their mandatory union dues on union political activities.

Although wrongheaded, the ruling has helped to bring into focus difficulties with the paycheck protection regulatory approach – and how it has created an opening for activist court rul-

ings to damage employee rights and perhaps ultimately undermine state Right to Work laws.

“The real solution is to attack forced unionism at its roots, rather than regulate its ill effects,” said Stefan Gleason, vice president of the National Right to Work Foundation. “But we have an obligation to try to reverse the damage to the First Amendment caused by this ruling.”

### **‘Paycheck Protection’ Opened Door to Court Mischief**

Immediately after the passage of Washington State’s campaign

finance measure in 1992, also known as Initiative-134 (which included a section now dubbed “paycheck protection”), teacher union officials raised even more political funds than they could before the statute took effect.

Union accountants merely juggled the books and changed the

WEA union had taken, without their authorization, for political purposes.

The trial court also certified the case as a class action for the thousands of nonmember teachers who had not consented to the union using their money on political activities.



*The U.S. Supreme Court has an opportunity to reverse the Washington State Supreme Court majority that “turned the First Amendment on its head.”*

way they accounted for political funds. Later, the Washington courts interpreted the law not to apply to full union members.

Foundation attorneys agreed to help a group of Washington teachers who were not union members secure the law’s application to them. A lawsuit was filed in 2001 in a county Superior Court against the Washington Education Association (WEA) union on behalf of more than 4,000 non-member teachers who are forced to pay union dues.

The trial court ruled favorably that the teachers had an implied right of action under the state statute to recover the fees the

constitutional. The court opined that union groups had constitutional rights that totally overshadowed the rights of nonmembers forced to pay union dues – a novel theory that conflicts with numerous legal principles established by the nation’s courts.

“The state supreme court has now created an even larger problem by construing the First Amendment in a fashion that opens the door for outright attacks on Right to Work laws,” stated Gleason. The case is being briefed now and will be argued before the U.S. Supreme Court on January 10, 2007. ☞

### **State Right to Work Laws Endangered by Court Decision**

But the long-awaited Washington high court ruling in mid-March upheld an appellate court’s decision – thereby overturning the trial court and ruling the last remaining union fees provision in I-134 unconstitu-

## Teacher in Right to Work State Trapped in Monopoly Bargaining Quagmire

### The National Right to Work Foundation's Legal Attack on Monopoly Bargaining Moves Forward

In September 2002, Mr. Dewey Esquinance joined the Polk County Education Association/Tennessee Education Association/National Education Association (NEA) teacher union and began paying full union dues, even though he objected to the NEA union's political agenda.

Like many educators, Esquinance objects to numerous aspects of the union's agenda for religious and political reasons, including the NEA's stances promoting abortion, gun control, and special rights for homosexuals. Every year, the NEA and its affiliates spend tens of millions of dollars in compulsory dues in support of political views and candidates that many teachers find objectionable.

In January 2003, when Mr. Esquinance notified union officials that he wanted to remain a full union member but only pay for union expenses related to collective bargaining, union officials informed him that his union membership was terminated and that there was no appeals process.

With free legal assistance from the National Right to Work Legal Defense Foundation, Esquinance is making a constitutional challenge to a statewide teacher union policy that, in effect, forces teachers to

sacrifice their voice in workplace matters in order to exercise their political and religious freedoms.

The suit is based on the rights established by the Foundation-won U.S. Supreme Court decision in *Abood v. Detroit Board of Education*. Under *Abood* and subsequent rulings, employees have a constitutional right to refuse to pay for union activities unrelated to collective bargaining, such as politics.

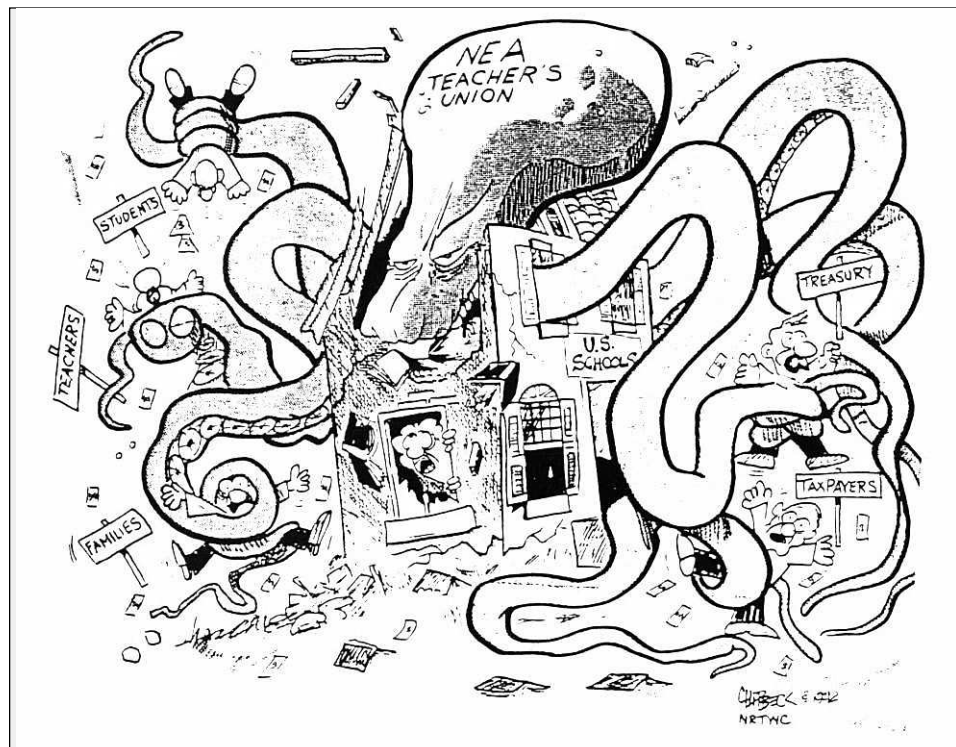
### Monopoly Bargaining Creates a Monster

While Tennessee's Right to Work law protects Esquinance's right to resign from the union and withdraw all financial support, he suffers significant discrimination as a result of the injustice of union monopoly bargaining.

For example, because union officials exercise their monopoly bargaining privileges to foist their

representation on all employees—regardless of membership—Mr. Esquinance still cannot negotiate his own employment contract. And, as a non-member of the union, he cannot vote on the monopoly bargaining agreement that binds him to certain terms and conditions of employment. Nor may he have any voice in selecting union officials who govern workplace matters. Moreover, non-members lose completely their already limited voice in determining the criteria for teacher evaluations, control of sick bank donations, and access to teacher training.

Foundation attorneys for Mr. Esquinance filed the suit in April 2003 against the National Education Association's affiliates, the Polk County Education Association and the Tennessee Education Association, in the state of Tennessee Circuit Court of Polk County.





*Foundation Attorney Bruce Cameron is litigating the Tennessee teacher's groundbreaking case.*

The Circuit Court dismissed the suit, but on August 1, 2005, the Court of Appeals of Tennessee reversed this decision and ruled that the trial court must allow the suit to proceed. The state's highest court rejected a union petition for review – clearing the way for a full investigation and trial.

As a result, Esquinance will be able to make his case in the Tennessee Circuit Court of Polk County that teachers statewide have the constitutional right to remain full union members and withhold dues spent on union political activities with which they disagree.

As a result of this ruling, Foundation Attorney Bruce Cameron is undertaking “discovery” of the evidence in the case, including requesting records on political spending from the Tennessee Education Association and the Polk County Education Association.

If Mr. Esquinance ultimately prevails, teachers will have a con-

stitutional right to remain union members and withhold dues spent by the union on ideological activities. Currently, teachers must resign from union membership under the state's Right to Work law in order to withhold any dues.

“This key procedural ruling shuts down Tennessee teacher union officials' desperate, last-ditch attempt to prevent a full investigation into their practice of spending teachers' dues on politics,” said Stefan Gleason, Vice President of the National Right to Work Foundation. ☞

### **Ruling Increases Odds That State Teacher Unions Will Fall Under Federal Disclosure Requirement**

The federal Labor Management Reporting and Disclosure Act (LMRDA), passed in 1959, was instituted to ‘eliminate or prevent improper practices on the part of labor’ unions. The LMRDA requires labor unions operating in the private sector to file a form, the LM-2, that discloses all income and expenditures, including officers' salaries, liabilities, and assets.

Some states do require state union affiliates to make some sort of financial filing, but the information is often difficult for the average teacher to access.

Until recently, the LMRDA was assumed to exempt public sector unions from disclosure.

This has long prevented the public from looking into the records of state affiliates that function only as public-sector labor unions.

In an effort to make labor unions more accountable to their members, Department of Labor (DOL) Secretary Elaine Chao reviewed the LMRDA in 2002. This review determined that organizations subordinate to national or international labor organizations should be subject to the same requirements as national or international labor organizations. Because the NEA has many private sector members from various states and files its own LM-2 form, the new requirement meant that all affiliates of the NEA would fall under the federal disclosure regulations. Not surprisingly, NEA lawyers promptly sued to keep their records secret.



*Edward J. McElroy, president, American Federation of Teachers*

## Court Asks Department of Labor to Lay Out Its Rationale

In August 2006, the U.S. Court of Appeals for the District of Columbia Circuit ruled the Labor Department's revised interpretation of the LMRDA was "reasonable," but must be backed by "reasoned analysis".<sup>1</sup>

The burden is now on the Labor Department to prepare a "reasoned analysis" of why state teacher unions should be subject to the same rules and regulations as national teacher labor unions that represent private and public-sector employees.

If the Department of Labor can provide a "reasoned analysis," all public sector state and local teacher union affiliates will be required to file LM-2 disclosure forms for the first time in history. Experts predict the Department of Labor will take at least several months to present its case before the court again.

"... the ruling provides a major victory for the forces of reform, and a minor victory for the unions seeking to avoid compliance while the Department complies with the court's order to better explain how it arrived at its decision."<sup>2</sup>

## NEA Union Officials Admit Union is not "Professional Association"

However, NEA and AFT teacher union officials are expected to bring all of their collective power to bear on their state affiliates to continue obfuscation, keeping teachers and taxpayers in the dark.

The NEA has already dropped the façade of being a "professional association" by giving its state and local affiliates permission to become affiliates of the AFL-CIO. For more on this developing story, see "Teacher Union Hierarchy Drops 'Professional Association' Mask," following this article.

Concerned teachers who want to know where their dues dollars are going may log on to the National Right to Work Foundation's website, [www.nrtw.org](http://www.nrtw.org), and click on the "View Your Union's Annual Financial Disclosure Forms" link at the bottom of the page. This link will take you directly to the Department of Labor's LMRDA Reporting and Disclosure section, where you may view the LM-2 disclosure statements of unions. *C*

### Teachers, Get Your Students Involved!

Did you know that the Foundation's sister organization, the National Institute for Labor Relations Research (NILRR), offers two scholarships to help students pay for college?

NILRR's scholarship program helps spread the word about compulsory unionism in the workplace, and allows students to gain knowledge that is not found in most textbooks.

Two different scholarships are open: to Education majors and to Journalism or related majors.

Graduating high school seniors, college students, and recent college graduates may apply, if they meet the application standards outlined in the Scholarship section of NILRR's website, [www.nilrr.org](http://www.nilrr.org). Call (703) 321-9606 for more information.

## Teacher Union Hierarchy Drops "Professional Association" Mask

### Union Officials Find It Harder to Hide Their Militant Union Agenda

Though it has always been on the fringe of American politics, the National Education Association (NEA) was once a professional association specializing in instructional and curriculum matters. But in the 1960s, NEA officials transformed the organization into a militant trade union and political movement with the objective of securing, in the words of the union's statewide Pennsylvania affiliate, "a legal monopoly to represent education employees for the purpose of collective bargaining."

Today, NEA officials wield their coveted monopoly powers to "speak" for roughly two million education employees, including union members and nonmembers alike, in contract negotiations with school boards and other public officials. Most of these employees are forced under various state labor laws to pay dues or fees to the NEA union as well as to state and local NEA subsidiaries in order to keep their jobs.

As its Wikipedia entry bluntly notes, the NEA is now "the largest labor union in the United States." And yet, hundreds of state and local NEA affiliate officers have continued to insist shamelessly that they head "professional associations," not unions!

This teacher union disinformation campaign has enjoyed a great deal of success in many areas of



Photo by www.nea.org

*Reg Weaver, NEA President (left), and John Sweeney, AFL-CIO President (right), enthusiastically seal the deal to affiliate.*

the country where most teachers believe that unionization isn't for them. A December 1998 poll of its own members by the Alabama Education Association (AEA) teacher union found that a 46% to 42% plurality of teachers didn't actually consider the AEA "to be part of organized labor and the labor movement!"

But in recent years, NEA officials' desire to downplay their trade unionism for membership recruitment purposes in Southern, Plains, and Mountain states has come into conflict with an even stronger desire by union bosses to get control over even more teachers and other education employees in states considered to be traditional union strongholds.

To accomplish this objective, the NEA union officials feel they must merge with the nation's second largest teacher union, the American Federation of Teachers. And the AFT, which has 1.3 million members, roughly half of them active teachers, is affiliated

with the AFL-CIO conglomerate of 52 trade unions.

A 1998 attempt by top NEA bosses to secure the approval of the union's representative assembly for a merger with the AFT union failed, in large part because of resistance from state affiliate presidents who wished to protect their self-given "professional association" label. But in late March, NEA executives in Washington, DC bypassed their representative assembly to forge what they call a "partnership agreement" with the AFT's parent, the AFL-CIO. This deal authorizes state NEA locals to "become affiliated with the AFL-CIO."

The NEA/AFL-CIO agreement paves the way for NEA officials to absorb AFT-controlled school districts, which are concentrated heavily in unionized urban areas, especially on the East and West Coasts, into their own forced unionism empire. But it also finally destroys any pretense that NEA state and local affiliates are "pro-

fessional associations," rather than unions. There are no "professional associations" in the militant AFL-CIO.

Not long ago, a president of Iowa's statewide NEA affiliate explained his opposition to the NEA/AFT merger that was then on the table in this way: "If members think we are 'just a union' they will stop joining and join the PEI—Professional Educators of Iowa. They are just waiting to send out a mailing."

Indeed, even before the new NEA/AFL-CIO agreement, more than 300,000 teachers nationwide had joined genuine professional associations like the PEI that are independent of the NEA and AFT unions. Over the past eight years, the number of state-level nonunion teacher associations has more than doubled from 10 to 25.

Unlike the NEA and AFT unions, professional teacher associations do not purport to speak for teachers who choose not to be members. And none of them would ever dream of forcing teachers or other education employees to fork over dues or fees to be entitled to furnish their services to schoolchildren, parents, and taxpayers.

But professional teacher associations do provide teachers with important benefits like low-cost liability insurance, career development, and access to good research on teaching methods.

As a project of the Foundation, Concerned Educators Against Forced Unionism (CEAFU) has the honor of assisting many professional teacher associations.

If you are a teacher for whom the NEA union hierarchy's new



“partnership” with the AFL-CIO is the last straw—or if you know of such a teacher—you are urged to contact Cathy Jones at [clj@nrtw.org](mailto:clj@nrtw.org) to receive information about joining or starting a professional teacher association in your area; call her at 800-336-3600. ċ

## Foundation Project Helps Independent Professional Teacher Associations to Gain Equal Access

### Teacher Union Privileges Used to Block Information about Professional Alternatives

One of CEAUFU's main goals is to aid and support nonunion independent educator associations. There are currently two national and 25 state associations that CEAUFU supports, representing approximately 250,000 teachers across the nation.

These associations provide many benefits, without the unjust imposition of monopoly representation and forced dues. Unlike teacher unions, teachers in many states may join any independent association at either or both the state and national levels, in addi-

tion to a local chapter. The national associations, Association of American Educators (AAE) and Christian Educators Association International (CEAI), offer national only membership, or a combined membership with any of its state affiliates. Most state independent associations offer membership in their group, along with national membership in CEAI or AAE, but national affiliation is not required. Other state associations retain strong ties with local chapters but do not affiliate with a national group.

Independent professional educator associations are not labor unions, although they offer the same benefits at much lower cost. Their mission is not to engage in politics; they do not use their members' dues to fund radical agendas; and they do not seek to wield monopoly bargaining power over teachers or school districts.

routinely barred from the conventional methods of communication with teachers at their workplace. For example, many of these associations have been dogged by the notion that they somehow “compete” with teacher unions seeking to force all teachers to join or pay dues in order to teach.

Foundation attorneys have assisted nonunion professional educator associations immensely in developing a legal strategy to obtain “equal access” to communicate with teachers on school property. CEAUFU is a conduit through which news of the Foundation's efforts is spread.

### Most States Still Shut Down Independent Teachers' Communications

The United States Constitution does not guarantee labor unions the absolute right to communicate with teachers using school property. However, Tennessee like some other states has a law that, in certain situations, allows teacher unions exclusive access – while explicitly denying other organizations the same privilege.

On the other hand, Oklahoma and Iowa appear to be the only states that have enacted legislation that addresses the question of “equal access.” The 43 states whose laws do not prohibit monopoly bargaining have, through practice, reinforced this teacher union communications monopoly. In many cases school administrators give



In most schools, teacher union officials have long enjoyed exclusive access to mailboxes and other school property to communicate with all teachers, both members and nonmembers. Therefore the toughest challenge for nonunion associations is spreading the word about their work, because they are



*Finn Laursen, Executive Director, Christian Educators Association International, takes an active part in fighting compulsory unionism.*

teacher union officials the additional special privilege of barring information about alternatives to the union.

School administrators often perpetuate the union monopoly on communications, either out of fear of union official reprisal or simple ignorance. School officials often allow other organizations – like a state mathematics teacher association – to distribute literature through the school mail system because their goals do not appear to be “in competition” with the goals of teacher union officials. However, at the same time, administrators deny access to independent teacher groups.

Generally, school administrators can establish policies which regulate the “access” given to outside organizations. In certain situations and in accordance with these policies, an administrator’s denial of access must be reasonable and cannot hinge on the viewpoint of the potential speaker. Usually, if administrators admit one professional association, they must admit all groups with a similar purpose.

### **Independent Teacher Associations Face Onerous Burdens of Proof**

Independent associations carry several burdens of proof in order to achieve an equal access to communicate with teachers on school property.

If an association is denied access, it must investigate the premise upon which access was denied. Was access denied on the whim of the superintendent, administrator, or principal; or was the decision based on a monopoly bargaining contract, state statute, or regulation?

For example, the hypothetical state math teacher association’s goals are to: provide math teachers with the latest research on teaching math; to provide fellowship for teachers interested in the subject; to provide scholarships for and professional development for interested parties.

The hypothetical state math teacher association is allowed free access to school mailboxes and meeting space; to post on message boards; and may be present at sponsored professional development meetings.

Suppose a state nonunion professional association meets these same criteria, except they encourage ALL teachers and staff to join for the same general educational purposes as the state math teachers association. The nonunion association, however, is denied communication access to teachers.

The burden of proof is then upon the nonunion association to demonstrate that their purposes are not to be a labor union, or to

garner monopoly bargaining privileges, and that they provide the same type of benefits as the state math teachers association. This onerous burden of proof requires independent associations to engage in concerted research and organization in order to earn this privilege that most unions already enjoy.

It is imperative that nonunion educator associations be granted as much access to communicate with teachers as union officials enjoy. Access to teachers is vital to the work of nonunion professional associations that provide an alternative to teacher union power.

Teachers will never have true freedom of association without these alternatives.

For help in securing equal access in their state, teacher group leaders are urged to contact Foundation Staff Attorney Jim Plunkett at 800-336-3600. Ć

### **Strikes, Corruption, and Violence Continue to Plague Teacher Union Members**

#### **Keystone State Tops the List When it Comes to Shutting Down Schools**

“A strike in the public sector is a strike against the public interest. It appears that most Americans recognize that fact, particularly when it comes to public school teacher strikes. Thirty-eight states already ban teacher strikes. Many young elementary school children

Address <http://www.nrtw.org/ceafu/>

**National Right to Work Legal Defense Foundation, Inc.**

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**Concerned Educators Against Forced Unionism**

**Concerned Educators Against Forced Unionism (CEAFU)**, a special project of the National Right to Work Legal Defense and Education Foundation, Inc., was established in 1975 to take dead aim at one of the most serious threats to academic freedom in America today -- compulsory unionism.

"Before 1975, teachers had no professional alternatives to teacher union membership, and teacher union bosses were well on their way to realizing their dream ... of controlling who enters, who stays, and who leaves the [teaching] profession," as past National Education Association president George Fischer described it in 1970.

CEAFU has been at the forefront in the battle against forced unionism abuses in public education for

**Foundation Website Creates Special CEAUFU News and Information Section**

Did you know? The Foundation's website, [www.nrtw.org](http://www.nrtw.org), contains a treasure trove of information for all teachers, both union members and nonmembers.

Interested citizens can also sign up for free Foundation and CEAUFU newsletters, and download forms and letters that will facilitate resignation from the union.

suffer feelings of hurt, anxiety, and confusion as their role models take to the picket line.

"High school seniors trying to complete college applications and prepare for life after graduation are negatively affected. Families suffer financially through unexpected child care expenses. And after the union has finished laying siege to a school district, taxpayers are left to foot the bill."<sup>3</sup>

The union-dominated Commonwealth of Pennsylvania has long topped the list of states with the most teacher union strikes, and the last school year proved to be no exception.

"With nearly half of the state's school districts operating without contracts or with pacts that will expire in 2006-7, the potential

exists this year for tens of thousands of children to be temporarily turned away from schools."<sup>4</sup>

Three well-meaning Pennsylvania state legislators have sponsored bills that would prohibit teacher strikes, but experience shows that prohibitions are virtually meaningless when it comes to scofflaw union officials. All three legislators represent districts that have been thrown into turmoil by a strike within the past year.<sup>5</sup>

Since 1970, Pennsylvania Education Association teacher union officials have called an astonishing 979 strikes. It took 22 years for legislators to add provisions which imposed any penalties on teacher strikes. Even so, little has changed.

### Indiana Schools Shut Down, Children Sent Home

Meanwhile, teacher union officials in Gary, Indiana, led 800 teachers and paraprofessionals out on strike on August 21, 2006, the first day of school. The 16,000-student district was forced to use substitute teachers, although fewer than 3,000 students attended class. Parents capitulated to union officials' requests that students be kept home in support of the "cause."<sup>6</sup>

School officials were forced to close schools indefinitely after striking teachers blocked streets and swarmed a car driven by a substitute teacher who was attempting to get to her job. Police are investigating the incident, but no

charges have been filed so far. The school district has 29 schools, which have not been struck since 1984.

Indiana boasts a Right to Work law as applied to teachers. However, state law technically allows teacher strikes but assesses penalties.

Nevertheless, Fort Wayne Community Schools bus drivers, represented by the International Brotherhood of Teamsters (IBT), called a strike in a dispute over "agency shop" provisions in the contract, as well as to force all drivers to accept a second-rate, Teamster-controlled health insurance plan. IBT union representatives threatened to prevent bus drivers from agreeing to the contract currently under negotiation unless an agency shop clause is added. The action, launched on August 14, delayed the August 21 beginning of school for the district's children.

### Union Boss Threatened Possibility of Child Abuse

During a board meeting, Teamsters representative Brian Lytle threatened the safety of children, declaring, "I sure hope we fill those buses with drivers that aren't disgruntled like they are tonight."<sup>7</sup>

Another bus driver testified that only about 25% of the drivers were in favor of forcing their fel-

low drivers to pay forced dues for the union's forced "representation." Nancy Deininger, a 30-year veteran driver, said, "It is my right not to belong to this. We do not live under a dictatorship as other parts of the world do."<sup>8</sup>

### DC Teacher Union Scandal Continues to Unfold

CEAFU's Insider's Report has kept readers up to date on the Washington Teachers Union school for scandal story, where teacher union officials have been prosecuted for a 7-year, \$4.6 million spending spree that left the local in deep debt, unable to pay its bills, and unable to reimburse its parent AFT affiliate.<sup>9</sup>

Washington Teacher Union office manager Gwendolyn Hemphill received her sentence for a seven-year dues dollars spree she took part in from 1995 until 2002. Along with former president Barbara Bullock, and James O. Baxter, II, Hemphill joined in the spending spree of almost \$4.6 million forced-dues dollars, practicing unprecedented frauds and deceptions upon unsuspecting teachers.

Hemphill made dramatic attempts to excuse her behavior during the sentencing phase of her trial, items she neglected to bring forth during her trial. At first, she attempted to masquerade her greed as an illness, and then

alleged her actions sprang from fear of her boss, Barbara Bullock. Hemphill was convicted of 23 counts of conspiracy, fraud, embezzlement, money laundering, and miscellaneous other charges; was sentenced to 11 years in federal prison and to make full restitution in May.

Barbara Bullock, considered the ringleader of the conspiracy, received a reduced sentence of 9 years, as she willingly cooperated in the prosecution of her fellow defendants. Baxter was convicted of 23 counts of conspiracy, embezzlement, and other crimes.

Washington Teacher Union officials have recovered \$31,178 of the \$4.6 million, and the U. S. Attorney's Office is seeking to auction merchandise bought with the rest of the embezzled funds.

As though the root problem was just a few bad apples rather than the entire system of forced unionism, current WTU and AFT officials have filed a federal Racketeering Influenced and Corrupt Organizations (RICO) suit against Bullock, Hemphill, Baxter, and others. Both organizations may also make claims against the Independence Federal Savings Bank, although its officers have consistently denied any wrongdoing in the case. Ć

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*Catherine Jones, a 1975 graduate of the University of Maryland in Catonsville, MD, serves as Director of Concerned Educators Against Forced Unionism. Nothing here is to be construed as an attempt to aid or hinder the passage of any legislation.*

**Please support CEAFU's work by making a contribution to the National Right to Work Legal Defense and Education Foundation, Inc. Contributions to the Foundation, a 501(c)(3) organization, are tax deductible under Section 170 of the Internal Revenue Code.**

CEAFU continues to assist teachers and other education personnel who have been forced to pay union dues as a condition of employment and continues to support those who work for freedom for teachers.

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<sup>1</sup>Ala. Educ. Ass'n v. Chao, D.C. Cir. No 05-5218, 8/1/06 <sup>2</sup>Court Moves State Affiliates of NEA closer to Compliance with Federal Anti-Corruption Laws," *Labor Reform News Online*, 8/01/06 <sup>3</sup>Guest View - The cost of Teacher Strikes," Simon Campbell, president of StopTeacherStrikes, Inc., *County Press Online*, 6/27/06. <sup>4&5</sup>"Teachers' '05 Strikes: 13 in state, 7 in National," Jan Murphy, *The Patriot-News*, Harrisburg, PA, 8/10/06. <sup>6</sup>"Teacher Strike Results in 8,000 Homebound Students," NBC5.com, 8/23/06 <sup>7&8</sup>"Dues Provision Stalls Bus Drivers' Contract," Krista J. Stockman, *The Journal Gazette Online*, 8/15/06. <sup>9</sup>See *Insider's Report*, Fall, 2003, Fall/Winter, 2005.