



INSIDER S REPORT

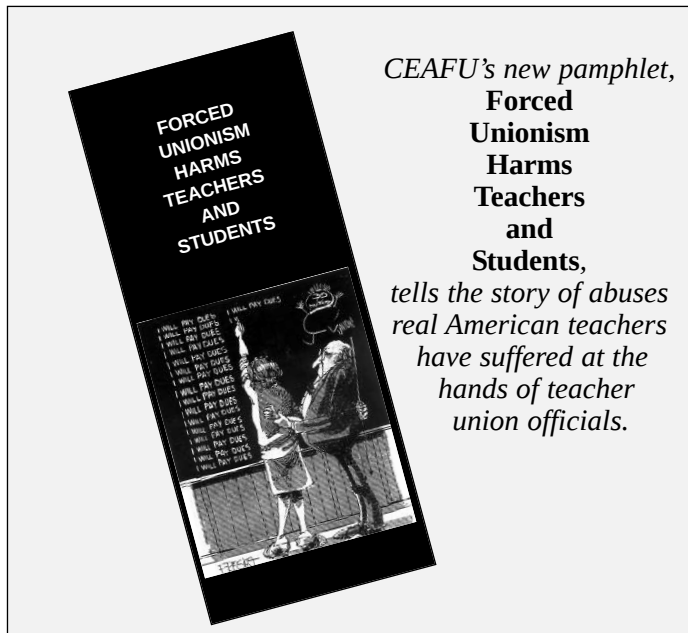
*A Special Bulletin for Leaders
of
Concerned Educators Against Forced Unionism*

Winter 2002/2003

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CEAFU has been at the forefront in the battle against forced unionism abuses in public education for more than 26 years. In order to enhance its effectiveness, CEAFU has been transferred to and become a Special Project of the National Right to Work Legal Defense and Education Foundation, Inc. The Foundation is a nonprofit, charitable organization providing free legal aid to employees whose human or civil rights have been violated by abuses of compulsory unionism.



CEAFU s New Pamphlet Available

CEAFU's new pamphlet, *Forced Unionism Harms To Teachers and Students*, focuses on CEAFU's role in aiding teachers whose rights have been violated by forced unionism abuse. CEAFU was rolled into the National Right to Work Legal Defense & Education Foundation last year. The Foundation is a nonprofit, charitable organization dedicated to providing free legal aid to employees whose civil and human rights have been violated under forced unionism.

Forced Unionism Harms Teachers and Students tells the story of abuses real American teachers have suffered

at the hands of teacher union officials. State-granted monopoly power has given teacher union officials the power to force teachers to accept and pay for often unwanted union representation.

Teacher union officials' power has reduced school boards' and parents' ability to ensure quality educational experiences. Teachers suffer as well as students when unresponsive union bureaucracies force teachers to pay dues or leave the education field.

CEAFU would like to place this pamphlet in the hands of teachers in every school across the country. With your help, we will accomplish that goal. Please see the enclosed Action Reply Device to order copies now.

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Photo by Linda Staalcup



Congressman Gary Miller (R-CA) congratulates Ginger Tinney of Association of Professional Oklahoma Educators (APOE) for receiving CEAUFU's premiere "Friend of Freedom" award.

CEAFU Key Leaders Confer With White House Policymakers During 27th Conference

Independent teacher leaders across the country gathered in Washington, DC for the 27th annual CEAUFU conference on June 20 and June 21 of this year. The annual meeting is a venue and alternative voice for teachers who are focused on professionalism rather than militant unionism.

This year, over 60 representatives from 19 states and four national groups were on hand. There are nearly 30 independent nonunion teacher professional groups across the country.

CEAFU Key Leaders and members conferred with White House and Department of Education policymakers and congressional leaders on education policy.

The second day of the conference was devoted to workshops on developing membership recruitment strategies. The Center for Excellence in Educational

Leadership kicked off the conference's second day with an engaging presentation entitled "Membership for the Millennium."

Conference guests listened to updates on Foundation litigation cases and the latest on the National Education Association (NEA) and American Federation of Teachers (AFT) union activities by Education Intelligence Agency Director Mike Antonucci.

CEAFU staffers have been working on ways to disseminate the word about teachers struggling to free themselves from forced unionism. The "Friend of Freedom" Award was established to showcase outstanding efforts to eradicate compulsory unionism in education. While all teachers who fight back against forced unionism qualify as friends of freedom, few have shed so much light on the subject as the first recipient of the "Friend of Freedom" Award, Mrs. Ginger Tinney of Oklahoma.

Last year, Oklahoma citizens brought freedom of choice to workers in the form of a Right to Work initiative. Mrs. Tinney mobilized

Oklahoma teachers and their supporters to explain the benefits of a Right to Work initiative.

As a former middle school history teacher, Mrs. Tinney has long been a leader on the Oklahoma education scene. Later, as Executive Director of Association of Professional Oklahoma Educators (APOE), Tinney expanded APOE membership from 25 teachers to 2,000 teachers during the past six years.

CEAFU staff also briefed members of the Keystone Teachers Association of Pennsylvania (KEYTA) regarding Right to Work developments at their biennial meeting in Harrisburg, Pennsylvania. KEYTA remains very supportive of CEAUFU's work as most of its members are teachers who have been forced to pay union dues. For the past few years, Pennsylvania has led the country in the number of teacher union strikes.

CEAFU Welcomes Four New Professional Educators Associations

Four new independent, nonunion professional educators' groups joined the ever-increasing fold of independent teacher groups across the country. Northwest Professional Educators, Arkansas State Teachers Association, Virginia Professional Educators, and the Alabama Conference of Educators joined forces with the Association of American Educators (AAE), a rapidly growing professional national educator group with affiliates in 12 states.

All of these new groups are non-profit, professional organizations that welcome current, retired, and

Ohio Teachers Ask Congress to End Compulsory Unionism

A majority of members on the House of Representatives' Education and the Workforce Committee support passage of the National Right to Work Act (H.R. 1109), which would eliminate the federal authorization of forced union dues. As the newsletter goes to print, the Education and the Workforce Committee has failed to schedule a full committee hearing on the bill.

In mid-June, members of the Committee's Subcommittee on Workforce Protections received testimony from two National Right to Work Legal Defense Foundation clients who told the story of the oppression they suffered at the hands of National Education Association (NEA) union officials. Dennis Robey and Kathleen Klamut presented their plea to end compulsory unionism and deliberate obfuscation by teacher union officials.

The subcommittee is also considering whether teacher union officials are in compliance with the Civil Rights Act of 1964, which prohibits discrimination on the basis of religious beliefs.

Dennis Robey's case, filed at the Equal Employment Opportunity Commission (EEOC) by Foundation attorney Bruce Cameron, provided the impetus for the EEOC's issuing a cease and desist order to the NEA and Ohio Education Association (OEA).

Dennis Robey, a Huber Heights, Ohio, Industrial Arts teacher, served as a union representative in the late 1980s. He still believes in an

employee's right to join or refrain from joining a labor union. NEA and OEA teacher union officials had negotiated a so-called "agency fee" or forced-dues clause into the district's contract.

Mr. Robey filed as a religious objector for the first time in 1995, because he had come to believe the NEA's far-left agenda conflicted with his own sincerely held religious beliefs about certain volatile noneducational economic and social issues. In 1996, his dues were instead diverted to the Habitat for Humanity project.

"But teachers unions don't like to give up their dues. It's an example they find terrifying."¹

In March 1999, teacher union officials questioned Mr. Robey's sincerity as a religious objector, requiring him to complete a form listing his religious beliefs. Then they insisted the form be signed by a church official to prove Mr. Robey's sincerity. The form asked probing, deeply personal questions about his relationship with God.

Teacher union officials took more than a year to approve his religious objector application and kept the interest on his dues money. Mr. Robey then contacted the National Right to Work Legal Defense & Education Foundation.

Foundation attorney Bruce Cameron gathered 16 affidavits to document Mr. Robey's case and filed a complaint with the Equal Employment Opportunity Commission (EEOC). Cameron argued teacher union policy placed an undue burden on teachers.

The EEOC supported the Foundation's assertions wholeheartedly and ruled in favor of free-

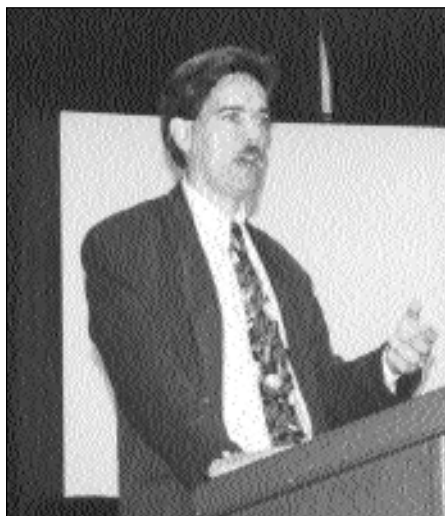


Photo by Cathy Jones

Mike Antonucci, Director, Education Intelligence Agency, predicts NEA and AFT teacher union activities.

future educators who believe that their highest priority is educating students, not non-education ideological agendas. These groups will serve all school employees, all of whom are valuable and contributing members of the school community who work to perform a valued public service.

The new AAE affiliates are not unions; nor are they anti-union. They do not engage in collective bargaining or political advocacy for issues unrelated to education. AAE associations believe teachers are well-informed, intelligent, and independent thinkers who do not have to be told how to vote. They are professional organizations similar to those established for professional development in specific disciplines like science and math.

For more information, please contact AAE at (800) 704-7799, info@aaeteachers.org. For a list of other professional educator groups, please see the enclosed Action Reply Form or contact Cathy Jones at clj@nrtw.org.

¹ "The NEA Inquisition," Review & Outlook, *The Wall Street Journal*, 12/18/00.



Foundation Vice President Stefan Gleason (right) and Ohio teacher Kathleen Klamut educate Bill O'Reilly on the abuses employees endure under compulsory unionism.

dom. Title VII of the 1964 Civil Rights Act requires that employers and unions ensure reasonable accommodations for workers whose moral principles are in conflict with a workplace requirement.

Court interpretation indicates that dues money going to causes that violate a worker's sincerely held beliefs may be donated to a charity. The EEOC also reaffirmed that teachers need only file a one-time objection to paying teacher union dues in order to keep their jobs.

In a letter to NEA, OEA, and Huber Heights Education Association teacher union officials, EEOC officers charged all three affiliates with the following violations:

- an unnecessary delay in the OEA's processing of religious exemption requests that clearly violates Title VII;
- once an individual is on record that he/she objects and has designated a charity, he/she should not be

required to reiterate the objection on annual basis.

The EEOC reserved the right to take the case to federal court if NEA teacher union bureaucrats do not follow the above stipulations.

"All these years, I have faithfully objected, jumped through all the union's hoops and paid the money which ultimately went to charity . . . It has not been easy, and it has been a distraction from my work, which is to teach students, and my family life," Mr. Robey testified before Congress.²

Mr. Robey's case is not the exception to the rule; nor was he the first Ohio teacher to file a religious objection. According to teacher union records, in Ohio alone, OEA officials rejected 46 out of 97 requests from religious objectors in one year.³ In many states, such as Michigan, religious objectors are compelled to undergo an examination by a union tribunal to defend their beliefs.

"The NEA, the OEA, and the Huber Heights Education

Association have the right to go ahead and press their causes even if they happen to violate Mr. Robey's beliefs. But [Thomas] Jefferson was right. They have no right to do it with his money. And if more union members knew they had the same option, that might translate into a healthy curb on the growing tendency among today's unions to move beyond the immediate work-related interests of their members into the pet ideological activities of their staffs."⁴

Meanwhile, Mrs. Klamut filed an objection to union dues in Louisville, Ohio. The local NEA affiliate agreed to send her dues dollars to a charitable cause of Mrs. Klamut's choice. When she transferred to the Ravenna school district in Fall 2001, however, teacher union officials there resisted her attempt to remain a religious objector. After having undergone an exhaustive interrogation into her personal beliefs, Mrs. Klamut's objection was shot down and she was threatened with a lawsuit. Foundation attorneys filed charges on her behalf and recently won the right to have her teacher union dues re-directed to the charity because the NEA and OEA's social advocacy policies violate her religious convictions.

Teachers across the country are looking to CEAUFU and the Foundation to support their sincere religious objections. Foundation attorneys are currently handling cases in other states such as Pennsylvania and California.

If you know of a teacher who believes his or her views are being violated by being forced to con-

² "Teachers Tell Congress Panel Union Discriminates on Politics," *The Washington Times*, Ellen Sorokin, 6/21/02.

³ "Teacher Wins Round One Against Union," *National Catholic Register*, Jennifer Del Vecchio, 11/19/00.

⁴ "The NEA Inquisition," Review & Commentary, *The Wall Street Journal*, 12/18/00.

tribute to a teacher union, please contact the National Right to Work Legal Defense Foundation at www.nrtw.org or (800) 336-3600. You may email the Foundation at info@nrtw.org. Please share this information with your colleagues.

Graduate Assistants Increasingly Pulled into Forced-Unionism Vortex

Even graduate student assistants are not free from the burden of compulsory unionism. In the past few years there has been an increase in efforts to organize graduate students.

Most institutions of higher education require graduate students to perform a certain amount of teaching and education-related duties as part of their graduate course work. The practice is a time-honored method of relieving professors of some routine duties.

However, rulings by the National Labor Relations Board (NLRB) and public employee agencies of several states have cleared the path to unionize these students. As a result, forced unionism abuse in higher education is on the rise.

For example, during a Graduate Employee Union (GEU) organizing campaign at Michigan State University (MSU), school officials asked teaching assistants to sign dues deduction authorization/membership cards. However, MSU officials failed to inform the assistants that signing the cards would cause their personal information to be released to a third party. By requiring that students pay dues based on the amount of the stipend they were

paid, GEU union officials learned of these students' educational background, work histories, personal income, and other information.

Samuel Howerton discovered MSU personnel would turn over his personal information to the GEU, he submitted written objections to the proper MSU officials.

Mr. Howerton was repeatedly reassured that the GEU was not being given his private information. However, Howerton later learned that the university had done so any-



AP/Wide World Photo

Union organizers are working to force graduate teaching assistants into union collectives, further solidifying union control over America's educational system.

way.

Under the Family Educational Rights and Privacy Act (FERPA), no part of a student's educational record may be released without his or her consent. MSU bureaucrats never communicated to the students that they were not required to sign the cards or that by doing so, school administrators would be violating the rights of the students by releasing their private education records to a third party.

Foundation attorneys have taken the case and recently filed charges

with the U.S. Dept. of Education.

Two House of Representatives Members Request NEA be Investigated by IRS

As a result of testimony given at the June 20 congressional hearing, Representatives Charlie Norwood (R-GA) and John Culberson (R-TX) penned a letter to the IRS asking for an investigation into NEA teacher union officials' alleged use of general treasury funds to pay for political activities.

"As this matter involves the allocation of millions of dollars of tax-exempt membership dues and agency fees for the purpose of influencing the electoral process, we would have thought the IRS would have taken some effective action by now. . . We must strongly encourage the IRS to initiate an investigation into the NEA's practices to ensure the integrity of the electoral process and the enforcement of federal tax law. . ."⁵

Classified as a labor union by the IRS, the NEA national affiliate files an LM-2 annually with the Labor Department. NEA teacher union officials deny any use of general dues for political purposes. In its Fall 2000 issue of *Insider's Report*, CEAUFU reported NEA teacher union officials ranked 5th in the Center for Responsive Politics' Top 50 PACs. NEA teacher union officials were outspent in this category only by the Teamsters, American Federation of State, County, and Municipal Employees, United Auto Workers and the American Medical Association.⁶

⁵ "Probe of NEA by IRS Sought," *The Washington Times*, Ellen Sorokin, 7/10/02.

⁶ "Political Spending Heads the Agenda at NEA Teacher Union 2000 Convention," *Insider's Report*, Cathy Jones, Fall, 2000.

Contributions to the NEA's Political Action Committee (PAC), The Fund for Children and Education, may be used for political purposes. NEA teacher union officials constantly and publicly deny members' dues are used for politicking. Education Intelligence Agencies (EIA) Director Mike Antonucci reported NEA teacher union officials garnered their largest take ever — \$1.2 million in PAC money.⁷

However, the Foundation estimates that the teacher unions' annual expenditures on political activities out of union treasury dues may exceed \$100 million. It is yet to be seen whether the Congressional request will have sufficient weight to spur a full-fledged investigation into NEA teacher union officials' political activities.

As this newsletter goes to print, the IRS has not yet responded to the letter sent in early July.

Florida Teacher Union Official Attempts Imposition of Forced Dues in Right to Work State

Despite Florida's Right to Work law, Miami Dade County teacher union president Pat Tornillo is advocating forced dues for nonmember teachers and other education personnel in the county. At the July American Federation of Teachers (AFT) convention, Tornillo also expressed his approval of the creation of a new political fund, The Solidarity Fund.

The Solidarity Fund was established by AFT union officials at

their recent biennial Quest conference. An affiliate of the American Federation of Labor-Congress of Industrial Organizations (AFL-CIO), the AFT boasts one million members, approximately half the membership numbers the NEA has.

It is difficult to determine how many of these work in education, since the AFT represents workers in other professions and does not publicize the categories. *Miami Herald* reporter Daniel A. Grech estimates the proposal would affect approxi-



Michael Campbell Photos

Sandra Feldman, President, American Federation of Teachers (AFT).

mately 12,000 teachers and other school and office personnel who are not currently members of the teacher union.⁸

The AFT actually outranked the NEA in direct Political Action Committee (PAC) contributions during the 2000 elections, with a total of \$3,264,755, 99% of which went to Democratic candidates.

Bay State Teachers Win 13-Year Legal Battle With NEA

The militant Massachusetts arm of the National Education Association (NEA) union has suffered a setback in its attempt to finance political activities through forced union dues.

As a result of a 13-year, Foundation-funded legal battle that reached the Massachusetts Supreme Judicial Court twice, the Massachusetts Labor Relations Commission (MLRC) ordered the Massachusetts Teachers Association (MTA) union and parent NEA union to allow the return of confiscated union fees that union officials demanded illegally from 350 teachers across the Commonwealth.

The MLRC ruling, which ultimately resolves the teachers' long-running case, returns \$87,000 in union fees seized from 1987 to 1992.

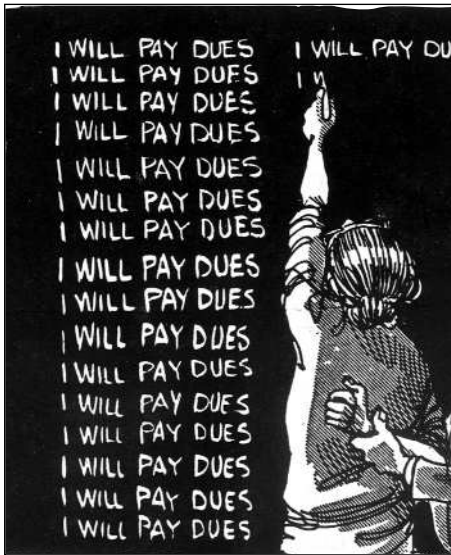
Not protected by a Right to Work law, teachers within the Commonwealth who choose not to join the MTA are required to pay a fee that covers collective bargaining activity, or be suspended or fired.

In the course of this 13-year struggle, Foundation attorneys were able to show that the teacher union was cooking the books and charging an inflated fee for the purpose of collective bargaining, and the union was forced to lower its fee demand by a third.

In 1989, Springfield teacher James Belhumeur embarked on his journey to defend his constitutional rights. Teacher union officials had Belhumeur, a former president of the Springfield American Federation of Teachers, suspended for refusing to pay union fees. He then turned to Foundation attorneys,

⁷ "Union Raises \$1.2 Million in PAC Money," Mike Antonucci, *EIA Conventional Wisdom*, 7/5/02, Education Intel@aol.com.

⁸ "Teachers Union Wants Fee from Nonmembers," Daniel A. Grech, *Miami Herald Online*, 7/22/02 www.miamiherald.com.



led the challenge on behalf of hundreds of Massachusetts teachers, and thus averted being suspended each following year.

"It's definitely a win for us," said Belhumeur in the *Springfield Union-News*. "We have made our point..."

According to the U.S. Supreme Court, the teacher unions' actions denied constitutional rights recognized in the Foundation-won decisions of *Abood v. Detroit Board of Education* and *Lehnert v. Ferris Faculty Association*. These rulings stated that a union may not spend compulsory dues on politics, lobbying, organizing, public relations, or any other activity unrelated to collective bargaining.

In difference of union bosses toward the rights of those they supposedly represent flourishes in states like Massachusetts, where compulsory unionism gives them control over employees and a steady flow of forced union dues.

"The decade-long hassle the teachers endured in fighting for their rights proves the great problem workers have stopping unions from using their money for politics and other non-bargaining activities

where no Right to Work law exists," said Stefan Gleason, vice president of the Foundation.

Union barons have learned from experience that if they attach workers' Foundation-won rights head on, they will lose. Instead, they now employ a different strategy: long, drawn-out procedures and endless delays. If left unchallenged, the result would be the same: effective denial of workers' constitutional rights.

That's why Foundation attorneys are working toward eventual Supreme Court review of the notion that compulsory unionism is unconstitutional, especially because of the manner in which it is applied.

As a result of compulsory unionism privileges, the NEA union has transmogrified into a political machine that seems to have everything on its agenda except teaching.

On the laundry list of its causes are resolutions advocating a radical social agenda that supports publicly funded abortions on demand, special rights for homosexuals, a nuclear arms freeze, and U.S. participation in the International Court of Justice. Regardless of the merit of these positions, observers question why the union hierarchy spends its resources pushing for such causes, especially using the compulsory union dues of teachers who often do not agree.

"They [NEA and MTA unions] are all about politics — they constantly support candidates and take stands on hot-button political issues," said Dan Cronin, Director of Legal Information at the Foundation. "Teachers shouldn't be forced to compromise their beliefs to do a job they love."

What is little understood is the

full extent to which union militants exert control over almost everything that goes into the schools — compensation and assignments given individual teachers, curriculum, textbooks and standards, hiring, firing, discipline, and promotions.

This sweeping control over the educational process protects the lowest common denominator of performance. Under a union monopoly system, good teachers are penalized with lower pay, and bad teachers rewarded. Because teachers have little incentive to do a better job, education quality plummets in any environment where a union hierarchy calls all the shots.

NEA and AFT Teacher Union Conventions Reveal Political Spending Issues

Each year, NEA teacher union officials hold an annual convention. Part of the business of the convention is to set dues rates and discuss how they will be spent. The 2002 NEA Representative Assembly levied an additional \$5 dues increase to bolster funds for media/public relations and ballot measure/legislative crisis initiatives. National affiliate dues for 2002-2003 will be \$130.

It seems as if much of this dues money will be funneled into enhancing NEA's power and effectiveness in states where independent professional educator groups are flourishing. Education Intelligence Agency (EIA) Director Mike Antonucci recently reported a well-founded rumor that Mississippi Professional Educators, a state independent pro-

fessional teacher organization, had more members than the Mississippi Association of Educators (MAE). It is interesting to note MAE will receive an extra \$175,000 to enhance its organizing efforts this year.⁹

NEA officials have sent additional staff to Georgia and Texas to develop additional organizational strategies in those states. Both states have Right to Work laws; neither allows monopoly bargaining for union officials; both have independent professional organizations whose membership numbers have exceeded the competing NEA state affiliate for many years.

Although Representative Assembly members have only allocated \$350,000 to the Southeast Region (including Texas and Georgia), part of the union's "Southern Membership Strategy" also included taking on outside consultants to improve organizing strategies in the two states.¹⁰

While some voices insist that teacher union officials' interests reflect those of their members, it is

important to distinguish the difference.

AFT teacher union officials are not as shy about openly declaring where dues dollars will go. AFT convention delegates voted to establish a "Solidarity Fund," which would raise dues by \$5 per member. Mike Antonucci tells us the majority of the fund will most likely be used to fund state referenda and initiative movements; the fund will also be used to support "non-federal candidates for political office."¹¹

Please Help Track Forced Dues in Contract Negotiations

This is the time of year when teacher contract negotiations and strikes are commonplace. I hope you will monitor the negotiations in your community and notify us if "agency shop" or forced dues becomes an issue at the bargaining table.

Together, we can educate school board members, citizens, and par-

ents about the injustice of forced unionism. It is important to keep school board members informed of teacher union officials' plans.

Both the NEA and AFT teacher union officials have pledged an increased involvement in school board elections across the country. CEAUFU continues to perform its important work of furnishing school board members information on their legal and First Amendment obligations where forced-dues clauses have been introduced during contract negotiations, and the Foundation provides free legal aid to teachers forced to pay compulsory union dues unconstitutionally.

You can help CEAUFU and fellow teachers by contacting us if you become aware of forced-dues negotiations in your school district. Please contact CEAUFU at 800-336-3600, or via email at clj@nrtw.org.

Catherine Jones, a 1975 graduate of the University of Maryland in Catonsville, MD, serves as Director for Concerned Educators Against

Please support CEAUFU's work by making a contribution to the National Right to Work Legal Defense and Education Foundation, Inc. Contributions to the Foundation are tax-deductible under Section 170 of the Internal Revenue Code.

Formerly a project of the National Right to Work Committee, CEAUFU will continue to educate the teachers of this nation about the coercive agenda of the National Education Association's and American Federation of Teacher's hierarchies as a Special Project of the National Right to Work Legal Defense Foundation. You will, however, see some changes because the Foundation, as a Section 501(c)(3) organization, is governed by different rules than those under which we previously operated, such as restrictions on legislative and political action.

⁹ "NEA's Special Fund Spending for 2001-2002," Mike Antonucci, *EIA Conventional Wisdom*, 7/1/02, EducationIntel@aol.com.

¹⁰ "NEA's Special Fund Spending for 2001-2002," Mike Antonucci, *EIA Conventional Wisdom*, 7/1/02, EducationIntel@aol.com.

¹¹ "Solidarity Fund to Mimic That of NEA," Mike Antonucci, *EIA Conventional Wisdom*, 7/15/02, EducationIntel@aol.com.