

*"When schoolchildren start paying union dues, that's when I'll start representing the interests of schoolchildren."*

Al Shanker  
AFT Union President  
1964-1997

No one seriously denies that American public education is in crisis.

Two decades ago, *A Nation at Risk*, the U.S. Department of Education's landmark 1983 study, warned that "the education foundations of our society are . . . being eroded by a rising tide of mediocrity that threatens our very future as a Nation and a people."

In the 17 years between 1983 and 2000, public school enrollment grew 18.3 percent, inflation increased 72.9 percent, and public education spending more than tripled in constant dollars, while outcomes have remained generally poor.<sup>1</sup>

To cite just one example, an ongoing study of student achievement in the critical mathematics and science fields continues to show that U.S. students start to fall behind those of many other Western countries during their middle school years.

Although the U.S. education system is, on a purchasing-power basis, the most expensive in the world, by the eighth grade U.S. students rank near the bottom in math and no better than average in science.

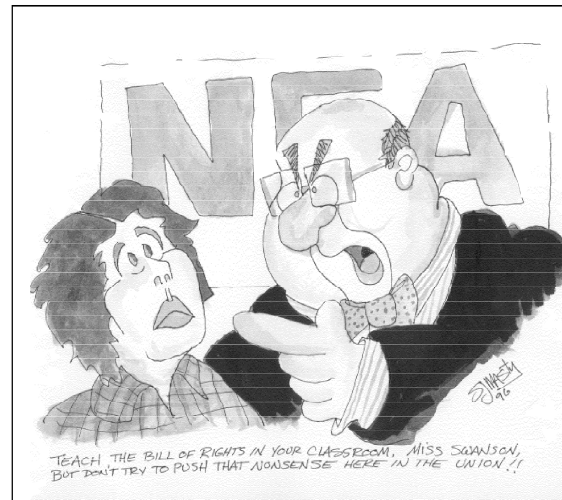
### Education Decline Coincides with Rise in Teacher Forced Unionism

Why have gold-plated "reforms" accomplished so little?

The government-granted coercive powers of teacher union officials are key. For decades, they have enabled a relative handful of union officers to

with CEAFU far outstrips the membership of NEA and AFT union subsidiaries. Independent groups representing about 250,000 teachers in 24 states, as well as three national independent teacher organizations, are now the primary obstacle to teacher union officials' total takeover of American public schools.

CEAFU is absolutely committed to protecting talented teachers from forced unionism so that they can help repair American education. This fight is crucial not just for teachers but also for schoolchildren, parents, and taxpayers.



<sup>1</sup> "Public Elementary and Secondary School Enrollment by State: 1980 to 1999, Table # 231." "Public Elementary and Secondary Estimated Finances, 1980-2000, and by States, 2000, Table. #242", Statistical Abstracts of the United States, 1980 and 2001, US Census Bureau, Washington, DC.

<sup>2</sup> "The National Extortion Association?", Peter Brimelow and Leslie Spencer, Forbes, 6/7/93.

<sup>3</sup> Mary Hatwood Futrell, former NEA President, Los Angeles Times interview, summer, 1982, quoted by Concerned Educators Against Forced Unionism, NEA Fact Sheet, Springfield, VA, 1985.

<sup>4</sup> "Report of the Program & Budget Committee," 2000 National Education Association of the United States Strategic Plan & Budget, FY 1998-2000 (modified 1999- 2000) Presented to the Representative Assembly, Orlando, Florida, 7/99, p. 1, Recommended Expenditures.

<sup>5</sup> Mike Antonucci, "Summer School," Education Intelligence Agency, 7/2/01, <http://www.eiaonline.com>.

<sup>6</sup> Peter Brimelow & Leslie Spencer, op.cit.

<sup>7</sup> Mike Antonucci, "2001 NEA State Affiliate Survey- Professional Staff," Education Intelligence Agency Communiqué, <http://www.eiaonline.com>, undated.



Please send me more information about Concerned Educators Against Forced Unionism (CEAFU).

Name \_\_\_\_\_

Address \_\_\_\_\_

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To support CEAFU's fight against compulsory unionism abuses, enclosed is my tax-deductible contribution of:

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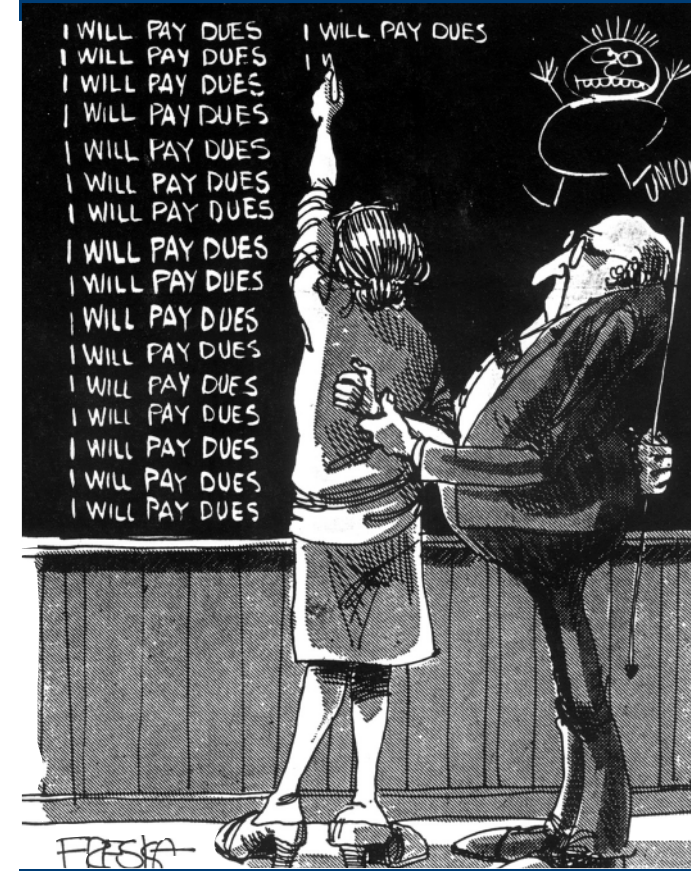
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*National Right to Work Legal Defense and Education Foundation, Inc.*  
8001 Braddock Road , Suite 600  
Springfield, VA 22160

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# FORCED UNIONISM HARMS TEACHERS AND STUDENTS





civic opposition, only one state, New Mexico, has enacted a teacher monopoly bargaining law since the mid-eighties, and this law was "sunsetting" in 1999.

In most subject areas, test scores have yet to recover.<sup>2</sup>

In two thorough studies published in the prestigious *Journal of Law and Economics* in 1993 and 1996, University of Chicago economist Sam Peltzman found an "unambiguously negative association" between student performance and the spread of teacher forced unionism.

Dr. Peltzman's findings have been confirmed by other recent scholarship. A 1996 analysis by Harvard economist Carolyn Hoxby, published in the *Quarterly Journal of Economics*, concluded that forced unionization's "overall effect on student achievement is negative."

### **NEA Bigwigs Throw Their Weight Around While Teachers and Students Suffer**

Having seized control over public school employment throughout most of the U.S., the giant National Education Association (NEA) and American Federation of Teachers (AFT) unions and

planning" and "sexual orientation rights") and other political causes condemned by his faith's moral teaching.

Mr. Robey understandably did not want NEA bosses to "represent" him, and he has asserted his right under Title VII of the 1964 Civil Rights Act to divert his forced dues to a charity mutually agreed upon.

But NEA officials forced Robey and other teachers to prove their religious objection annually by completing a lengthy questionnaire to justify their beliefs and to obtain the signature of a religious official to confirm them!

❖ While employed as a speech-language pathologist at a public school in Spokane, Washington, Cindy Omlin also participated actively in the school reform movement.

Because she saw the forced-dues-funded teacher union political machine as the chief obstacle to effective reform, Mrs. Omlin and a colleague began publishing a newsletter informing teachers of how they could legally refuse to bankroll NEA lobbying and electioneering.

Officials of Washington's NEA subsidiary first tried to silence Mrs. Omlin with a lawsuit.

When that failed, they cajoled local school officials to force employees to sign a so-called "site charter agreement" that they would acquiesce to forced-unionism policies even if legally invalid. Rather than sign this "loyalty oath," Mrs. Omlin resigned.

Later, the union socked her with a trumped-up lawsuit alleging "trademark infringement" and "tortious interference with business expectancy," a suit that was ultimately defeated by attorneys provided by the National Right to Work Legal Defense Foundation.

### **Coalition of Educators Battles Forced Unionism**

More than a quarter century ago, a coalition of professional educators, school board members, and other citizens founded the group Concerned

Educators Against Forced Unionism or CEAUFU.

From the beginning, CEAUFU's goal has been to protect teachers, schoolchildren, parents, and taxpayers from the many evils associated with public school forced unionism.

CEAFU's informational activities let teachers who want to stand up to compulsory unionism abuses know they aren't alone.

And CEAUFU is a special project of the National Right to Work Legal Defense Foundation, whose attorneys faced off with and defeated teacher union lawyers in the U.S. Supreme Court's landmark 1977 *Aboud*, 1986 *Hudson*, and 1991 *Lehnert* cases.

These Foundation-won decisions found that the U.S. Constitution bars the firing of teachers and other public employees who refuse to pay dues or "fees" for union politics and other non-bargaining activities.

Foundation attorneys are currently litigating nearly 130 active cases against the NEA and AFT representing approximately 750 teachers while directly establishing precedents that impact many thousands more.

Working together with Foundation attorneys and encouraging and assisting dozens of state and nationwide independent teacher groups that oppose monopoly bargaining and forced dues in schools, CEAUFU has made it less difficult for conscientious teachers to stand up for their freedom.

In Texas, Georgia, and Missouri, the membership of independent teacher groups allied

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*"One thing I am sure of is that we are not truly listening to all of our members. What should we really do differently if we really did listen to our members? First, we would very rarely, if ever again, give a cent to a politician or a political party."*

Robert Barkley, Executive Director, Ohio Education Assn., Dec., 2000 farewell (retirement) speech to the union.

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enjoy near-absolute success in blocking truly promising reform proposals that they view as harmful to their institutional interests.

Consequently, education "reform" programs have, with few exceptions, been exercises in futility.

State-imposed teacher forced unionism first emerged in America in 1959, when union lobbyists convinced Wisconsin legislators to enact the nation's first teacher monopoly bargaining statute.

State monopoly bargaining laws authorize union officials to strip teachers and other public school employees of their freedom to decide how they will negotiate with a school board over wages, benefits, and working conditions.

Educators, including many who have chosen not to be union members, are forced to accept union officials as their "exclusive" negotiators in employment contract talks.

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*"The fact is that in some instances we have used power . . . to protect the narrow interests of our members and not to advance the interests of our schools."*

Bob Chase, President National Education Association Time Magazine interview, July 20, 1998

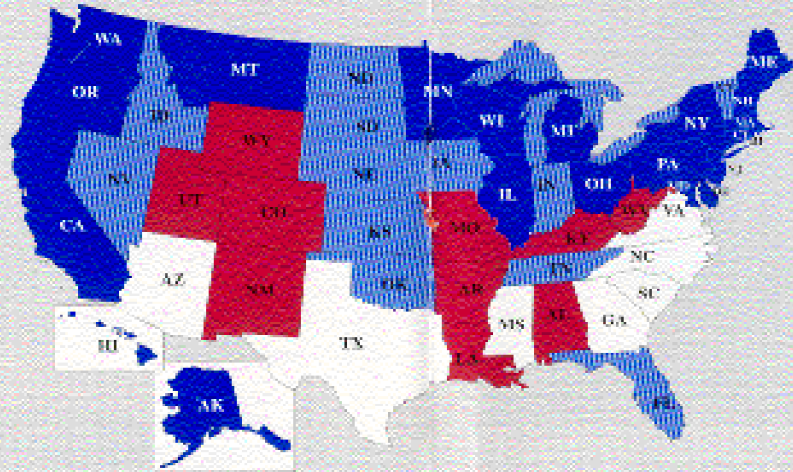
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Today, teacher monopoly bargaining is authorized by the laws of 33 states. Twenty of those states, as well as the District of Columbia, have also enacted laws forcing educators to pay dues or "fees" to a labor union in order to teach. One additional state, New Hampshire, has authorized forced dues through court rulings. And in ten additional states, monopoly bargaining is practiced by school board authorization. In the remaining seven states, employing 22 percent of America's teachers, monopoly bargaining and forced dues are either not tolerated or illegal.

However, due to increasingly well-organized

## America's Embattled Teachers

An overview of state laws establishing union coercive power.



■ Forced union dues and mandatory monopoly bargaining - 21 states and District of Columbia.

■ No forced dues and no mandatory monopoly bargaining statute, but monopoly bargaining is not illegal and does occur at the will of the local school board - 13 states

▨ No forced dues, but mandatory monopoly bargaining - 12 states.

□ No forced dues and monopoly bargaining explicitly illegal or not tolerated - 7 states

❖ At the 2000 Democratic National Convention in Los Angeles, NEA and AFT union officials held 457 out of 4,338 delegate slots.

Democratic Party bosses thus tacitly confirmed their agreement with former U.S. Education Secretary William Bennett that the NEA union is "the heart and center of the Democratic Party." And NEA officials have substantial clout in the GOP as well.

### Monopoly Bargaining Denies Teachers Their Own Voice

Government-imposed union monopoly lays a heavy burden on teachers with unusual talents or strongly held beliefs.

Snubbing gifted, hard-working teachers, the NEA hierarchy categorically opposes "any . . . system of compensation based on an evaluation of

an education employee's performance."

Official NEA policy also reflexively "opposes providing additional compensation" for hard-to-fill teaching positions in critical subject areas like math, science, and foreign languages.

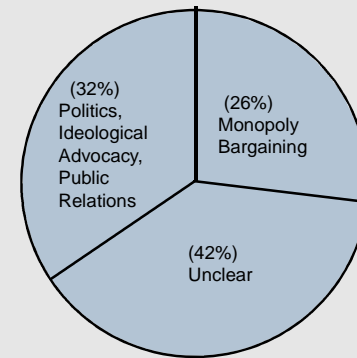
Therefore, it's no surprise that many teachers get shortchanged when a monopoly bargaining law makes NEA union officials or like-minded AFT officials the only permissible spokesmen for teachers in contract negotiations.

Good teachers lose the freedom to provide school boards with their own input about textbooks, curricula, and discipline policies.

And teachers whose moral and religious values contradict those of teacher union officials may effectively lose their freedom to practice their

## ADVOCATING AN NEA-RUN PUBLIC SCHOOL SYSTEM

BREAKDOWN 1999-2000 NEA DUES



National Education Association of the United States, Strategic Plan and Budget, Fiscal Years 1998-2000, Presented to the Representative Assembly, Orlando, Florida, July, 1999

religion faithfully without giving up their jobs.

Here are a few examples of state-sponsored compulsory unionism's harmful impact on independent-minded educators:

❖ Jaime Escalante's spectacular success in teaching advanced math to inner-city high school students won him national acclaim, but it nettled teacher union chiefs who use low test scores as an excuse to demand more tax dollars and more coercive powers.

In a 1996 interview with *U.S. News and World Report*, Mr. Escalante recalled how United Teachers Los Angeles (UTLA/NEA-AFT) union militants would chastise him for having "too many" students in his calculus class.

Powerful union bosses harassed Mr. Escalante until he at last left the school that, thanks largely to his efforts, was graduating almost a quarter of all the Mexican-American students passing the Advanced Placement (AP) calculus exam nationwide.

❖ As a loyal member of the Church of God, Dennis Robey, an industrial arts teacher in Huber Heights, Ohio, believes he cannot give any voluntary support to the NEA union hierarchy or their Ohio subsidiary.

The NEA actively favors abortion on demand and gay marriage (labeled euphemistically as "family

their subsidiaries rake in more than \$1.3 billion a year, almost wholly from the salaries of tax-paid educators.

Teacher union bosses reinvest a hefty portion of this war chest into efforts to induce local school boards that govern still-independent schools to subject teachers and other employees to monopoly bargaining and forced dues.

An even greater share of NEA and AFT union treasuries pays for political "education," electioneering, and lobbying of federal, state, and local elected officials who play no direct role in school management.

By comparison, union officials spend little if any funds trying to help teachers do their jobs better. Former NEA union president Mary Futrell once admitted, "Instructional and professional development have been on the back burner for us, compared with political action."<sup>3</sup>

The same holds true today:

❖ In 2000 alone, the NEA hierarchy made more than \$218 million in reported expenditures, and far greater hidden forced-dues expenditures, to defeat school voucher proposals in California, Michigan, and Arizona.<sup>4</sup>

Meanwhile, union officials' own secret internal poll showed that 61 percent of NEA members believe it is either "not very important" or "not at all important" for the union to address the school voucher issue.<sup>5</sup>

❖ The largest single item in the NEA's annual budget is "UniServ," a semi-covert, \$60 million-a-year operation that *Forbes* magazine has exposed as an "army of paid political organizers . . . dwarfing the Republican and Democratic national committees combined."<sup>6</sup>

In 2001, UniServ agents were paid an average of \$92,000 out of the NEA's forced-dues treasuries. That was more than double the salary of the average teacher.<sup>7</sup>