



INSIDER'S REPORT

A Special Bulletin for Leaders

Concerned Educators Against Forced Unionism

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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 29 years. CEAFU is 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 teachers and other employees whose human or civil rights have been violated by abuses of compulsory unionism.



Connie Kilday, an 18-year veteran educator and former Association of Texas Professional Educators official, is a staunch defender of teacher freedom.

Why Your Support of CEAFU Matters

As CEAFU rapidly approaches its 30th birthday, our staff would like to take this opportunity to thank you for your unflinching support for the program over the years and ask for your continued support of our program. The only program

of its kind, CEAFU has served and always will serve the needs of teachers who cherish their freedom and independence.

Why does CEAFU exist? A Special Project of the National Right to Work Legal Defense and Education Foundation, Inc., CEAFU was established in 1975 to “take dead aim at one of the most serious threats to academic freedom in America today – compulsory unionism.”

In 1959, Wisconsin legislators passed the first bill forcing teachers to accept the monopoly representation of the National Education Association (NEA) or American Federation of Teachers (AFT) unions. All teachers are forced to endure the strictures of the union monopoly contract, regardless of whether they find them to be beneficial or not. Other states quickly followed, and today teachers in 44 states are required to endure some form of exclusive representation by NEA or AFT affiliates.

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 NEA president George Fischer declared in 1970.

CEAFU is the only education reform group to directly confront the issue of forced unionism.

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Charlene Sciambi, a 13-year veteran teacher, resigned her teaching position rather than pay forced dues.

Teacher union officials and monopoly bargaining agreements affect teachers' working environment. Educators have a unique job description in many ways, particularly when it comes to defining measurable outcomes of performance.

Our focus is more on enabling teachers to do their jobs without encumbering their efforts with labyrinthine rules on what they can and cannot do in the classroom, courtesy of bargaining agreements.

The biggest challenge, of course, is helping teachers to envision how much better they will be able to function without these rules; most teachers today have never known a system without bargaining and the environment it creates where bargaining is allowed.

Charlene Sciambi resigned her teaching position rather than be forced to pay dues. A 13-year veteran of California schools, Mrs. Sciambi was named "Foreign Language Teacher of the Year" in 1983. When asked why she resigned after such a successful

career she obviously loved, she said, "It became apparent that my performance was not the important issue, but rather the compliance with 'agency shop.' I do not approve of forcing free people to do anything against their will. The basic tenets upon which this nation was founded find that idea abhorrent."¹

Forced unionism drives professionals out of teaching

Charlene believed her enthusiasm, training, and values would speak for her teaching performance. "But," she said, "it seems a third party was hired to 'protect' me and left me playing the role of a beggar at the union's back door. I didn't need the union for anything. I stood on my performance."

Of her farewell letter to her students, she said, "I wrote a letter to my students when I resigned so that they would know the truth. I always spoke the truth to them, and I cared that they would understand my reasons and not be deceived. As I told them then, I believe there are sacred relationships in life, and I had shared one.

"The relationship between teacher and student takes on its own very special character that includes caring, friendship, and trust. They deserve to be taught by those who merit their respect.

"My employer is confiscating my wages without my permission, and that is the status of a slave. How can I return to you in September and teach you to stand tall as a free man or woman if I cannot?"

Mrs. Connie Kilday, former officer in the nonunion Association of Texas Professional Educators

(ATPE) once said, "I get down on my knees and thank God every day we are a Right to Work state and we don't have [exclusive] bargaining." She went on to say that she appreciated the freedom of association ATPE guaranteed so much on a personal level, but that it also made recruiting members so much easier, because they were not compelled to join ATPE for any other reason than because they wanted to.

Although the importance of other education reform groups is a given, their focus is not on addressing compulsory unionism, promoting a Right to Work law, or eliminating exclusive representation laws.

The public must be made aware that teacher freedom will not survive if monopoly bargaining continues to prevail – charter schools, vouchers, and teacher certification notwithstanding. Without CEAUFU, freedom for teachers is lost until compulsory unionism has been eradicated. This may seem a minor difference, but a very major one in the lives of those involved.

CEAFU supports all freedom-loving teachers: those who choose to remain independent and unassociated, or those who belong to a professional educator association, and those who are forced to support teacher unions.

Independent educator groups rely on CEAUFU to fight on the front line, working to sustain them while at the same time working to eliminate compulsory unionism. These independent educator groups hold out the vision of education without compulsory unionism.

These professional educator groups face the challenges of exclusive representation every day. The vast majority of them do not have

¹"Agency Shop," Charlene Sciambi, CEAUFU pamphlet.

the funds or manpower to challenge bargaining in any other way except that which they are doing now: providing an alternative to labor unions.

CEAFU reinforces independent education movement

And of course, the NEA and AFT teacher unions' two biggest assets are funds and manpower.

Teacher union officials have commandeered teachers' rights at work. Independent professional educator groups depend on CEAFU to act as the barrier between them and compulsory unionism.

When teachers can concentrate on their work, with no fear of interference from restrictive bargaining rules, they are free to carry on the work they were hired for, the business at hand: CHILDREN.

There is a popular saying, "If you want peace, work for justice." If you want education reform, work for freedom for teachers; end exclusive representation and compulsory unionism.

CEAFU's 29th Annual Conference Featured Prominent Reform Speakers

The National Education Association and American Federation of Teachers have vowed to make forced unionism a way of life for teachers. Teacher union officials' power has eclipsed the power of the individual teacher in paving the way for education reform.

CEAFU's annual conference is the venue for education reformers

and independent professional teacher groups to learn about recent developments in the program and to learn best practices for keeping compulsory unionism at bay.

Deputy Secretary of Education keynotes

While CEAFU supports all teachers whose rights have been compromised as a result of compulsory unionism, statewide independent teacher groups represent a large, viable alternative to teacher unions that many teachers have chosen. Leaders from 17 nonunion professional educator groups and many other individual teachers came from across the United States to this year's conference, in Washington, DC, on June 15 and June 16.

At the recent conference, special keynote speaker Mike Antonucci, Director of the Education

Intelligence Agency, concluded his specially prepared confidential insider report to CEAFU guests by commenting on what might be done to combat teacher union power.

"The NEA is a big [education] blob and it will run you over or smother you if you get under it as it rolls downhill. But you can find ways to go around it and succeed in avoiding it."

Leaders of independent educator groups attend

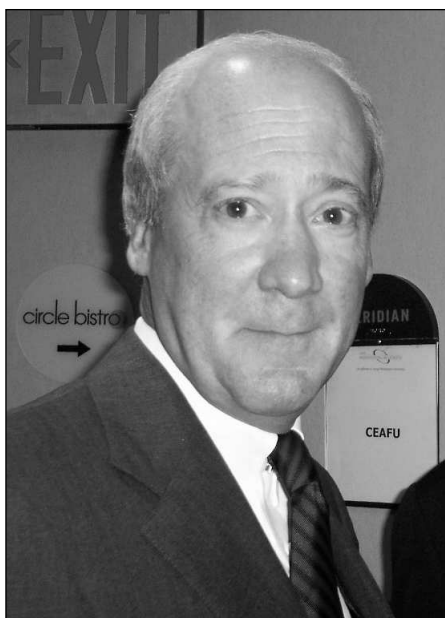
CEAFU advanced in its goal to arm education leaders to succeed, with a great line-up of speakers for this year's conference.

Deputy Secretary of Education Eugene Hickok opened the conference with a look at the future of education reform. He warmly welcomed teacher professionals from across the country who work to carry out the business of educating students.

He noted that his first encounter with teacher unions was as a school board member in Pennsylvania. The Keystone state, like 19 others and the District of Columbia, is yoked with mandatory monopoly bargaining laws. In many districts, teachers must either join the union or pay almost full dues as a condition of employment.

The Deputy Secretary emphasized his Department's commitment to all teachers and thanked CEAFU's guests for being concerned about their profession, the students, and the educational institutions they serve. He asked their help in identifying issues that would better serve these institutions.

Deputy Secretary Hickok spoke of being surprised and saddened by



Eugene Hickok, Deputy Secretary, United States Dept. of Education, expressed his admiration for independent teachers and thanked CEAFU members for their efforts.

Photo by Linda Stautcup

how quickly teachers become some faceless group in a bargaining unit.

The Deputy Secretary's concluding remarks reflected how any forced action is the antithesis of freedom, and if America stands for anything, it stands for individual rights.

National columnist addresses conclave

Deroy Murdock, nationally syndicated Scripps-Howard columnist, has entered the fray of education reform. Not content with simply writing about the havoc teacher union officials have caused in education, Mr. Murdock helped lead the education reform movement in the Nation's Capital, amidst one of the most egregious teacher union scandals in history.

In his remarks, Mr. Murdock counseled CEAFU key leaders to showcase differences between professional educator groups and teacher union officials; to present a vision of how teachers' lives would change if each teacher had a choice regarding union membership; and to use anecdotal evidence to show that not all teachers march to the beat of teacher union officials' drums.

Reflecting upon his experience in Washington, DC, Mr. Murdock emphasized the value of working with active school reform groups, legal foundations, and policy groups, to join as co-plaintiffs in lawsuits against egregious teacher union officials' actions.

His most important advice, however, was to remind teachers of the manifest unfairness of compulsory unionism, teacher union officials' actions saying – "No, we don't want



Photo by Linda Staulcup

Deroy Murdock, Scripps-Howard News Service nationally syndicated columnist, applauds CEAFU members' involvement in active education reform.

you to have the freedom – to say where your money goes.”

Attendees learn media relations skills

Hugh Newton, a seasoned media relations expert in the Washington, DC area, shared the secrets of his success – how to pitch stories to the media, and develop relationships, and get the word out about the organization's work.

Stefan Gleason, Vice President of the National Right to Work Foundation, who has dramatically expanded the Foundation's promotion of Right to Work using newspaper, media, and radio, followed up Mr. Newton's comments by divulging the secret of the Foundation media program's success.

Public Service Research Foundation President David Denholm shared the results of a Zogby poll on the nation's attitude towards unions, and he explained the stranglehold public employee unions have on lawmakers. Mr.

Denholm also explored the relationship between the rise of unions and technological development. He emphasized the importance of teacher quality and continuing professional development to allow teachers to hone and enhance their skills.

Mr. Denholm described his vision of a district where the superintendent hired only teachers who had been state teachers of the year, where everyone would receive the best education possible, teachers would not feel the need for “protection” from their employers, and parents would be satisfied with their children's education.

Participants briefed on ongoing corruption investigations and recruitment strategies

Landmark Legal Foundation President Mark Levin revealed unique insights into the NEA teacher union officials' agenda. The Landmark Legal Foundation unearthed evidence that the NEA parent affiliate has engaged in political activity without reporting the resulting expenditures to the Internal Revenue Service (IRS), as required by law. The NEA has recently admitted publicly that it is being audited by the IRS.

According to Mr. Levin, recent changes in the requirements for recording of union financial activities may unearth new instances of improper use of dues by teacher union officials. National Right to Work Foundation attorneys helped craft the new disclosure rules and are now defending them from AFL-CIO attack in Federal court.

Rhea Blanken of Results Technology, Inc., presented an

interactive workshop on membership development, emphasizing how the professional education association leader can position his or her association to meet the needs of specific groups of teachers.

While many other speakers were featured at the two-day conference, CEAFU's schedule of keynote speakers was specially tailored to meet the needs of education reform leaders who face the challenge of confronting teacher union coercive power everyday. All speakers focused on independent educator groups as a viable alternative to teacher union membership.

US Department of Labor Investigates NEA's Political Spending

After two years of silence, NEA teacher union officials confirmed that United States Department of Labor officials are investigating the NEA's political spending. The NEA retains tax-exempt status under IRS rules, but is required to report "direct and indirect" political expenses.

Any union that represents private sector employees must file an annual disclosure form with the Department of Labor, detailing financial information such as assets, liabilities, receipts, and disbursements. The report currently covers disbursement amounts to officers and employees for expense categories, such as office expenses, travel, communications, promotion and advertising, and it details loans or grants made to state and local affiliates.

There is currently no requirement that political activity expenses be detailed, but Department of Labor officials have made a number of changes to the form that will force labor union officials to provide more detailed information beginning with disclosure forms filed in mid-2005.

Previous *Insider's Reports* have detailed sections of the NEA's Strategic Plan and Budgets, which clearly indicate that teacher union officials spent dues dollars for political purposes. For instance, in the 1998 budget, NEA teacher union officials set aside \$1,039,660 for NEA's Policy Agenda, providing for the maintenance of a PAC, identifying supportive candidates, legislative strategy, etc. Another component of the budget allowed \$3,249,354 for "Member Mobilization for Pro-education Candidates and Issues," and an additional \$2,221,905 for support of candidates.²

Yet NEA teacher union officials reported only \$1.8 million in PAC



Landmark Legal Foundation President Mark Levin (left), pictured here with CEAFU Key Leader Faye Beyer, recounted his organization's battle to expose NEA teacher union officials' unauthorized dues expenditures.

money spent for the 1998 election cycle.³

Robert Chanin, NEA General Counsel, declared, "We believe we reported all political expenditures properly. We concealed nothing. I am confident we'll get a clean bill of health and be able to move on."⁴

Experts estimate teacher unions spend \$100 million on election

Chanin's declaration is belied by his words of 2000, when he declared, "So you tell me how I can possibly separate NEA's collective bargaining efforts from politics – you just can't. It's all politics."⁵

The Department of Labor investigation constitutes the second inquiry into NEA political activity in the past four years. In 2000, the Landmark Legal Foundation filed a complaint with the Internal Revenue Service. The IRS subsequently began an investigation into Landmark's allegations that NEA teacher union officials spent millions of dollars on political activity, but failed to report any expenses on their tax returns. The IRS audit is not expected to conclude until 2006.⁶

Education Intelligence Agency Director Mike Antonucci, reporting on the first day of the NEA convention, reported "several written questions were passed to the budget committee concerning NEA's IRS audit and the U.S. Department of Labor investigation, including, 'When will this be publicized to our members?'"⁷

Photo by Linda Stauleup

²"Strategic Plan and Budget for 1997-1998," The National Education Association

³"Public Sector Unions," *Open Secrets Online*, www.opensecrets.org

⁴"NEA Political Expenses Investigated," The Associated Press, *Fox News Channel*, www.foxnews.com, 3/4/04

⁵"Unions Pull Out Stops for Elections," Jeff Archer, *Education Week*, 11/2/00

⁶"NEA Political Expenses Investigated," The Associated Press, *Fox News Channel*, www.foxnews.com, 3/4/04

⁷"Bits and Pieces," Mike Antonucci, *Communiqué*, <http://www.eiaonline.com>, 7/03/04

Teacher Union Political Activity Remains High

Despite his last-minute failure to appear at their 2004 convention, nearly 10,000 NEA teacher union delegates voted 7,390 to 1,153 to endorse Senator John Kerry (D-MA) for President.

NEA president Reg Weaver warned Democrats, "Don't take us for granted."⁸

Approximately 25 percent of NEA's members identify themselves as Republican.

Weaver also declared, "I'm trying to activate our members. I'm about mobilizing and stimulating our folks so that the school union's political activism 'takes center stage' for the remainder of the presidential campaign."⁹

NEA teacher union officials' Fund for Children and Public Education (Political Action Committee) has the distinction of being the third largest political contributor, making \$23.4 million in contributions since 1989.¹⁰ Most of the funds went to Democratic candidates. In 2003 alone, NEA teacher union officials budgeted a record \$20 million in donations to Democrat legislators.¹¹

NEA Convention delegates passed bylaw amendments which will fund the Ballot Initiative/Legislative Crisis Fund and Media Campaign Fund. The extra assessment will increase by \$1 per member per year until it reaches \$10 at the beginning of the 2009-10



Reg Weaver, National Education Association President, perpetuates the corrupt tradition of spending forced dues for politics.

school year, a total of \$30 million over the next six years.

Unprecedented sums of forced dues cash poured into 2004 election

Members were asked to donate \$20 to the NEA PAC, Fund for Children and Public Education, to view the film "Fahrenheit 9/11" during the convention. Weaver stated the screening was donated by its producer Michael Moore to help the union raise more political funds.¹²

Education Intelligence Agency Director Mike Antonucci noted, "There was one other number of interest that NEA members back home might want to mention to delegates when they return. Ultimately, 9,131 delegates registered for this year's convention, but

fewer than 7,600 voted on the dues issues."¹³

NEA teacher union officials implored convention delegates to host "house parties" on September 22 to provide a forum for teacher union officials to persuade union members, face to face, to support the NEA's endorsed candidates.

During their biennial convention in July, AFT teacher union officials also purported to speak for 1.3 million teachers in endorsing Senator Kerry. Like the NEA, AFT teacher union officials sent scores of paid staff to the most contested states and assigned volunteers to campaign for Senator Kerry.

NEA supports far-left Democrats hostile to independent educators

AFT teacher union officials funneled \$5 million during the 2002 election cycle, mostly to Democrats.¹⁴

Again following in NEA teacher union officials' footsteps, AFT officials established the Solidarity Fund in 2002. The separate assessment for members and forced dues payors, funds ballot initiatives and state and local political candidates.¹⁵

The fund has gathered almost \$9 million since its inception, more than half of which has been used by the national affiliate. A full \$3 million has been set aside for 'member education and programs in support of 2004 election efforts.'¹⁶

⁸"Kerry Cancels on NEA Convention," George Archibald, *Washington Times*, 7/7/04

⁹"Teachers Union Calls for Defeat of Bush," George Archibald, *Washington Times*, 7/5/04

¹⁰"Teachers Unions Name Kerry a Price," June Kronholz, *Wall Street Journal*, 7/28/04

¹¹"John Kerry Sells Out to Big Education," Armstrong Williams, *Townhall Online*, www.townhall.com, 6/29/04

¹²"Teachers Union Calls for Defeat of Bush," George Archibald, *Washington Times*, 7/5/04

¹³"Dues Increase for Ballot Initiative and Media Funds Passes," Mike Antonucci, *Communiqué*, <http://www.eiaonline.com>, 7/07/04

¹⁴"Teachers Unions Name Kerry a Price," June Kronholz, *Wall Street Journal*, 7/28/04

¹⁵"Solidarity Fund To Mimic that of NEA," *Communiqué*, <http://www.eiaonline.com>, 7/15/02

¹⁶"AFT Resolutions to Watch For," *Communiqué*, <http://www.eiaonline.com>, 7/14/04

Since AFT belongs to the American Federation of Labor and Congress of Industrial Organizations (AFL-CIO), AFT members and agency fee payors must also contribute to this national affiliate.

The AFL-CIO levies a four percent per capita tax, about \$6 million annually, on federation affiliates. This new tax will remain in effect until March, 2005, and represents a doubling of the 4-cent increase legislated in March, 2002. These increases mean every AFT member and agency fee payor must pay nearly \$2 to the AFL-CIO for special political projects each year.

AFL-CIO Organizing Director Karen Ackerman divulged that the AFL-CIO will make an unprecedented drive to bombard union member households with political propaganda. Union officials passed out 17 million leaflets, made 5 million phone calls, and mailed 15 million pieces of literature during the 2000 campaign, and an even larger effort is being made this year.¹⁷

It is the tremendous amount of in-kind political activities that makes these actual spending figures seem even more outrageous. So-called "in-kind" political contributions cannot be easily tracked because no cash actually changes hands, but the services performed are invaluable in the election of a candidate. These significant contributions come in the form of such political activities as staffing phone banks, leafleting neighborhoods, and registering and getting voters to the polls.

With combined membership

numbers of 4.2 million, teacher unions are able to mobilize a political army unlike any other. NEA sent 285 delegates to the Democratic National Convention in July, and the AFT sent 130.¹⁸ Altogether, union members composed 12 percent of all delegations.

America Learns How NEA's New Organization is Funded

NEA teacher union officials have devised another plan to seize more dues dollars from teachers in the name of improving public education. The problem is the money is being taken on the sly for purposes NEA members and agency fee payors may not sanction.

America Learns, an Internal Revenue Service 501(c)(4)-designated "social welfare organization," was established earlier this year.

Its purported goal is to educate people about the Elementary and Secondary Education Act (No Child Left Behind). The organization is now known as Communities for Quality Education (CQE). Earlier this year, NEA teacher union officials had put out a call to all states, encouraging them to sue the government over lack of funding for the No Child Left Behind Act.

Education Intelligence Agency Director Mike Antonucci discovered that the bulk of the funding for this new advocacy organization comes from NEA teacher union members and agency fee payors. State affiliates were asked to chip in yet another \$1 per member to defray startup

costs; national affiliate officials would allow funds to be taken from the union's general fund, the PAC fund, or from outside donations.

Traditionally, 80 percent of the \$5 million in dues dollars is budgeted for a media campaign fund, but this year NEA teacher union officials funnelled \$1.8 million from the NEA Fund for Children and Public Education (Political Action Committee) into CQE.¹⁹

Some affiliates have followed through and turned over their \$1 per capita assessment. The Delaware State Education Association has raised its dues to cover the amount of the donation.²⁰

CQE has run television ads criticizing The No Child Left Behind Act in Arizona, Ohio, Florida, Nevada, and Pennsylvania. The advertisements mostly feature teacher union officials who preside over state and local affiliates in their respective states.²¹

America Learns board members



Stefan Gleason, Vice President, National Right to Work Legal Defense Foundation.

Photo by Linda Stauch

¹⁷"AFL-CIO Plans to Spend \$44 Million to Fund Labor Effort for 2004 Elections," *Daily Labor Report Online*, #47, 3/11/04

¹⁸"Teacher Unions Name Kerry a Price," June Kronholz, *Wall Street Journal*, 7/28/04

¹⁹"New NEA Political Group to Influence What 'America Learns,'" *Communiqué*, <http://www.eiaonline.com>, 3/29/04

²⁰"America Learns' Gets a Name Change", *Communiqué*, <http://www.eiaonline.com>, 5/10/04

²¹"NEA Front Group Airs Ads in Four States," *Communiqué*, <http://www.eiaonline.com>, 6/7/04

also serve in executive positions with the parent organization or a state affiliate, including the deputy general counsel.²²

No Room for Diversity in NEA Republican Caucus

During the annual convention, militant NEA Republican Caucus members chased Chairwoman Dianne Lenning from her position. To them, Lenning's "sin" was not an insignificant one.

NEA teacher union officials selected Kevin Jennings, founder of the Gay Lesbian and Straight Education Network (GLSEN), to receive the Virginia Uribe Award for Creative Leadership in Human Rights at the annual convention proceedings.

Jennings failed to report suspected child abuse

Mr. Jennings had violated a law requiring teachers to report suspected child abuse by failing to report such an incident to proper authorities. The incident came to light when he published a book and revealed that a 16-year-old male student had sought his advice after an affair with an older man.

Mrs. Lenning wrote a letter to top NEA officials questioning the ethics of bestowing an award on a teacher who had apparently not put the safety of a student before all else. Members of the Republican caucus who concurred with the selection voted 31-18 to hound Mrs. Lenning from office for her public criticism of prominent NEA teacher union officials.²³

Do Teacher Unions Speak for Their Members? NEA Sponsorship of Noneducational Issues Riles Instead of Rallies Some Members

NEA teacher union officials stoked the ire of thousands of schoolroom teachers and support personnel by co-sponsoring a pro-abortion march in Washington, DC this year. On April 18, they opened the NEA's well-appointed headquarters to participants in the March for Freedom of Choice, providing refreshments and a resting place for marchers in the rally.

However, calls for teacher union officials to open the building to marchers for the March for Life have fallen on deaf ears.

Despite the fact that many NEA members sought to have Resolution I.12, Family Planning, overturned, last year's Representative Assembly refused to remove it from the books. These delegates continue to purport to speak for all members and to proclaim their public opposition to restrictions on even the most egregious abortion methods.

Union hierarchy seems obsessed with hot-button social issues

Chief NEA Lobbyist Randall J. Moody served on the Planned Parenthood board of directors from 1995 until 2002, and remains co-chairman of Planned Parenthood Republicans for Choice. Many NEA members believe Mr. Moody's service on the Planned Parenthood

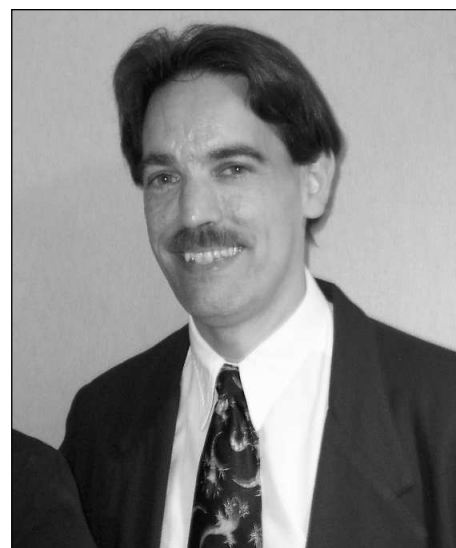
board is a conflict of interest with his position as NEA's top lobbyist.

Sissy Jochman, a second-grade teacher from Pittsburgh who serves as the chairman of the Conservative Educators Caucus, called for NEA officials to "simply get out of the abortion issue altogether... Our union needs to stick to education," she said.²⁴

Because NEA teacher union officials continue to act upon these resolutions calling for "reproductive freedom" (including abortion), thousands of teachers are forced to support causes that run contrary to their sincerely held religious beliefs.

More religious objectors are going public

Foundation Attorney Bruce Cameron has represented many teachers whose requests for religious accommodation were either turned down or unnecessarily



Mike Antonucci, Director, Education Intelligence Agency, entertains and informs CEAUFU conference guests with predictions about teacher union officials' activities.

Photo by Linda Staulecup

²²"New NEA Political Group to Influence What 'America Learns,'" *Communiqué*, <http://www.eiaonline.com>, 3/29/04

²³"NEA Republicans Alter Rules to Oust Their Leader," George Archibald, *Washington Times*, 7/6/04

²⁴"Pro-life Teachers Angered by March," George Archibald, *Washington Times*, 4/19/04

delayed. In addition, religious objectors in Michigan face an inquisition before a union official tribunal to defend their beliefs.

For example, Shawn Austin, a part-time school transportation secretary in Saranac Community Schools District, Michigan, was ordered to appear before a four-member committee of local union officials to convince NEA teacher union officials of her "bona-fide religious-objector status."

Mrs. Austin was forced to attend the meeting despite the fact the union had no objective reason to question her religious sincerity. She suspected that her local NEA president was being directed by a state UniServ director who oversees bargaining and other problems with local unions.

After Mrs. Austin submitted to the union inquisition, the NEA agreed to accommodate her by allowing her to redirect her entire union fee amount to the Saranac Scholarship Fund.

"Every organization – association, political party, and church – has significant numbers of members who do not agree with every policy item... That is the greatness of an open, democratic organization such as ours," Michael Pons, NEA spokesman, claimed.²⁵

The difference is, of course, that members of other associations – such as political parties and churches – are not forced to join or support those organizations against their will.

If you know of a teacher who believes his views are being violated by being forced to contribute to a teacher union, please contact the National Right to Work Legal

Defense Foundation at www.nrtw.org or (800) 336-3600. You may also e-mail the Foundation at info@nrtw.org. Please share this information with your colleagues.

Foundation Helps Free Grad Students from Compulsory Unionism

For most teachers and graduate students, the summer months are filled with thoughts of things other than school. However, for the past three years, graduate students working as teaching assistants (TAs) at private universities have found themselves faced with the same burden of coercion many teachers face: join or support a labor union to get or keep your job.

However, agreeing with the position taken by Foundation attorneys in an amicus curiae ("friend of the court") brief, the National Labor Relations Board (NLRB) recently ruled that, because TAs are admitted into, rather than hired by, universities, they are students in, rather than employees of, the institution. On July 13, 2004, the NLRB overturned a ruling that has created havoc over the past three years in private colleges and universities across the country.

The Board majority declared: "there is a significant risk, and indeed a strong likelihood, that the collective-bargaining process will be detrimental to the educational process."

For decades before 2001, student teaching assistants had been considered first and foremost students, not employees, and therefore not subject to collective bargaining laws. In the



Long-time independent educator leader from Indiana, Jane Ping, pictured here with CEAUFU Director Cathy Jones, received CEAUFU's Friend of Freedom Award for her years of tireless service.

Photo by Linda Stankup

past three years, Tufts, Brown, Columbia, and the University of Pennsylvania have brought cases before the NLRB regarding the unionization of their graduate students.

Under the Clinton administration, precedents going back 25 years were reversed when an NLRB majority ruled that graduate teaching assistants and research assistants, are employees and constitute an appropriate unit for collective bargaining.²⁶

The recent case involved Brown University, in Providence, Rhode Island, where about 450 graduate teaching and research assistants faced an organizing drive by the United Auto Workers (UAW) union.

Graduate students at private universities provide an obvious target for union organizers. Declining membership, especially in the past 10 years, in both public and private labor unions has caused union orga-

²⁵"Pro-life Teachers Angered by March," George Archibald, *Washington Times*, 4/19/04

²⁶New York University, 332 NLRB 1205 (2000) (NYU)



Edward J. McElroy, president of the American Federation of Teachers, plans to follow in the footsteps of his two predecessors, Sandra Feldman and Al Shanker.

nizers to look in some unusual places for workers to represent. Those employed by private universities could be subject to the National Labor Relations Act. Student employees at state-supported schools may be subject to the public employee laws that prevail in their respective states.

Grad students were seen as another cash cow

AFT and UAW union officials have been most active in organizing efforts among graduate student workers.

Newly elected AFT president Edward McElroy called the recent decision "outrageous" at the AFT's biennial convention in July.²⁷ The AFT represents approximately 150,000 faculty members, including 12,000 graduate assistants, across the country.²⁸

Philip Wheeler, UAW's director for New York and New England, commented upon the ruling, "I understand that they say it would be too disruptive to the great American education system... Once upon a time, they said that unionizing would be too disruptive for American manufacturing..."²⁹

Yet, American manufacturing has seen the loss of 3.5 million union jobs in the past 20 years, partly due to the crippling effects of compulsory unionism. During the same time frame, nonunion manufacturing jobs increased by over half a million.

AFT's Sandra Feldman Retires

Retiring in July 2004, AFT President Sandra Feldman asserted, "There is nothing I have ever done as a union leader which has not been good for kids." She added that the union, "... despite popular myth, does not want incompetent teachers in the classroom." Let the record speak for itself.

A native of New York City, Feldman began to take an interest in socialist politics in the 1950s, while attending Brooklyn College. The former AFT president described one of her "proudest moments" as "... her arrest for trying to integrate a Howard Johnson restaurant..."³⁰

Ms. Feldman often speaks of her love for schools and children, but only actually taught for three years. While working on a master's degree in Literature at New York University, Ms. Feldman took a regular job teaching first and third

grades, in 1963.

Of her first teaching experience, Ms. Feldman insisted she identified with the students, but, "... I had no training, and I soon lost complete control of the class. I concluded that, if I was going to keep on teaching, I better learn how."³¹

Upon taking the job, she immediately became the second member of the United Federation of Teachers (UFT), AFT's New York City local affiliate. Within a year the entire staff of Manhattan's P.S. 34 had been organized, and by 1966 she was hired as a full-time field representative by AFT president and founder, the late Al Shanker.

In 1974, Mr. Shanker was elected president of the parent AFT affiliate, but retained his title as president of the United Federation of Teachers (UFT). Dissatisfied with the amount of attention they received from president Shanker, UFT members elected Ms. Feldman in 1986.

Of this time, she says, "It was a very exciting time. There were strikes and demonstrations and all the growing pains of a union."³²

By 1992, Sandra Feldman was in control of the largest political power in New York City. Union-backed legislators and other influential officials clamored for changes in school governance, and experimented with school-based management, ostensibly ceding power to the individual principals and schools.

Feldman helped destroy teacher professionalism

Alternative governance structures were proposed by the Mayor

²⁷"Board Overturns TA's Union Membership," The Associated Press, *New York Times*, www.newyorktimes.com, 7/16/04

²⁸"US Labor Board Rules on Graduate Teaching Assistants' Union," Dow Jones Newswires, *Wall Street Journal*, www.wsj.com, 7/15/04

²⁹"Labor Board Says Graduate Students at Private Universities Have No Right to Unionize," Steven Greenhouse and Karen W. Arenson, *New York Times*, www.newyorktimes.com, 7/16/04

³⁰"In Schools Crisis, Union's Opportunity," Elizabeth Bumiller, *New York Times*, 9/29/95

³¹"Molded in Schools, She Helps Mold Them," M. A. Farber, *New York Times*, 3/7/91

³²"Fighting All My Life," Ann Bradley, *Education Week*, 10/1/97

and other officials, but Ms. Feldman refused to consider them. *New York Times* reporter Joseph Berger speculated that president Feldman's control of 300,000 dues-paying teachers kept many state legislators from taking legislative action: "Legislators said fundamentally changing the boards' structure without the support of the union would be unimaginable."

Senator Guy J. Veleva, a member of the Senate Education Committee, in 1992 declared, "It would be absurd to think you would go about a major change like that without having UFT input and UFT support."³³

New York imposes mandatory forced dues statewide

Teacher union officials persuaded state legislators to grant them total control over the teaching environment by passing a mandatory agency shop bill in July of that year. The bill required all school districts to automatically include an agency fee clause into every contract, making New York the first state to impose mandatory forced dues on all teachers. All New York teachers lost their right to refrain from membership. Additionally, another law passed through teacher union official pressure allowed teachers to gain tenure after a six-month performance review.

The 200-page-long UFT contract became the byword for teacher union official excess and a prime example of the blight caused by monopoly bargaining.

The contract's rules for firing a teacher were so labyrinthine that one educator retained his position during

his arrest, conviction, and prison sentence for selling cocaine. Special education teacher Jay Dubner continued to collect his teacher salary throughout five years of incarceration. Additionally, the disciplinary proceedings cost the school district almost \$200,000, and Mr. Dubner retained his tenure eligibility.

The New York State School Board Association determined that disciplinary cases in New York cost school districts an average of \$194,520 and took 476 days to prosecute.³⁴ During Ms. Feldman's reign as chief teacher negotiator, New York City boasted 158 teachers and 18 other educators with tenure who were being investigated on disciplinary charges.

In 1993, Ms. Feldman authorized an illegal strike, forcing members and forced-dues payors to choose between crossing the picket line or losing two days' pay for every day a strike ensued. At that time, an entry-level teacher's fine could have been as high as \$200 per day.

UFT increases stranglehold on NYC schools

Ms. Feldman continued to hold city leaders in her grip. In 1995, using her role as exclusive negotiator, Ms. Feldman bullied her way through contract talks that called for school-based management. With a contract in place that ceded this power to individual schools, Feldman paved the way to insert teacher union allies in all school-based management decisions. "What we're watching here is a superb union leader and tactician

coming in for the kill," former Mayor Edward I. Koch declared.³⁵

The Citizens Budget Commission (CBC) of New York, a privately funded watchdog group operating for over 60 years, commissioned a study which unearthed shocking abuse and fraud. Their 1995 study revealed that New York City public high school teachers spent only 64 percent of a 6-hour and 20-minute day in the classroom. The remaining time was spent "allocated to tasks other than direct classroom instruction," such as union activities.

The study compared the city's schools to comparable urban districts, such as Los Angeles and Chicago, where teachers spent 20 percent more time in the classroom. The report indicated that \$246 million was spent on non-classroom time, including time for union business.³⁶

By 1997, the UFT had become the largest affiliate of any union, employing a full-time staff of 300,



Sandra Feldman, president of the American Federation of Teachers, retired in July, 2004.

³³"School Board Must Change, Union Says," Joseph Berger, *New York Times*, 10/21/92

³⁴"Teacher Tenure: Rights vs. Discipline," Sam Dillon, *New York Times*, 6/28/94

³⁵"In Schools Crisis, Union's Opportunity," Elizabeth Bumiller, *New York Times*, 9/29/95

³⁶"NYC Teachers Don't Make the Grade," Stephen Goode, *Insight Magazine*, 10/9/95

and a membership that comprised half of the AFT's total membership.³⁷

AFT union ignores education concerns

During her tenure as president of the UFT, Feldman also went to bat for noneducational issues. She demonstrated solidarity with parent AFT officials in demanding a boycott of Major League Baseball during a strike in March, 1995. Most major league teams had replaced striking unionized players with replacement players. In addition to urging teachers not to attend or watch baseball games on TV, she called for an end to class trips to baseball fields when replacement players were on the field.

"The owners had better come to their senses. I sure would hate to see a generation of kids growing up without baseball," Sandra Feldman declared.³⁸

Both the UFT affiliate and its parent AFT lobbied Congress to lift the antitrust rules regarding collective bargaining for baseball players.

After 11 years of molding the education scene in New York City, Ms. Feldman was promoted and became president of the AFT national affiliate following the death of Al Shanker in 1997.

As AFT national president, she continued to press more teachers into paying forced dues and unwanted union representation. During her tenure, three of the most egregious scandals broke, involving teacher union presidents in Washington, DC, Miami, Florida, and Boston, Massachusetts and more than \$5.5 million in embezzled dues money.

McElroy predicted to carry on shameful legacy

AFT Secretary-Treasurer Edward J. McElroy took over the

presidency in July after serving 12 years as vice president. He had served as president of the Rhode Island Federation of Teachers for many years prior to his tenure with the national affiliate.

It is expected that McElroy, who has trained under both Al Shanker and Sandra Feldman, will continue to run the AFT with the same radical goals in mind.

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

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³⁷"Fighting All My Life," Ann Bradley, *Education Week*, 10/1/97

³⁸"Teachers," *Education Week*, 3/15/95