

From the desks of

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Thursday, October 20, 2005

Barbara E. Kerr, President
California Teacher Association
P.O. Box 921
1705 Murchison Drive
Burlingame, California 94010
Via Fax and Fed Ex

Re: Demand that CTA union notify members of their basic constitutional rights; offer to pay for \$250,000 statewide mailing by National Right to Work Foundation

Dear Ms. Kerr:

We, members and nonmembers of the CTA union compelled to pay dues as a condition of employment, write to DEMAND that you finally come clean to your members about exactly how you are spending our money and how members can get their political share back.

As a result of a class-action lawsuit filed by teachers against the CTA, union officials mailed a letter on October 15, 2005 to nonmembers informing them definitively that the \$60 annual compulsory dues increase “is targeted for political uses” and that teachers can obtain a rebate of the full amount this fall.

At the same time, however, you and other CTA officials maintain a policy that union members be kept completely in the dark about their limited rights to refrain from financing CTA union politics and electioneering, with which many members and nonmember fee payers happen to disagree.

Since when do members of an organization have even fewer rights than nonmembers?
Do you believe union members are not deserving of basic disclosure of their union’s activities or of their legal rights? Do you consider teachers to be open checkbooks to stuff your political coffers? Union members’ voices have been silenced, and their rights have been ignored.

Consequently, we have again turned to the National Right to Work Legal Defense Foundation. As you know, that charitable organization is helping some of us with a class action lawsuit to secure teachers’ due process rights and a court order that the union must disclose to all teachers, including members, how our forced dues are being spent. The suit also seeks a court order that members be notified of their right to resign from the union and object to paying forced dues spent for politics and other non-bargaining activities.

Ultimately, the court may order you to observe members' due process rights as well as nonmembers'. However, when current political spending is the issue, time is of the essence, and we have asked the Foundation to pay for a statewide mailing **now** to all CTA union members about their rights – assuming you agree to cooperate. **The Foundation has agreed to pay for the mailing. Will you cooperate?**

We understand that the CTA union's accountant filed a sworn declaration in the class-action suit admitting that the union has *already spent* the entire \$60 million in revenues anticipated from the mandatory dues increase over the next three years. He also said CTA officials are currently negotiating with a bank for an *additional* \$40 million credit line. Rank-and-file teachers like us will have to foot the bill.

We expect that, in light of the CTA union's extraordinary spending spree, you will cry poverty (despite the additional \$40 million you are currently borrowing) to avoid your legal and moral responsibility. That's why the Foundation, at our request, has offered to pay for the proposed mailing's entire cost, estimated at \$250,000.

Specifically, the Foundation is offering to pay the cost of a statewide mailing to all 335,000 CTA union members to disclose the use of the \$60 increase in their forced union dues, and to alert them to their constitutional right to resign from the union and object to paying for your \$60 million political campaign this fall. To date, union members have inexplicably not been notified of how they may reclaim such dues if they object to how CTA union officials are spending the increase.

The mailing would be printed, processed, and mailed by a third party mail shop. Foundation attorneys would review and approve the mailing to be sent to ensure it is accurate and fair. A short cover letter from the Foundation would be included with the mailing that would simply inform members of the availability of free assistance, in case they have legal questions or your union fails to honor their resignations or requests for a rebate. The Foundation would cover 100 percent of the cost of the printing and mailing.

There can be no doubt that our member colleagues are being kept in the dark about their basic rights not to be members and not to subsidize union politics.

Over the last month, many of our fellow teachers contacted the National Right to Work Foundation, having never heard of these rights until they saw news reports about the civil rights lawsuit. This is just the tip of the iceberg.

Indeed, even a poll of teacher union members recently conducted by the CTA's umbrella organization, the National Education Association (NEA) union, confirms that a high percentage of union members are not aware they can become or remain nonmembers – a precondition to paying less than full dues under your internal rules.

Presented to the NEA union's executive board in recent days, the survey commissioned for the union from Star Research found that the *top reason* new teachers join is because they believe they "have no choice."

Frankly, it's bad enough that CTA officials have obtained and continue to exercise the special privilege under California law to force us to pay union dues as a job condition – regardless of whether we are members or want anything to do with your union.

But I hope you agree that your members deserve *the same* respect you have now begrudgingly shown nonmembers – and should at least be made aware of their First Amendment right not to join and not to pay for objectionable union ideological activity. (We recognize that many teachers will not want to subject themselves to your discriminatory policies of denying nonmembers the right to vote on union contracts, as well as access to liability insurance. However, our member colleagues should at least be allowed to make this choice.)

Constitutional rights are being violated every passing day as you spend our forced union dues to pursue a political agenda with which we disagree. The U.S. Constitution aside, principles of basic fairness and good union governance dictate that our member colleagues be informed.

If you truly were spending funds *voluntarily* given, the CTA union's political activities would more accurately reflect members' views. Currently, they do not.

Please let Foundation staff attorney Milton Chappell know if you agree to this proposal within 3 business days (specifically, 10 a.m. Pacific, Tuesday, October 25). As you know, the National Right to Work Foundation can be reached toll free at 800-336-3600 and 8001 Braddock Road, Springfield, Virginia 22160. We anxiously await your reply.

Sincerely,

Judy Liegmann
Fifth Grade Teacher
Sunnyvale School District

Caroline Worthington
Literacy Coach
San Jacinto Unified School District

Colleen Hoover
Second Grade Teacher
Hesperia Unified School District

Jeralee Smith
Special Education Teacher
Riverside Unified School District

Gwynneth Morin
First Grade Teacher
Hesperia Unified School District

Patricia Ervin
Sixth Grade Teacher
Washington Unified School District

Rita Bramhall
Speech Pathologist
Riverside Unified School District

Michael Ferrari
Eighth Grade Math/Science Teacher
Etiwanda School District

Arlene Muzinich
English Teacher
Kern High School District

Martha Lakin
Special Education Teacher
Kern High School District

John Kenney
Science Teacher
Calaveras School District

Carolyn Smith
Third Grade Teacher
Garden Grove Unified

Henry De Groot
Resource Specialist
Del Mar Unified School District

Kevin Roughton
Seventh Grade Teacher
Jurupa Unified School District

Jim Hutchinson
Millikan High School
Long Beach Unified School District

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Jodi L. Serrano
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Grant Joint Union High School District

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English Teacher
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Randy Moehnke
Science Teacher
Tracy Joint Unified School District

Adrian Maaskant
Nueva Continuation High School
Kern High School District

Michael Nuzum
Special Education Teacher
Kern High School District

Larry Randazzo
Third and Fourth Grade Teacher
Placentia Linda Unified School District

Kathleen Tribble
First Grade Teacher
Buellton Union School District

Gregg Patterson
Fifth Grade Teacher
Brittan Elementary School District

Darren Miller
High School Math Teacher
San Juan Unified School District

George White
Arvin High School Teacher
Kern High School District