

UNION DUES

When Values Collide:

Teachers, unions and the charity option



Homosexual...

Opposition to religious organizations

Abortion & teen clinic advocacy

Usurping parental choice

Strikes and actions against employers

Candidates and ballot measures on t

When Values Collide:

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Evergreen Freedom Foundation

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INTRODUCTION

As a Washington state teacher, you pay an average of \$760 in dues or fees each year to the Washington Education Association (WEA) and its affiliates. Union officials will probably never tell you that a large portion of your money is used for ideological activities that aren't related to workplace representation or student academic achievement.

The union's ideological activities include controversial support of abortion and contraceptives for children, family planning clinics in schools, affirmation of homosexuality, and open attacks on religious organizations. These have all taken the form of resolutions, programs, or expenditures of the National Education Association (NEA).

Many teachers have sincere religious convictions that are violated by these causes. Fortunately, they are protected by federal law, which says the union cannot force any teacher to pay for activities that violate his or her sincerely held religious beliefs. Through a simple process, teachers can become "religious objectors." This means they are no longer members of the union and 100 percent of their dues are redirected to a charity they help choose.

You may agree or disagree with the union's social and political agenda. Regardless, many teachers believe it is wrong for union officials to charge everyone for workplace representation, but then use that money to promote their own, unrelated agenda.

FEDERAL LAW PROTECTS YOUR RIGHTS

Title VII of the federal Civil Rights Act says two things about your religious rights when it comes to union membership: 1) unions cannot discriminate against your sincerely-held religious beliefs, and 2) unions must provide reasonable accommodation for your religious beliefs.

Courts have ruled that “reasonable accommodation” includes your right to opt out of union membership. Depending on state law and specific union contracts, teachers can either keep a portion of their dues or have them redirected to a charity. In a *right-to-work* state, teachers can resign union membership and pay nothing to the union. But in *forced-fee* states like Washington, teachers must pay mandatory agency fees. Teachers who have religious objections to union activities can redirect these fees to a charity they help choose.

SO WHAT’S IN THIS BOOKLET?

This booklet documents many controversial activities of the WEA and NEA. It also provides a how-to for teachers who have religious objections to supporting these causes and choose to exercise their right to opt out of the union and redirect their dues or fees to charity.

NEED MORE INFORMATION?

“How do I know the WEA and NEA are spending my union dues to promote causes that are against my religious beliefs?” That’s the most common question we hear from teachers. If you would like to learn more about the source material behind this evidence, please visit *ichoosecharity.org*, where you’ll find: 1) more details about how the WEA and NEA spend your union dues, 2) source material and additional evidence about union expenditures and the charity option, and 3) links to other organizations and publications that provide help for religious objectors. Teachers can find the evidence they need to make a confident decision about their union and the charity option by visiting:

WWW.ICHOOSECHARITY.ORG

ABORTION



The NEA outlines its position on abortion in its own Resolution I-12, passed at the union's annual convention in 2003.

First, the resolution explains that “the NEA supports family planning, including the right to reproductive freedom.” According to the NEA’s own literature, “reproductive freedom” includes the right to have an abortion.¹

The Resolution also “urges the implementation of community-operated, school-based family planning clinics that will provide intensive counseling by trained personnel.” Many teachers believe it is the primary responsibility of parents, not schools, to provide counseling on such a controversial issue.

Finally, Resolution I-12 “urges the government to give high priority to making available all methods of family planning to women and men unable to take

“The NEA supports the right to reproductive freedom—including the right to have an abortion”

advantage of private facilities.” It is unclear whether or not this includes “private facilities” like Planned Parenthood.

Perhaps even more alarming, Resolution C-23 (2002) says, “every child should have direct and confidential access to comprehensive health, social, and psychological programs and services,” including “access to birth control methods with instruction in their use.”

Even though NEA members are forced to support these policies through mandatory union fees, the NEA isn’t required to disclose its activities. But we do know some things for certain. The pro-abortion National Organization for Women (NOW) has received financial support from the union.² And the NEA is listed on the Leadership Council of the Pro-Choice Public Education Project (PEP), which “consists of pro-choice organizations that can take the messages of PEP to each of their constituencies.”³ The Council includes about 40 other pro-abortion organizations like Planned Parenthood, NARAL Pro-Choice America, and the Religious Coalition for Reproductive Choice.

Most teachers don’t believe it is part of the NEA’s role to have an official position on abortion. An Ohio survey revealed the following: only 10% of teachers believe their professional education association should take a position in favor of reproductive freedom; 8% believe their association should be officially opposed to abortion; and 82% believe their association should take no position on the issue.⁴

HOMOSEXUALITY



The NEA readily admits that its policies and programs regarding gays, lesbians, and bisexuals “are often a source of controversy—both internally with Association members, and externally with the media, political decision-makers, and the general public.”⁵ In fact, one *Phi Delta Kappa/Gallup* poll shows that 63% of the public is against “teaching about the gay and lesbian lifestyle as part of the curriculum in public schools.”⁶ Furthermore, “if teaching about the gay and lesbian lifestyle were included in the curriculum of the local public schools,” only 9% believe it should be presented as “an acceptable alternative lifestyle.” But NEA officials are promoting just that in the classroom.

The NEA recently partnered with several other homosexual advocacy groups to produce a booklet called *Just the Facts About Sexual Orientation & Youth*. The booklet not only encourages schools to cultivate an environment that promotes homosexuality, but also plays favorites by discrediting the testimonies of former homosexuals who have walked away from the lifestyle.

Former NEA president Bob Chase left his mark on the classroom by offering a strong endorsement of a pro-homosexual video for students called *It's Elementary*:

Despite the lack of a vote, NEA President Bob Chase assigned a Task Force on Sexual Orientation, saying the NEA would not be “backing away” from the issue.

Talking About Gay Issues in School.”⁷ Chase believes “schools cannot be neutral when we’re dealing with [homosexual] issues. ... I’m not talking about tolerance. I’m talking about acceptance. *It’s Elementary* is a great resource for parents, teachers, and community leaders.”⁸ Chase also presided over the production of *Strengthening the Learning Environment: A School Employees Guide to Gay and Lesbian Issues* to help teachers nurture a pro-homosexual environment.⁹

Freida Takamura works as a field representative for the WEA while serving on the National Board of the Gay, Lesbian, & Straight Education Network (GLSEN). Takamura admits the WEA has provided financial assistance and resources to support the Washington chapter of GLSEN. She says, “Outreach has to happen at GLSEN...when we speak of students” because “their lives are still before them as healthy adults.”¹⁰ Takamura also co-chairs the “Safe Schools Coalition,” which receives an unspecified amount of money from the WEA to serve the interests of advocates for gay, lesbian, bisexual, and transgender issues.¹¹

The WEA also gave support to another gay-advocacy group called *Hands Off Washington*. WEA officials allocated \$75,000 toward defeating two initiatives related to gay rights, while offering staff support and engaging in a member outreach campaign.¹²

At the NEA’s 2001 annual convention, union officials tried to adopt a new business item directing the union to embark on activities and programs regarding homosexual policies. The issue did not gain support at the NEA convention, and was

withdrawn. However, despite the lack of a vote, NEA President Bob Chase assigned a Task Force on Sexual Orientation (TFSO), saying the NEA would not be “backing away” from the issue. The NEA spent over a year—and a lot of money—on this special 19-person task force. The result was a 68-page report that establishes NEA practice, policy, and philosophy regarding gay, lesbian, bisexual, and transgendered education and employee policies.

The TFSO report endorses a provision in collective bargaining agreements that “prohibits employment discrimination based on [sexual orientation].”¹³ Resolution B-9 (2001) calls for “positive and diverse role models in our society, including the recruitment, hiring, and promotion of diverse education employees in our public schools.” And Resolution B-7 (2001) “encourages affiliates and members to become part of programs and observances that may include cultural and heritage celebrations and history months” for gays, lesbians, and bisexuals.

The WEA co-sponsored and helped fund one such program called the *Links and Alliances 99 Conference*, which invited children as young as 14-years-old to join in sexually related relationship discussions with adults up to 20-years-old.¹⁴ The conference featured workshops on emotions, dating relationships, and safe sex, and consummated with an evening dinner and dance.

Regarding employer-provided fringe benefits, the TFSO report says, “there is still a long way to go in order to achieve the desired equal treatment for gay, lesbian, bisexual, and transgendered education employees.”¹⁵ At the same time, Resolution F-11 (2001) asserts that “domestic partners...should have equal access to all benefits” enjoyed by educational employees. Thus, it is no surprise that the National Organization for Women (NOW) has received NEA financial support¹⁶ while promoting same-sex marriages.

PARENTAL CHOICE & RESPONSIBILITY



Education experts cite a study of the first eleven states that adopted charter schools in saying that “much of the opposition to the laws came from teachers’ unions. In Michigan and Minnesota, NEA state affiliates intimidated and threatened universities planning to start charter schools. State affiliates announced that they would, among other things, use their power to hinder university students from teaching in the community.”¹⁷

The NEA and WEA seem bent on usurping parents’ authority over the education of their children, and through various resolutions the NEA consistently takes aim at educational options that give more power and choice to parents:¹⁸

- Home-schooled students should not be allowed to participate in any extracurricular activities in the public schools, *even if funding is provided by the state*¹⁹ (B-69, 2003, emphasis added).

- Public schools should assume a leading role in sex education by providing information on birth control, diversity of sexual orientation, sexually transmitted diseases, incest, and sexual abuse (B-32, 1992).
- Children should have direct confidential access to health, social, and psychological services, including access to and instruction in the use of birth control (C-22, 2001).
- Public schools should have early childhood education programs *for children from birth through age eight* that include “developmentally appropriate and diversity-based curricula” (B-1, 2003).
- Schools should provide counseling for kids who are struggling with sexual orientation (C-24, 1992).
- Teachers and librarians should be able to choose curriculum and books without censorship (E-3, 2001).

Resolution B-39 (2001) implies that “freely available information and knowledge about sexuality” is necessary “to facilitate the realization of human potential.”

Resolution B-40 (2001) explains how “appropriately established sex education programs should include information on...diversity of sexual orientation...[and] homophobia.”

Resolution B-68 (2001) claims that “home schooling programs cannot provide the student with a comprehensive education experience.” And according to NEA spokeswoman Kathleen Lyons, B-68 expresses the “long-standing position of the

Children should have direct confidential access to health, social, and psychological services, including access to and instruction in the use of birth control.
(NEA Resolution C-22, 2001)

association.”²⁰ Lyons also implies that the NEA is better equipped than parents to choose what’s best for their children: “It’s our feeling that public schools are the best choice for parents. What we want to do is to ensure that that truth is more than our belief—that it is a fact.”

Representatives of the Marysville Education Association (MEA) certainly believe schools should have more say in where, how, and when children are educated. Responding to an injunction brought against the union and district by strike-weary parents in October 2003, union attorney Mitch Cogdill said: “The parents have absolutely no standing to bring this lawsuit.” They “are not real parties in interest to any dispute between the Marysville School District and the Marysville Education Association.”²¹

Many faiths require that parents maintain primary responsibility for educating their children about certain issues. Many in the Christian church believe that Proverbs 22:6 commands parents to “train a child in the way he should go, and when he is old he will not turn from it,” while Deuteronomy 6:5-7 declares: “Love the Lord your God with all your heart and with all your soul and with all your strength. These commandments that I give you today are to be upon your hearts. Impress them on your children. Talk about them when you sit at home and when you walk along the road, when you lie down and when you get up.”²² For some who believe in the Bible, these are marching orders, not suggestions. Many people of faith are compelled to honor commands like these because they—not the NEA—will be held accountable to them.

FREEDOM OF ASSOCIATION



Washington state teachers must pay an average of \$760 to the NEA and its state affiliates each year or find another job, unless they jump through union hoops to become objectors. This forced association violates the religious convictions of some teachers.

In *“Regarding My Religious Beliefs Concerning Unions,”* Charles W. Baird, Professor of Economics at California State University states that “the obligations of Christianity, whether Protestant or Catholic, include abstinence from all forms of coercion....”²³ He appeals to several papal encyclicals in explaining that workers should never be forced to “join or support unions whose actions are either unchristian or contrary to the public interest.” As Baird understands Pope Pius XI, “freedom of association clearly includes the freedom not to associate.”

Reverend John A. Heys of the Protestant Reformed Church of America further explains that practicing Christians may not be “unequally yoked” with unbelievers. He says union membership “may not be sanctioned when it puts one in the position where he will have to behave contrary to the words that proceed from God’s mouth. Unequally yoked with the unbeliever, he will have

to do things the unbeliever's way."²⁴ He also believes that "joining a union of unbelievers, swearing loyalty to its constitution, [and] voluntarily sitting down with them to make policy is agreeing to a program" that is often contrary to a biblical worldview.

Several churches also have statements of faith that caution against association with a union under certain circumstances:

Christian Reformed Church of America: "Church membership and membership in a labor union are compatible as long as the union does not warrant or champion sin in its regular activities. Church members should discontinue membership in any unions whose common practices are clearly in conflict with the principles of the Word of God. Christian conscience cannot condone membership in a union if it continues in sinful practices in spite of protests against them."²⁵

Roman Catholic: "The role of unions is not to 'play politics' in the sense that the expression is commonly understood today. Unions do not have the character of political parties struggling for power; they should not be subjected to the decision of political parties or have too close links with them. In fact, in such a situation they easily lose contact with their specific role, which is to secure the just rights of workers within the framework of the common good of the whole of society; instead they become an instrument used for other purposes."²⁶

Seventh-day Adventist: "A Seventh-day Adventist cannot either join or support a labor union because: 1) His allegiance to Christ forbids it. 2) The Scriptures do not permit it. 3) The Law of God rejects it. 4) The Spirit of Prophecy counsels against it. 5) The law of service does not harmonize with it. 6) It is contrary to baptismal views. 7) The Seventh-Day Adventist Church clearly exhorts otherwise."²⁷

TEACHER STRIKES



For teachers who have religious reasons for abstaining from labor strikes, union membership presents a sticky situation. Section 4(c) of the WEA Bylaws²⁸ threatens that its members may be “expelled or suspended from membership, censured, and/or fined” for “working as a strikebreaker” or “crossing a picket line of any WEA affiliate in the event of a work stoppage.” Teachers aren’t even allowed to “give information to a struck employer which tends to undermine the position of the WEA and its affiliates.” Under these bylaws, teachers who join the union may be forced to strike against their will or be prohibited from exercising free speech if their opinion differs with union policy.

Several walks of faith take strong positions against participating in a strike. Reverend John A. Heys of the Protestant Reformed Church of America believes there is a “magnified evil in the strike, for then the demand is enforced with a threat. In the strike the employee assumes the position of being the authority. For by the strike he declares, ‘You cannot take my job away; but I can do you

Teachers who join the union may be forced to strike against their will—and they are not allowed to exercise their free speech if their opinion doesn't line up with union policy.

much harm by stopping production for you.' Where, in all this, is the honor God's Word demands of the employee?"²⁹

Heys appeals to several biblical passages that demand submission to those in authority. Colossians 3:22 issues the following command: "Servants, obey your earthly masters in everything; and do it, not only when their eye is on you and to win their favor, but with sincerity of heart and reverence for the Lord," and 1 Peter 2:18 demands submission even under trying circumstances: "Servants, submit yourselves to your masters with all respect, not only to those who are good and considerate, but also to those who are harsh."³⁰

Heys further explains, "No one denies the employee in our system the right to refuse to work for an unjust and cruel employer. Let him quit and seek work elsewhere if his unreasonable master will not heed his reasonable requests."³¹ But under some forms of religious expression, this freedom does not give employees the right to threaten or dishonor their employers.

In "*Regarding My Religious Beliefs Concerning Unions*," Charles W. Baird, Professor of Economics at California State University, confesses to witnessing "many episodes of gratuitous violence during [union] strikes that took place in my home town."³² Baird explains how his father—an unwilling union member—taught "that the violent strikers, who were almost all professing Christians, were hypocrites because Christianity forbids such behavior."

Participating in a strike amounts to hypocrisy in some religious traditions.

Baird takes his belief a step further, claiming strikes are in conflict with the teaching of the Catholic church for two reasons: 1) through coercion and compulsory association, strikes do not allow individuals to express their God-given freedom of choice to work during a strike; and 2) he believes Pope John Paul II would consider such behavior an abuse of society by withholding goods and services from the general public. He concludes by stating: "I cannot support a labor union that seeks to limit rights I believe are God-given," and "I sincerely believe that I am forbidden by my religious convictions to support the [union] in any way."

ATTACKS ON RELIGIOUS ORGANIZATIONS



The NEA can't hide its malice toward religious organizations in Resolution C-14 (2000), which condemns “extremist” groups. According to NEA publications,³³ the extremists “include groups or parents with a conservative religious affiliation who criticize the public schools for one reason or another.”³⁴ The NEA specifically warns against groups like Concerned Women for America, Eagle Forum, Family Research Council, Christian Coalition, American Family Association, Focus on the Family, and the Traditional Values Coalition.

More religious angst appears in an NEA newsletter called *In Brief*. Here, the NEA defines the “radical right” as “a wide range of groups including free-market conservatives, anti-government and anti-union ideologues, and religious fundamentalists with a political agenda.”³⁵ The NEA charges that “radical right extremists...would exclude and devalue people who are poor, people of color, and people who are in any way different from them.” According to the NEA, “the ultimate aim of the extreme right is the destruction of public education in

America.” The union further categorizes the “right wing” as “religious zealots and blatantly racist hate groups.”

In an apparent attempt to neutralize this “radical right” the NEA supports a number of groups that openly attack religious organizations. One such group is People for the American Way (PAW), which has received \$654,000 from the NEA during the past decade.³⁶ PAW refers to organizations like the American Family Association, Christian Coalition, Concerned Women for America, Eagle Forum, Family Research Council, Focus on the Family, National Right to Life Committee, and Traditional Values Coalition as the “radical right” that seeks to divide America, destroy public education, and persecute homosexuals.

The National Organization of Women (NOW) is another group that receives financial support from the NEA while condemning religious groups.³⁷ Regarding legislation to define marriage as the union of a man and woman, NOW levels the following charge: “This anti-gay and anti-marriage initiative comes from the same right-wing crowd that claims to be pro-marriage and pro-family. This mean-spirited attempt at enshrining marriage discrimination in the Constitution reveals that their true agenda is not marriage and family promotion but discrimination and exclusivity.”³⁸

The American Civil Liberties Union (ACLU) authored a study called *Report on the Religious Right in Washington State*,³⁹ which takes aim at

The NEA specifically warns against groups like Concerned Women for America, Eagle Forum, Family Research Council, Christian Coalition, American Family Association, Focus on the Family, and the Traditional Values Coalition.

groups like the American Family Association, Christian Coalition, and Focus on the Family. The report was financially supported by the WEA (along with the Lesbian and Gay Rights Project of the American Civil Liberties Union Foundation). Frieda Takamura of the WEA and GLSEN is also mentioned as a research assistant for the project.

The ACLU report also promotes a publication called *What's Left After the Right: A Resource Manual for Educators*, by Dr. Janet L. Jones. The manual was written for the WEA and funded by the NEA. Its stated goal is to provide basic background information about the “Far Right Movement” and “stimulate more in depth investigations of the Righteous Right.” *After the Right* mentions several “ultra-conservative” organizations as supposed enemies of public education: textbook critics Mel and Norma Gabler, the Heritage Foundation, Pro-Family Forum, Concerned Women for America, Eagle Forum, the American Freedom Coalition, and the National Association of Christian Educators/Citizens for Excellence in Education.⁴⁰ Jones then attacks “the philosophical foundation of ultra-conservatism” while identifying the following causes that receive conservative support: home schooling, traditional family rights, creationism, American patriotism, right-to-life, and school prayer.

Much like PAW, the ACLU fears that groups like the Christian Coalition and Focus on the Family “have built a powerful political apparatus—a network of national and local organizations, mailing lists, media, and training schools, with an ability to mobilize followers quickly.” The ACLU also observes that the Christian Coalition “is structured like a political party, organized to exert influence from the precinct to the national level.” Ironically, this description would fit the NEA if not for one major difference—teachers are forced to pay for politics, while the Christian Coalition gives its members a choice.

CANDIDATES WITH CONFLICTING BELIEFS



Confirming its political agenda, the NEA Task Force on Sexual Orientation believes the union should “develop, and make available to affiliates, model legislation” for prohibiting employment discrimination based on sexual orientation, and “offer legal, technical, and other support services to affiliates that are seeking to enact this type of state/local legislation where it does not exist, and to strengthen such legislation where it does exist.”⁴¹

Education policy experts explain that “membership dues from the general fund are used to support [the NEA’s liberal] agenda both directly (e.g., soft-money contributions to the Democratic party) and indirectly (e.g., paying political staff, purchasing materials used to collect NEA-Fund assets, employing political directors who coordinate fund-raising, setting up computer networks, and printing or distributing literature asking for PAC contributions).”⁴²

The NEA “employs more full-time paid political operatives than the Democratic and Republican parties combined.”

In the same manner, each year the WEA’s Political Action Committee (WEA-PAC) reports receiving “in-kind” contributions from the WEA general fund, which is financed through member dues. These contributions are usually in the form of employee services, consulting services, legal fees, meeting expenses, overhead, and supplies. The value of employee services alone usually exceeds \$10,000 per month. Between 2000 and 2003 the WEA contributed over \$900,000 from its general fund to the WEA-PAC.⁴³

According to the *Washington Times*, the NEA’s chief lobbyist openly admits the NEA will try to replace President Bush with a Democratic president in 2004 by targeting the 16 most contested states of the 2000 elections.⁴⁴ Randall J. Moody, the NEA’s federal policy manager, expresses the same sentiment by saying, “we may find some right-wing Republicans that we can take out” in House and Senate races. Moody also says the NEA will recruit “moderate” House and Senate candidates; conduct polling and raise funds for candidates it supports; provide direct mail to members; and “turn out the vote.”

During the 2000 presidential race, the NEA sponsored four paid political operatives to work on the Al Gore Florida campaign. Forms filed with the Federal Election Commission show the union spent more than \$1 million on phone calls, email, and direct mail efforts to support Gore in the *first two weeks* of October alone—all in one state. The Education Policy Institute notes that the NEA “employs more full-time paid political operatives than the Democratic and Republican parties combined.”⁴⁵

The NEA ranked as the third-largest contributor to political candidates and organizations in the entire nation during the 1998 elections—and of the NEA’s \$3.4 million contribution, 95% went to Democrats and 5% to Republicans.⁴⁶ But these numbers fall short of reflecting the true diversity within the NEA. In fact, the NEA conducted a survey of its own membership to determine voter registration, and found the following results:⁴⁷

Democrat	Republican	Independent	Undecided
49%	33%	15%	3%

A similar survey of union members taken by the National Center for Education Information found these results:⁴⁸

Democrat	Republican	Independent	Undecided
42%	29%	25%	4%

Yet still the NEA leadership team endorsed Democrat Bill Clinton for President in 1992.⁴⁹ And since 1979, the NEA has only endorsed and provided resources for the election of Democratic presidential candidates.

The NEA’s presence at the National Party Conventions is also heavily slanted toward liberal politics, as the following numbers of NEA Delegates and Alternates indicate:⁵⁰

Year	Democrat	Republican
1996	416	34
1992	365	25
1988	380	32
1984	370	28
1980	481	19
Average	402	28

In light of this evidence, it is hard to believe former NEA President Keith Geiger’s claim: “As one of the most democratic organizations in the world, NEA policy reflects the different perspectives of the association’s vast and diverse membership and the students they serve.”

HOW TO BECOME A RELIGIOUS OBJECTOR



The following guidelines will be helpful if you are considering becoming a religious objector and want to redirect your union fees to charity. However, we also urge you to seek knowledgeable legal advice regarding your specific case. The National Right to Work Legal Defense Foundation (NRTW) will provide legal assistance free of charge to anyone who has a sincere religious objection to financially supporting union causes. Please see page 31 for more information.

Religious objectors can be certain that 100 percent of their union fees are directed to charities they are comfortable supporting, instead of causes that violate their religious beliefs. The process is simple:

1. Consider your religious beliefs and show how they conflict with union practice.
2. Communicate your religious objection to your union and employer in writing.
3. Cooperate toward a solution to your religious objection.

1. CONSIDER YOUR RELIGIOUS BELIEFS

Legal experts advise teachers to begin the religious objection process by identifying a sincerely-held religious belief that is in conflict with a union practice or policy. Courts often define protected religious beliefs by ruling that there must be a conflict between the employee's religious conviction and a work requirement (i.e., paying fees to a union that promotes causes that violate your religious beliefs).⁵¹

Title VII of the Civil Rights Act does not cover political or philosophical beliefs; it only protects sincere religious beliefs. There is one key question for determining whether a belief is religious instead of political or philosophical: Is the belief based on an obligation to some "higher power" (e.g., a supernatural being, multiple gods, a spiritual force)? Are you simply opposed to unions and their politics in general, or does a faith-based obligation require you to break ties with the union?⁵² If your religious beliefs will be violated by supporting the union, then you are qualified to become a religious objector.

2. COMMUNICATE YOUR RELIGIOUS BELIEFS

After identifying a conflict between your religious beliefs and financial support of the union, the law requires that you communicate with your union and employer about the conflict. The best way to do this is through a religious accommodation request letter. This is not the time to condemn or preach against immoral union policy. Instead, the letter should be designed to inform the union and employer about the conflict and persuade them to cooperate with you in working out a solution.

According to NRTW attorney Bruce Cameron, the letter should include a few simple elements. First, you should describe the offensive practice or policy (i.e., paying union fees to promote abortion or homosexuality) and then briefly state that this work requirement is in conflict with your sincere religious beliefs.

Next, explain your religious beliefs. If they are based on the Bible, cite passages that support your beliefs. If your conviction is based on some other authority, such as religious teaching or church doctrine, then quote the authority and explain how it influences your belief. At this point it also helps to describe how your beliefs have made a practical impact on your life.

Finally, your letter should ask the union and employer to accommodate your religious beliefs by allowing you to redirect your union fees to charity. It is a good idea to suggest a few different charities. When choosing a charity, be aware that teachers usually are not allowed to designate either religious or labor charities. There are some cases in which religious objectors have been permitted to redirect their fees to their own church or a religious association, but this is not common. Regardless, you should ask the union to place your dues in escrow until the issue has been resolved.

If you would like free legal assistance with your letter, please contact the Evergreen Freedom Foundation. We will direct you to Bruce Cameron of NRTW, who will review your letter and offer some helpful suggestions.

Once your letter is complete, you should send a copy to affiliates at each level of the union (local, state, regional, and national) that receives a portion of your dues, as well as your employer, and any supervisors who can help accommodate your beliefs. Be sure to date the letter, as the union will have 60 days to respond. It is best to send these letters certified, return receipt requested.

Please see page 31 for more information regarding your religious accommodation letter.

3. COOPERATE TOWARD A SOLUTION

Although the law requires unions and employers to work toward an accommodation once they're aware of your religious objection, common sense (and some case law) suggests you cooperate with them in settling the religious conflict.⁵³ While Title VII guards against religious discrimination, it also offers some legal protection for unions and employers: they do not have to offer an accommodation that causes them undue hardship. The U.S. Supreme Court has defined "undue hardship" as a minimal cost.⁵⁴ Such a low standard should compel you to work toward a solution that will be convenient and cost-effective for the union and your employer.

TROUBLESHOOTING

Cameron estimates that of those who ask to opt out, 98% receive an accommodation without difficulty. Even so, there are a few things to consider in case unions try to stand in the way of your rights.

Unions cannot insist that you belong to a specific church before granting a religious accommodation. If your beliefs are supported by church doctrine or a letter from clergy, it is best to provide these resources to the union. However, court decisions only require employees of faith to have sincere and personal religious beliefs.

Also be aware that unions cannot specify any time restriction for submitting a religious accommodation request. Federal law does not impose any such condition. Don't be fooled if the union tries to say you've run out of time and it is too late to make a religious accommodation request—even if it is written into your contract. Teachers are allowed to determine for themselves when they come to a point where supporting the union violates their sincere religious beliefs.

If the union refuses to accommodate your religious beliefs, this may be an act of religious discrimination. In such a case, we recommend that you immediately consult NRTW attorney Bruce Cameron for advice. He will advise you to file a religious discrimination charge with your local branch of the Equal Employment Opportunity Commission⁵⁵ (EEOC). You should also file a charge with the Washington Human Rights Commission⁵⁶ (HRC). These two organizations will cooperate to investigate your claim, but neither has the authority to force an accommodation.

If your religious accommodation request is denied, it is best to file charges within 180 days. (In Washington, this time period can be extended to 300 days.) Cameron offers a few suggestions for filling out the charge: 1) Make sure the description of your religious beliefs is accurate and consistent with your accommodation request letter to the union. 2) Include the name and address of every entity that failed to accommodate you, or you may lose the right to pursue further legal action against that party. 3) Avoid referring to any specific statute—simply state the facts regarding the union or employer's failure to accommodate your beliefs.

After charges have been filed, the EEOC will contact the parties involved and begin an informal investigation process. During the investigation, the EEOC will act as a neutral third party to shed light on all the facts and to resolve the case. There are several possible outcomes: 1) Simply hearing from the EEOC

may cause the union and employer to settle the case once they realize you're serious about protecting your religious rights. 2) An agreement may be reached during the EEOC process. 3) The EEOC may go to court and file suit against the parties listed on your charge at no cost to you. 4) The EEOC also may choose to take no further action if an agreement is not reached. At this point you would have 90 days to pursue the matter personally in court.

COUNT THE COST

Teachers should be aware that they may lose some benefits by opting out of the union. Unions typically prevent nonmembers from: 1) holding union office, 2) voting on union elected officers, and 3) keeping their union-provided legal liability insurance. Some locals also may prevent nonmembers from voting on workplace issues like their contract.

However, there are some options to either protect or replace these benefits. For instance, federal law prohibits a union or employer from discriminating against nonmembers in the wages, benefits, or other employment conditions covered by a collective bargaining agreement. This means religious objectors will keep the same pay, benefits and seniority as union members.

Teachers also have other options for securing liability insurance apart from the union. Most school districts provide coverage for their teachers. If this is not an option, many renter or homeowner insurance policies will allow the addition of a liability clause to the policy.⁵⁷

As an alternative to the WEA and NEA, many independent teacher organizations offer liability insurance. In many cases, these policies provide more comprehensive protection for teachers. For example, policies provided by the school district and union are often written on behalf of the organization, not the individual teacher. This gives the district and union power to decide how far they will represent each teacher based on the organization's best interest. On the other hand, independent teacher associations often offer insurance policies that are written for the individual teacher. This gives teachers the freedom to choose an independent attorney to represent them.

Some independent teacher associations offer teacher scholarships, classroom grants, regional workshops, member newsletters, resource exchange networks,

and national conventions. This sounds similar to the NEA, but there is at least one major difference: these organizations do not use member dues to promote issues that are unrelated to workplace representation and education. Instead, groups like Northwest Professional Educators and the Association of American Educators focus on issues directly related to the classroom.

INDEPENDENT TEACHER ORGANIZATIONS:

Northwest Professional Educators

P.O. Box 28496
Spokane, WA 99228-8496
Phone: 800.380.6973
Website: www.nwpe.org
Email: info@nwpe.org

Association of American Educators

25201 Paseo de Alicia, Suite 104
Leguna Hills, CA 92653
Phone: 949.595.7979 or 800.704.7799
Website: www.aaeteachers.org
Email: info@aaeteachers.org

Christian Educators Association International

P.O. Box 41300
Pasadena, CA 91114
Phone: 626.798.2346 or 888.798.1124
Website: www.ceai.org

READ THIS BEFORE SENDING YOUR LETTER TO THE UNION!!!

Bruce Cameron of the National Right to Work Legal Defense Foundation (NRTW) has personally represented clients in at least twenty-three states. As part of the free legal aid provided by the NRTW, he offers to review your religious accommodation letter before it goes to the union.

According to Cameron, this is especially important in those rare cases where a religious accommodation request is denied and the EEOC is unable to negotiate an accommodation or unwilling to pursue the matter in court. Cameron says, “It’s crucial for these letters to be well-written because the content of your religious accommodation letter will have a substantial impact on the outcome of your accommodation request. If the matter goes to court (which is rare) the content of the religious accommodation letter is critical.”

Using a sample letter or relying on a letter written by another religious objector is a trap. Cameron notes, “Unions and courts look on copied religious accommodation letters much like teachers look on copied homework. If you are sincere, you ought to be able to write your own letter.” Instead, Cameron says, “Make it personal and use this basic outline: 1) explain what it is about the union that creates the conflict with your religious beliefs, 2) explain your religious beliefs in some detail, and 3) tell the union what it will take to resolve the problem. Offer a solution.” The most common solution to these kinds of cases is to redirect the union fees to charity.

The process is simple and effective. Cameron estimates that of those who ask to opt out, 98% receive an accommodation without difficulty. Then, if an employee has any trouble, NRTW is available to provide the funding to ensure the success of every sincere religious accommodation request.

If you would like to become a religious objector and take advantage of the free counsel offered by Bruce Cameron and the National Right to Work Legal Defense Foundation, please contact us by mail, email, or fax:

Evergreen Freedom Foundation

PO Box 552

Olympia, WA 98507

Phone: 360.956.3482

Fax: 360.352.1874

Email: ichoosecharity@effwa.org

Web: www.ichoosecharity.org

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