



Teacher's Case Shows How Union Workers Can Re-Direct Dues to Charity

by Robert P. Hunter

Summary

Workers whose religious beliefs prevent them from paying union dues should be heartened by the recent case of one public school teacher. Religious objector Rawland Storm recently won his bid to re-direct his union dues to a charity of his choice, as is his—and all religiously objecting workers'—legal right.

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Title VII of the Civil Rights Act allows persons who object, on religious grounds, to paying union dues to give their money to a charitable organization instead.

Rawland Storm, a teacher in Wayne County's Livonia school district, is a man on a mission.

Recently he attempted to persuade his union, the Michigan Education Association (MEA), to take seriously his conscientious religious objections to having his dues support the union's ideological causes. Storm's ordeal offers hope for union members in similar circumstances.

Title VII of the Civil Rights Act allows persons who object, on religious grounds, to paying union dues to give that same money to a charitable organization instead. The provision is not restricted to employees who are bona fide members of organized religious groups, but includes those with "sincerely held religious beliefs."

Although Storm's objections were religiously based, he didn't know about Title VII. And his union wasn't about to tell him. Although they aren't required by law to inform members of their rights under Title VII, unions are notoriously derelict about informing members of their rights—as required by law—under two U.S. Supreme Court decisions (*Beck* and *Hudson*), which protect private- and public-sector union members, respectively, from having their dues misused. Storm initially asserted his "Hudson" rights, believing this was his only course of action.

As soon as Mr. Storm learned—through a study offered by the Mackinac Center for Public Policy—that he could assert his religious objections legally, he wrote his local union a letter offering his resignation. In addition, he declared his intention to have an amount of money equivalent to his union dues sent to a charity of his choice, which is his legal right.

Upon receipt of the letter, Storm was called before the Livonia Education Association (LEA) "Board of Reference." There, members grilled him about the sincerity of his religious faith and convictions and required that he point out his specific religious objections at all levels—local, state, and national.

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Forced to concede the legality of Storm's religious objections, the union ruled he would continue to pay \$71 in dues to his local union because it espoused "no objectionable agenda." While the board did relieve him of a \$580 annual payment to the National Education Association (NEA, the MEA's parent union) and the MEA, it required him to immediately send a check for this amount to the Livonia Clothing Depot, a charity, before his objection could be accepted. In other words, the union would not recognize Storm's religious objection unless he paid his contribution to an alternative charity on the spot, rather than being allowed to make payments, the same as he would if he were paying dues to the union. In addition, the board implied that Storm may be required to go through the same cumbersome "convince the union board" procedure every year, year after year.

It ought to be a simple matter for the union, as a membership service organization, to take the word of an honestly motivated religious objector instead of making a federal case out of every request. Tactics like these are what recently prompted the federal Equal Employment Opportunity Commission (EEOC) to prosecute the NEA and some of its affiliates in an Ohio case to stop the harassment of teachers whose sincerely held religious beliefs prevent them from supporting a union. While the federal case will take time to resolve, its results should help Michigan teachers like Rawland Storm deal with tactics their unions use to discourage them from exercising their religious freedoms.

Meanwhile, no one except Storm's local union knows whether the EEOC's prosecution in Ohio had anything to do with it, but the union has changed its poor treatment of Storm and is accommodating his financial concerns. His dues that are to go to a charity will be broken down into three equal payments throughout the year. The local union representative has further stated that one letter expressing Storm's religious beliefs as being sincere and non-changing should be all that is necessary to keep him from having to go through this whole process again.

More than likely, Storm's claim initially met resistance from the tough union bureaucracies at the state and national levels, whose edicts local unions fear to ignore. Later, the local union became willing to do what is right and fair. This may indicate a new recognition among the union higher-ups that the law gives union members a clear religious objector's option.

And that would be good news for all union members.

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(Former National Labor Relations Board member Robert P. Hunter is director of labor policy with the Mackinac Center for Public Policy, a research and educational institute headquartered in Midland. More information on labor law and reform is available at www.mackinac.org. Permission to reprint in whole or in part is hereby granted, provided the author and his affiliation are cited.)

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Michael D. LaFaive
Research Project Manager
140 West Main Street
P.O. Box 568
Midland, MI 48640

Phone: (517) 631-0900
Fax: (517) 631-0964

www.mackinac.org
LaFaive@mackinac.org