

Free Speech, Civility, and the Campus Community

By Bradford Wilson



Bradford Wilson

We've all read the reports of the anthropology professor at Columbia University who, at an anti-war teach-in, told the students and faculty in attendance that "the only true heroes are those who find ways that help defeat the U.S. military," and that he wished for "a million Mogadishus." Those of us who remember the television coverage of the mutilated bodies of American soldiers being dragged through the streets of Mogadishu by jubilant henchmen of a ruthless warlord, or who have read the book or seen the film *Black Hawk Down*, know of what the Ivy League rationalist dreamed.

I consider the Columbia professor's remarks to be nauseating, just as I now regard as terribly wrong-headed and reckless much of the speech that was spoken through bullhorns at my campus in the early 1970s. But the intellectual scandal of the overheated and even bloodthirsty rhetoric of the Columbia professor, or of the campus radicals of my college days, does not, I think, warrant the University's suppression or punishment of their speech. Columbia's president, who distanced the institution from the professor's "shocking" statements without explaining what was shocking about them, seems to agree.

There is a deeper and far greater threat to freedom of speech, and even of thought, on the campuses than any real or imagined reaction to the likes of the Columbia professor. It is an orthodoxy that, in the name of diversity and multiculturalism, has elevated sensitivity over the love of truth, political consensus over disinterested inquiry, intolerance of disagreement, and contempt for "Western civilization" over political and intellectual pluralism. To accuse someone of not favoring diversity, Allan Bloom once said, is "enough to send him scampering with his tail between his legs." To think aloud,

in a critical spirit, about diversity is impiety. To do so in private is to commit a sin.

The consequence is that entire domains of interesting and valuable human inquiry have been cordoned off from intellectual life. To speak, however dispassionately, about race or gender in ways unapproved by the multiculturalists orthodoxy is to risk ostracism. Indeed, on some campuses, one risks investigation and possible punishment by campus disciplinary boards and university officials who have been counseled to value equality and sensitivity over liberty, and vigorous and sometimes discomforting intellectual assertion and debate.

This phenomenon, where it has taken hold, poses a serious challenge to the life of the mind. Just as scholars in my college days suppressed their historical knowledge and experienced political judgment so as not to alienate those with no patience for detached inquiry and civil debate, so today there is an eerie silence on many campuses about many subjects that would benefit from such inquiry and discussion.

Let me take just one example, the question of race-based affirmative action in student admissions. I have been struck by the lack on the campuses of open conversation and debate on this interesting and controversial topic, so useful to thinking, for instance, about different perspectives on the American experience and on what it means to be an American. While most colleges and universities have by now held numerous public forums on the war against terror or the war in Iraq, and no doubt devoted many a classroom to the subject, I have noticed very few forums examining or debating in a scholarly fashion the justice, wisdom, and legality of racial preferences—despite the fact that the Supreme Court has issued a landmark ruling on the subject.

That's not to say the topic hasn't been discussed—it has, but in the manner in which the Vietnam War was discussed in the late 1960s and early 1970s—by means of one-sided teach-ins and campus rallies. That is no substitute for scholarly debate.

What can possibly explain this lack of open and balanced discussion of such a fascinating question so relevant to the concerns of students, faculty, and administrators alike? It is not that our sensitivity to discussions of race and quiet acquiescence to the current pro-affirmative-action orthodoxy on the subject have simply taken it off the table as a fit subject for inquiry? To ask questions is forbidden;

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 only the repetition
 of the correct answers
 is to be tolerated.

only the repetition of the correct answers is to be tolerated. And what is the consequence? The orthodox are licensed to stick stubbornly by their own convictions without ever having to defend or to reconsider them.

Now it is obvious that the principle of free speech can't explain the organization of academic life. By itself, it cannot justify the disciplinary structure, the content of the curriculum, the

awarding of credentials, and the evaluation of teaching and scholarship. A geography student cannot reasonably object to the "F" he received on his essay arguing in favor of the flat earth theory on the ground that he was merely exercising his right of free speech. Nor can professors appeal to their rights of free speech when they refuse to teach introductory courses in their disciplines. Incompetence and malfeasance can't be rescued from the hall of shame by appeals to free speech. So we know there are limits.

But we also know the centrality of freedom of speech to the academic enterprise.

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 Campus Community"*

An American Educator!

A Word from Our Executive Director, Gary Beckner

In my annual travels around this country, it is a privilege to be able to get to know some of our members better. Every once in a while I meet one that personifies what AAE is all about and reminds me of why we started this organization nearly a decade ago. Victoria (Vicki) Heggem is one of those members.



Victoria Heggem

Vicki began her teaching career in the late 1970s at a private Christian school in Sun Valley, California. Shortly thereafter, with the birth of her daughter, Brittany, Vicki left the classroom and devoted herself to raising her child until

Brittany was prepared to enter elementary school. In 1990, Vicki returned to the classroom as a teacher in a public elementary school in Arcadia, California.

At the new teacher orientation, Vicki was handed the orientation paperwork that included a payroll deduction form for membership in the California Teachers Association (CTA) and its local affiliate. There then followed the usual brief and blunt explanation that this is simply the way it is in an “agency shop” state; that is, a teacher must belong to the union and pay dues for its “representation.” Believing she had no choice, Vicki signed the forms.

Within a month or two, she began to receive bulletins and newsletters from the NEA, the CTA, and the local union. Vicki was one of those teachers who actually took the time to read those newsletters. As time went by, she became increasingly uncomfortable with what she was reading. Although she wasn't necessarily disappointed with her local union, she began to realize that the CTA and NEA didn't represent her views. In fact, they promoted positions and contributed to political candidates that were diametrically opposed to her views and violated her religious beliefs. But what upset her even more was they were spending her dues to promote causes she would never spend her own money on if she had a choice. Vicki had reached that point (like many of you did) when she began looking for options. She found one of them when another AAE member handed her a brochure about the AAE. That AAE member was Pann Baltz, a former California Teacher of the Year and a Disney

Corporation National Teacher of the Year. Pann is now retired from teaching and Vicki says she is sorely missed.

After calling the AAE office, Vicki discovered that she didn't have to actually belong to the union in order to teach in California. However, because California was an agency shop state, she would still be required to pay a hefty portion of the union's dues for “collective bargaining” and such. Vicki also discovered that she could opt to become a religious objector whereby all of the union's dues she was being forced to pay could be redirected to a charity. Vicki chose this option but that meant the union would drop her from its liability insurance plan. This is another less than subtle intimidation tactic the union uses to try to discourage teachers from choosing to become religious objectors or “agency fee-only payers” (see editors box below). But bless her heart, Vicki was more than happy to voluntarily pay the AAE membership fees of \$125 on top of the \$736 the union was taking out of her paycheck! And as a member of the AAE, she discovered she would receive a better liability insurance policy anyway.

Vicki was content with this arrangement – for awhile. It didn't take long for another one of the union's unscrupulous tactics to begin to rankle this little lady. The union required religious objectors to pay the union dues for a full year, in one lump sum at the start of the school year (whereas regular members can pay their dues monthly and through payroll deduction). After repeated requests for relief from this patently unfair

and punitive requirement were denied, Vicki turned to our good friends at the National Right to Work Legal Defense Foundation (NRTW) for help.

With free legal assistance from NRTW attorneys, Vicki filed suit against the CTA and its affiliates, the Arcadia Teachers Association and the National Education Association. This is a great story of how one person can make a difference! On January 16th of this year, rather than face an adverse judgment in a religious discrimination suit, California Teachers Association officials agreed to honor Vicki's request. She no longer has to pay her dues up front, and they are now being redirected to her designated charity on a monthly basis.

My wife and I recently visited with Vicki and her husband, Rex, to see how she was doing. Vicki said that she has never experienced any negative repercussions for taking

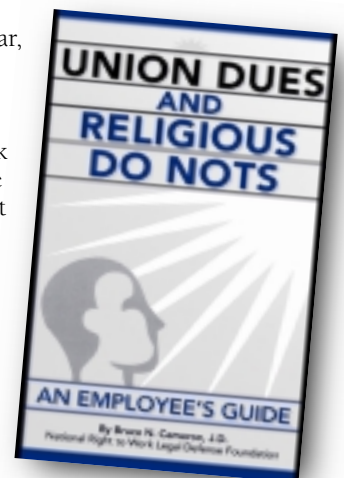
the stand she has taken. To the contrary, she said many of her colleagues have offered enthusiastic support, a kind of “You go girl” pat on the back. Still, Vicki says it is a mystery why more of her colleagues, especially those who fellowship with her at her church, don't stand up for their beliefs, quit the union, and join true professional alternatives like the AAE. We shared that it is a mystery to us as well, but that at least there are thousands like Vicki around the country who are willing to “just say no” to the unions. As we continue to grow, perhaps we'll reach a critical mass that will encourage the timid to join. And as we continue to grow, slowly but steadily, the unions might one day realize that it would be a good idea to begin to actually listen to their members. There is ample evidence in a number of states that; just by being here; the AAE and the other independent teacher associations are causing the unions to rethink how they have been conducting business – and that can only be good for the teachers and children of America.

In our visit with the Heggems, Vicki and her husband commented a number of times that some of the union's tactics and the special privileges they enjoy through political fiat just seem “un-American.” We agree. That's why I'm so proud to be associated with members like Vicki. She understands how precious individual rights (like freedom of association) are and that to keep them we must stay informed, vigilant, and willing to take a stand. **EM**

Editor's Note—

If you would like more information about your legal rights and the options that may reduce your union dues—like agency fee-only payments—call our office at 1-800-704-7799.

If you are currently a religious objector and you are still being required to pay union dues in one lump payment at the beginning of the school year, call Bruce Cameron at the National Right to Work Legal Defense Foundation at 1-800-336-3600 for a copy of *Union Dues and Religious Do Nots—An Employee's Guide*.



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This is a
great story
of how
one person
can make
a difference!

No Child Left Behind—Are States Overreacting?

Like any large, complex piece of legislation, the No Child Left Behind Act is receiving its fair share of criticism—some deserved, and some not so deserved. Last month saw a flurry of newspaper articles bemoaning the plight of rural schools in meeting the highly qualified teacher provision of the No Child Left Behind Act.

In some instances, some states may be jumping the gun, letting teachers know they will be let go because they aren't "highly qualified" even though there are another two years before states need to meet this provision. Some states also may be confusing the Act's different requirements for newly hired teachers and current teachers, overlooking an option available to them to use to determine if a current teacher is fully qualified. States have the option of developing "high, objective, uniform, state standard of evaluation" (HOUSSE) standards by which to judge currently employed teachers. These permit current teachers to utilize their experience and various

professional development activities in order to be considered "highly qualified." It is intended to offer an alternative to testing and coursework as a means for assessing teacher qualifications.

In Idaho, a misreading of the law seems to have state officials ruling that the highly qualified teacher provision means that all teachers must be traditionally certified, and that the state is estimating that 600 teachers will have to be let go.

In Oregon, they're concerned about large numbers of middle school teachers who only have elementary certification teaching 7th and 8th graders in math, science, writing, and history.

Finally, in Montana, there continues to be a problem of what to do with teachers who are forced to teach a whole range of subjects due to a school's small size. Teachers like Nicholas Tholt, the one-man social studies department in Winnett, Montana, teaching history, civics, geography, and American government, are finding that they must

go back to school if they want to continue to teach, while the schools that rely on them are unable to hire more staff.

The National Council on Teacher Quality asked the U.S. Department of Education about the mounting anxieties in the states. Michael J. Petrilli, Associate Deputy Under Secretary for Innovation and Improvement at the U.S. Department of Education, had this to say:

It would be a real tragedy if excellent teachers were lost to the profession because of a misunderstanding of the law. Simply put, there is nothing in NCLB that forces school districts or States to terminate teachers this year. Secretary Paige is committed to making sure States clearly understand how the requirements of this powerful and important law will make our teaching force even stronger, as well as the flexibility and resources they have to meet its challenges. **EM**

Source—Teacher Quality Bulletin, a weekly e-mail newsletter by the National Council on Teacher Quality. Web-site: www.nctq.org.

Free Speech, Civility, and the Campus Community

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The pursuit of truth in universities is a communal enterprise. We do it through conversation with people unseen and perhaps long gone who have written the books we study, and we do it through conversation with our classmates, friends, and teachers. John Stuart Mill devotes a chapter of *On Liberty* to "The Liberty of Thought and Discussion," which is an elaborate argument against the silencing of the expression of any opinion, however obnoxious or ignorant it may appear to be or in fact is. Whether it is an argument that is perfectly compatible with the meaning of the First Amendment to the Constitution is much debated, although it is now the regnant theory of free speech embraced by the Supreme Court. I myself, however, am struck by how persuasive Mill's argument is as applied to the proper status of freedom of speech and opinion on a college campus.

In a nutshell, Mill's argument is this: To suppress the expression of any opinion is an offense against the common good, against those who disagree with the opinion, and even more so against those who hold it. He writes, "If the opinion is right, they [meaning all] are deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the

clearer perception and liveliest impression of truth, produced by its collision with error."

Isn't that why we want to honor the principle of free speech on the campus—because we think that the principle serves the truth-seeking mission of the university in a way that its rejection does not? Isn't it in fact true, as Martin Golding in his book *Free Speech on Campus* claims, that the open, uninhibited, honest exchange of opinions and ideas, which by its very nature invites or provokes response, clarification, and correction, is at the heart of the educational activity that the university is specially constituted to nurture? And isn't it true that we learn when our true opinions are confronted with falsehood and even bigotry, just as we learn when we are led from our own errors to an understanding of something worth knowing?

Given the ideological passions that have been loosed on our universities since the 1960s, we cannot ignore Mill's warning about the likelihood of double standards in the enforcement of speech and verbal harassment codes by overzealous administrators anxious to placate the sensitive currently in favor. It is such double standards and the tendency of such rules to protect some groups but not others from uncivil speech—almost always defined by race and gender—that have led courts to strike down such codes on constitutional grounds. The temptation to ban the use of certain words is too easily turned today into an opportunity to ban the expression of ideas that are considered as hurtful as the worthless words. And double standards

also have the unfortunate effect of creating the resentment of individuals and groups that are excluded from their protection.

There really isn't a better path in an academic setting to the problem of patently false, or irrational, or offensive speech than education itself. Faculty are on the front lines in this project. The authors our students read and the teachers they admire show our students by their example the civil discourse that promotes the truth. Through them, our students learn to listen to opinions with which they disagree and to meet them with argument. When this activity works as it should, students learn to despise their own ignorance and to accept the disciplined study and conversation that will take them out of their caves and into the sun.

Well then, is it true that sticks and stones may break my bones, but words will never hurt me? That adage may very well capture the proper state of mind of teachers and students who realize that the pursuit of truth is too important to dwell on the hurts along the way. And when that state of mind becomes the dominant ethos on a campus, that university can reasonably be said to have become its own best self. **EM**

Bradford P. Wilson is executive director and acting president of the National Association of Scholars, and professor of political science at Ashland University. He is author of *Enforcing the Fourth Amendment* and coeditor of two other volumes in Rowman & Littlefield's *Ashbrook Series on Constitutional Politics*, *American Political Parties & Constitutional Politics* and *Separation of Powers and Good Government*.



New York City Gives up on English Language Immersion

One of New York City Mayor Michael Bloomberg's grand campaign promises was a pledge to reform bilingual education. Coupled with California's 1998 referendum that replaced bilingual education with English language immersion, it seemed that the end was nearing for an education approach that is, as Manhattan Institute fellow Tony Coles puts it, "one of the least successful educational policies in modern times." But last month, Bloomberg bowed to political pressure and introduced a meek reform proposal that, rather than living up to his promise of "total immersion for youngsters," merely "tinkers around the edges" of the existing bilingual ed program. Worst of all, this "reform" plan includes \$20 million in new money that will simply be injected into the old, ineffective system, which as the editor-in-chief of the Spanish-language newspaper *El Diario/La Prensa* says, does not deal with "the real problem"—a fundamentally unsound approach to teaching English to foreign students. So, it seems that Bloomberg has gone the way of the education status quo—infuse more money into a dying system and hope for the best. **EM**

Source—Education Gadfly, *News and Analysis from the Thomas B. Fordham Foundation*. Web-site: www.edexcellence.net/gadfly.

Now This is Good Pay: Teaching in Scarsdale

Everyone knows that there is wide diversity in teacher salaries in the United States and usually that wealthier districts are the ones paying the higher teacher salaries. Astounding case in point: official statistics released by the New York State Department of Education reveal that the median income of a teacher in Scarsdale, New York (Westchester County) is \$90,191 per year! As this figure is median, 50 percent of Scarsdale's teachers must be earning well above \$90,000 per year.

Almost as interesting, 12 percent of

Scarsdale's teachers are provisional, meaning not certified. Clearly this must be the district's choice since it must have its pick of teachers.

In the nearby town of Yonkers, a far less affluent district in Westchester County, median teacher pay is \$61,887—still not bad. **EM**

Source—Teacher Quality Bulletin, a weekly e-mail newsletter of National Council on Teacher Quality (NCTQ). Web-site: www.nctq.org.

An Actual Education Innovation

Florida Military Academy Aims to Instill Discipline and Honor in Students

The Sarasota Military Academy opened its doors this school year in Sarasota, Florida, as a public charter school that incorporates a military theme. The school is publicly funded and managed by a board of directors. With the vision of being the West Point of high school academies, Sarasota Military Academy (SMA) serves students seeking excellence in a structured high-quality setting. SMA teaches students to cherish the principles of leadership, patriotism, and honor, while embracing high academic standards.

SMA includes grades 9 through 12. Any qualified student in the Sarasota County School District is eligible to attend without any cost for tuition, transportation, or academic services. A wide range of extracurricular activities is offered including aviation, drill team, fencing, and sailing. All students are required to be a member of the JROTC program, although JROTC does not recruit for military service.

Each year, students are required to take math, English, science, social studies, and a language. Students earn eight credits per year as compared to the usual six in most Florida public schools. The headmaster has said that the Florida FCAT exam results will be used to develop baseline data by which to measure academic performance as the school becomes more established.

Students, or cadets as they are called, are organized into units along military lines and are often taught by retired military personnel. The teachers are highly qualified individuals within their fields. For instance, the director of math and aviation is a retired Navy Captain who was a pilot, has a degree in engineering from the U.S. Naval Academy, a master's degree in computer science, and experience as a senior engineer with Lockheed Martin. Some of the teachers joined the staff through alternative routes to teacher certification, including the Troops-to-Teachers program, and many more teachers would like to join.

The popularity of the school among students and parents is strong, as well. Enrollment is expected to jump from 265 cadets this year to 400 in the fall.

The academy's Five Star program requires students to team up with a variety of business partners for internships, tutoring services, and workshops. Partners include national organizations and companies such as the American Lung Association and Pepsi Cola. Local Sarasota businesses are involved also. One local radio station provides career shadowing and internships. The local chamber of commerce also provides tutoring services.

In its first year, the U.S. Army declared SMA an "honor unit with distinction," an unusual commendation for a first-year ROTC program. This recognition has national significance in that all service academies reserve twenty appointments for honor graduates of schools that have been so designated.

The Sarasota Military Academy is funded by a Public Charter Schools Program grant that is administered by the Office of Innovation and Improvement.

For more information about the school, go to www.sarasotamilitaryacademy.com. For information on the Public Charter Schools Program, see www.ed.gov/offices/OII/portfolio/charter.html. To find out about the Troops-to-Teachers program, go to www.ed.gov/offices/OII/portfolio/troops.html. **EM**

Source—Office of Innovation & Improvement, Nina S. Rees, Deputy Under Secretary, U.S. Department of Education.

NEA Misses Chance to Clarify Position on Abortion

Each year, a group of pro-life delegates at the NEA annual convention attempts to get NEA to move off the position the union has taken on abortion, as stated in Resolution I-12. It reads, in part, that the "National Education Association supports family planning, including the right to reproductive freedom." Conservatives both within the organization and outside of it claim that this is clearly a pro-choice position. The official NEA position, at least since 1986, has been that the organization is silent on abortion but supports wholeheartedly the language of I-12. Each year, the pro-life group's tactic has been different, but the aim has always been to delete the resolution, add qualifying language, or neutralize the current language. They have failed every year, and in most years have even failed to get their amendments considered for debate.

This year, they were more clever. One amendment they offered would have changed the language of I-12 to say explicitly

what NEA claims the current language already means: that the union neither supports nor opposes abortion. Additionally, the group offered three different amendments so they would have three opportunities to make remarks to coincide with their motions.

But it was all for naught. After each speaker introduced his or her amendment with a two-minute speech, a pro-choice delegate objected to consideration, and each objection passed overwhelmingly. **EM**

Source—*The Education Intelligence Agency conducts public education research, analysis, and investigations. Director: Mike Antonucci, PO Box 580007, Elk Grove, CA 95758. Phone: 916-422-4373; E-Mail: EducationIntel@aol.com.*

Writing without Reading

Freshman composition has always been a staple of the college experience. Several million students a year take a required writing course, regardless of major. And that's good, isn't it?

Not really, according to a new study by University of California English Professor John Briggs.

According to Briggs in "Writing without Reading: The Decline of Literature in the

Composition Classroom," there is a virtual disappearance of literary reading when it comes to learning how to write.

Composition students used to read masters of literary style, Briggs says, "those that have been most worth saving and rereading." But no more. Briggs' list includes "a dozen films, eight television shows, half a dozen contemporary autobiographies, and dozens of topical essays."

So what is the solution? The author calls upon faculties everywhere to renew discussion of curricula. "Judiciously chosen literary texts, including admirable nonfiction, should serve as models for emulative and creative imitation, from the composing of sentences to the crafting of entire arguments, descriptions, narratives, and analysis." Without such a discussion, says Briggs, a "deafness to the written and printed page" will increasingly limit students' prospects.

If you would like to know more, contact John Briggs at John.Briggs@ucr.edu. **EM**

Source—*Inside Academe, a quarterly publication of the American Council of Trustees and Alumni, 1726 M St., Suite 800, Washington, D.C. 20036. Inside Academe may be viewed on the Web at <http://www.goacta.org/publications/newsletters.html>.*

Lawsuit-Happy NEA Strikes Again

At its annual convention over the 4th of July weekend, the NEA announced that it will lead a coalition of state governors in a suit against the federal government to try to stop the No Child Left Behind Act (NCLB) in its tracks.

NEA lawyers say states will be forced to pay "billions" of dollars to pay for unfunded mandates in the new law. The Bush administration says this is patently untrue, and points out that more federal money has been pumped into state education than ever. The U.S. Department of Education retorts that what the NEA and many state governors really dislike are the accountability factors tied in with the use of the additional funding. NCLB is quickly becoming the latest convenient scapegoat for education bureaucrats around the nation.

Education Secretary Rod Paige says, "We've assembled a coalition of the willing to help the kids who need it most—and the NEA wants to assemble a coalition of the whining to hold kids back." (see related article on page 6) **EM**

A Disgrace to the Profession

A Novel by

Charles Newton and Gretchen Kauffman

A *Disgrace to the Profession* has proven to be the most popular of all the books reviewed by members of our staff and our book review council over the past several years! First of all, it's a fictional novel, a fact that distinguishes it from most books we review for recommendation to our membership. However, its characters so closely resemble people and scenarios that educators face every day of their lives that it should carry one of those warnings you see at the movies about "Any similarity to persons real or..."

This is truly recommended reading for all those teachers caught in the bureaucratic wasteland of American education.

Ron Sears, a retired 33-year veteran teacher, reviewed *A Disgrace to the Profession* for the *PEI Voice*, the newsletter of our Iowa affiliate, Professional Educators of Iowa. Here is what he has to say, "If ever there was a powerful, moving, and clear statement of what ails

American public schools and the institutional barriers facing good teachers attempting to really educate our young people, this is it."

A school board member asks the following questions and offers praise—"What do I do now? *A Disgrace to the Profession* was entertaining reading with a powerful message. The authors barged in and made me question how I view our schools and those who labor there.

Most surprising, they did it with an easy-to-read and touching novel. I am a Des Moines School Board member and I was captivated by this book. I am not an educator and *A Disgrace to the Profession* allowed me to get inside the minds of teachers. It was enlightening humorous, frustrating, and moving. *A Disgrace to the Profession* should be standard issue for teachers so they know they are not alone. *A Disgrace to the Profession* should be mandatory reading for administrators and school board members to remind them

about those struggling to teach.

A Disgrace to the Profession should be

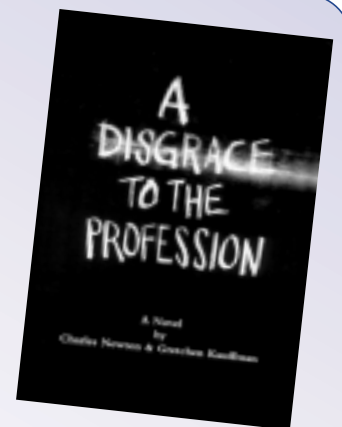
read by every adult who cares about education. Three cheers for Charles Newton and Gretchen Kauffman."

—Graham Gillette, Des Moines, Iowa

A Disgrace to the Profession is available at most Borders Bookstores or for more information, visit www.disgracetotheproffession.com. **EM**

Editor's Note—

It should be noted again that *A Disgrace to the Profession* is a novel. In the telling of a romantic relationship within the storyline, there is some material that might be offensive to some readers.

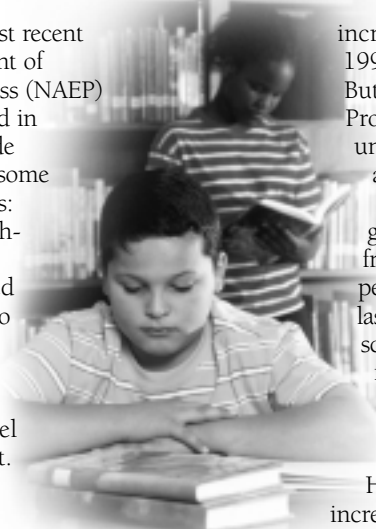


NAEP Assessment Shows Some Progress in Reading

Results from the most recent National Assessment of Educational Progress (NAEP) reading assessment, released in June, suggest the nationwide focus on reading is having some impact. Among the findings:

The percentage of fourth-graders reaching the Basic achievement level increased from 60 percent in 1998 to 64 percent last year—its highest level ever. The percentage reaching the Proficient achievement level rose from 29 to 31 percent.

In eighth-grade, the percentage reaching Basic



increased from 73 percent in 1998 to 75 percent last year. But the percentage at or above Proficient was virtually unchanged at 33 percent. The average score was also flat.

The percentage of twelfth-graders reaching Basic dropped from 80 percent in 1992 to 76 percent in 1998 and 74 percent last year. The percentage of high school seniors reaching Proficient fell from 40 percent in 1998 to 36 percent in 2002.

The average scores of African-American and Hispanic fourth-graders increased more sharply from 1998

to 2002 than did those of whites, but the gap in average scores remains the same as it had been ten years earlier. The racial/ethnic gaps in average scores at eighth- and twelfth-grade were also virtually unchanged.

State-by-state results show variations in average scores, the proportion of students reaching the different achievement levels, and the achievement of particular groups of students, like those eligible for free or reduced-price lunch. Later this year, results of the 2003 NAEP reading assessment will be tendered. For the first time, scores of all fifty states and other jurisdictions will be available, as required by *No Child Left Behind*. **EM**

For more information, please go to: <http://nces.ed.gov/nationsreportcard/reading/results2002/>.

American Board Test Sabotaged

Every student in the country knows that handing out test questions to your colleagues before an exam is called “cheating,” and that it’s forbidden. Now David Imig knows that, too. According to both the *Washington Post* and the *Washington Times*, Imig, the president of the American Association of Colleges of Teacher of Education, obtained test questions from the new American Board teacher certification exams using unsanctioned means and then distributed copies to other groups opposing the test. Imig has admitted that he was in possession of the test, and several attendees at a March 17th meeting of the Carnegie Foundation for the Advancement of Teaching reported that he handed out copies of the test. With clear evidence that active test questions were leaked—and not to friends of the test—the American Board was forced to throw out all of its test questions and start over again. It also terminated its \$1.2 million

contract with its test developer, ACT™, of Iowa City, Iowa.

The American Board certification tests are a joint project of the National Council on Teacher Quality (NCTQ) and the Education Leaders Council (ELC). Although the American Board is specifically cited in the No Child Left Behind Act as a viable alternative route into teaching, it has faced stiff, open resistance from the educational establishment. With the 2005-2006 NCLB deadline approaching for having a “highly qualified teacher in every classroom,” and states struggling to figure out how to comply with this provision, Kate Walsh, NCTQ’s executive director says, “We find these tactics unethical and outrageous.”

Some members of Congress share the American Board’s outrage. Representative John Boehner (R-OH), chairman of the House Committee on Education and the Workforce, has decided to convene hearings on the

matter while stating in a press release that the committee was “prepared to use every means at its disposal, including subpoena authority to ensure that the facts...are fully known,” and that he “hopes the matter will immediately be investigated by the Inspector General at the U.S. Department of Education.”

American Board certification is an alternative route that would make it possible to bypass education coursework if a candidate: (1) has a bachelor’s degree; (2) passes the American Board’s subject matter and professional teacher knowledge exams; (3) provides evidence of some past instructional experience; and (4) is willing to be mentored in the first year of teaching. The first set of exams for elementary teachers will be available in late August. For more information on the test, visit www.abcte.org. **EM**

Source—Teacher Quality Bulletin, a weekly e-mail newsletter by the National Council on Teacher Quality. Web-site: www.nctq.org.

U.S. Secretary Paige Issues Statement on NEA Plan to Stand in the Way of NCLB

U.S. Secretary Rod Paige issued the following statement in response to the latest proposal by the National Education Association (NEA) to stand in the way of the historic No Child Left Behind Act by pursuing costly litigation. Secretary Paige’s statement follows:

“The goal of No Child Left Behind is to help the children who need it most. We believe that every child counts, and are working in a historic partnership with the states, schools, parents, and teachers across

the country to raise standards and improve student achievement.

Our teachers are the heroes in the classrooms, and they deserve the tools and opportunities No Child Left Behind offers.

Taxpayers are making record federal investments in their schools. No Child Left Behind provides the highest spending per child ever—funds that help supplement and boost state and local spending, ensuring that all children receive a world-class education. Considering K-12 education spending at all levels, taxpayers

will provide nearly \$500 billion for their schools this year—certainly enough to achieve the goals of the law. No Child Left Behind will help ensure these dollars are invested wisely.

It is unfortunate that the NEA establishment is talking about ways to hinder the goal of true reform and greater educational achievement opportunities for our children. We’ve assembled a coalition of the willing to help the kids who need it most; the NEA wants to assemble a coalition of the whining to hold kids back.” **EM**

If Teacher Unions are so Powerful, Why are Teachers Not Better Paid?

By Paul E. Peterson, Ph.D.

Teacher union power is awesomely arrogant. In New York City, the local chapter of the American Federation of Teachers (AFT) fought school board efforts to restore order to the city's schools. The board wanted teachers to supervise hallways, lunchrooms, and playgrounds because costly but ineffectual "paraprofessionals" don't command the needed respect. However, union leaders refused to co-operate, despite the fact that their members actually teach less than four hours per day.

Nor is union power operative only during contract negotiations. In California, the state chapter of the larger of the two big unions, the National Education Association (NEA), is demanding statewide changes that will give them control of school curricula. In Massachusetts, the NEA has fought teacher competency tests all the way to the

state supreme court. Elsewhere, the AFT and NEA are preventing the formation of union-free charter schools while doing their best to shut down existing ones.

These anti-educational actions are but atolls perched atop a vast volcanic mountain lying below. As private-sector unionism has waned, the NEA and AFT have become the most powerful labor combination in American political life. Teacher unions easily shut down school systems whenever bargaining demands are not met. They contribute multimillions to Democratic candidates for state and national office—and no small sum to friendly Republicans as well. Organized teachers are said to serve as Election Day workers and constitute as much as a quarter of the delegates to the

national Democratic conventions. Once competitors, the two unions have now formed a quasi-formal duopoly designed to maximize their mutual power.

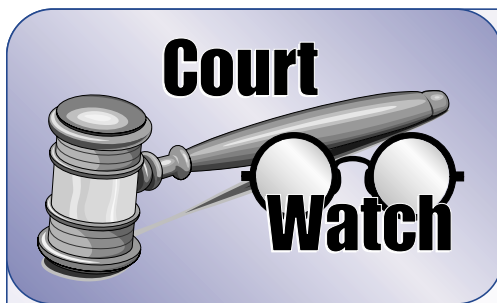
Yet for all this political influence, teacher pay—relative to that of other occupations—has been slipping downward for decades. In 1940, female teachers made better than 70 percent of what was earned by the average college-educated woman; by 1990, they were earning hardly 40 percent. Among males, salaries slipped from 52 to 33 percent of the college-educated average.

So what's gone wrong?

Continued on page 8
See "If Teacher Unions are so Powerful, Why are Teachers Not Better Paid?"



... school boards
and unions take
the line of least
resistance.



Federal Court Order Blocks University of Hawaii Union's Seizure of Dues for Politics

In response to a federal civil rights complaint brought by attorneys with the National Right to Work Foundation, the U.S. District Court for the District of Hawaii has ordered the University of Hawaii Professional Assembly (UHPA) union to stop collecting "agency fees" from nonunion members.

The injunction comes in a federal class-action lawsuit, *Swanson v. UHPA*, originally filed last August on behalf of Sandra Swanson, an instructor at Maui Community College. In January, the federal lawsuit was certified as a class action, allowing 625 nonunion members of the University of Hawaii to challenge the money confiscated for politics and other activities by UHPA union officials.

Judge Helen Gillmore issued the injunction, which prevents the UHPA from collecting agency fees from all nonunion members of the University of Hawaii until the union officials can prove they are not spending nonmembers'

agency fees on activities not directly related to collective bargaining.

"For years UHPA union officials have been trying to get away with hiding how they spend teachers' money," said Stefan Gleason, Vice President of the National Right to Work Foundation. "This injunction is a step toward getting them to shape up and start respecting teachers' rights."

Since August 2000, the UHPA and its national affiliate, the National Education Association (NEA), have demanded that all nonmembers pay an agency fee equal to the cost of full union dues. The union hierarchy never observed employees' due process rights, including failing to provide an independent audit of the union's books and records to ensure that objecting employees are not subsidizing noncollective bargaining activities.

Under the First Amendment of the U.S. Constitution, as interpreted in the Foundation-won Supreme Court decision in *Chicago Teachers Union v. Hudson*,

union officials must provide independently audited disclosure of their books and justify expenditures made from forced union dues seized from teachers who have chosen to refrain from union membership.

According to the constitutional protections construed by the U.S. Supreme Court in the Foundation-won decisions of *Abood v. Detroit Board of Education* and *Lehnert v. Ferris Faculty Association*, the union may only collect compulsory dues that are spent on collective bargaining activity. Politics, lobbying, organizing, public relations, and other nonbargaining activities are explicitly nonchargeable to objecting employees who have exercised their right to refrain from union membership. **EM**

Source—National Right to Work Legal Defense Foundation, 8001 Braddock Road, Springfield, VA 22160. Web-site: www.nrtw.org. Phone: 800-336-3600.

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If Teacher Unions are so Powerful, Why are Teachers Not Better Paid?

(Continued from page 3)

Powerful unions should be generating high wages that attract the best and the brightest. Yet pay and ability are going the same direction as wrong-way Corrigan.

Part of the problem is union insistence on uniform pay. In the name of union solidarity, leaders resist all attempts to reward teachers of special merit or pay more for those who have skills that are in short supply (such as math, science, and computer instructors). More money can be given to teachers only on the basis of additional years of experience or added credentials. Tests show that teacher effectiveness generally declines after five years of experience, and the teacher credentialing process has been shown to be of questionable value, the disconnect between service rendered and compensation

received is all but complete. Under these circumstances, it makes little sense to pay employees more. So school boards don't.

Then, too, school boards and unions take the line of least resistance. Instead of paying teachers more, school boards have handed out more rights and less work. Indeed, it was to keep wage demands down that the New York school board originally agreed to turn over hallway supervision to the so-called paraprofessionals.

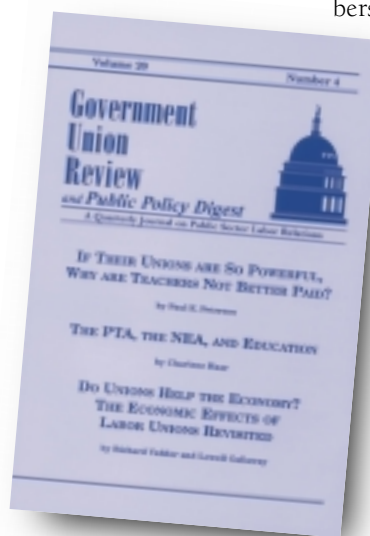
Worse, ineffectual teachers remain protected by union grievance procedures. Ask any urban superintendent how many teachers have been dismissed for reasons other than proven moral turpitude. The number is generally smaller than New York Yankee pitcher Roger

Clemens' earned run average.

If students are the losers, union officials win big. Weak, ineffectual, complacent teachers make the most loyal union members. And when ineffective teachers abound, more are needed. As a result, the ratio of pupils to teachers nationwide plunged from 22 to 17 between 1970 and 1995. More teachers, more dues, more campaign contributions, more power, more rights—lower performance. No wonder governors and presidents are talking accountability. **EM**

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Source—Government Union Review and Policy Digest, Public Service Research Foundation, 320-D Maple Avenue East, Vienna, VA 22180. Phone: 703-242-3575



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