

THE FIGHT FOR UNIONIZATION IN CATHOLIC SCHOOLS

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INTRODUCTION

In the beginning of our country's history, Catholics were among the many people who came to the New World seeking freedom of expression and freedom of religion. Of the original thirteen colonies, only Maryland, "a haven for Catholic" and Pennsylvania welcomed, or at least tolerated, the immigrant "papists." The new arrivals faced discrimination and prejudice in most colonies but America was still thought of as the land of opportunity for all. Catholics fought well for that land in the Revolution and one of them, Commodore John Barry, became known as the "Father of the American Navy."

While the war for independence was being waged, a little girl named Elizabeth Ann Bailey was growing up in British-occupied New York City. Later, during George Washington's term as President of an independent United States, Elizabeth married a wealthy merchant, William Seton, in an Episcopal ceremony that was a social highlight of the year. A number of happy years followed for the young couple and then tragedy struck. Mr. Seton died during a visit to Italy and his widow was to be influenced by the friends with whom they stayed to investigate membership in the Roman Catholic Church. Returning home to America, Mrs. Seton decided to convert to the Catholic faith and later founded a community of religious women called the Sisters of Charity. It was Mother Seton who established the first parochial school in this country and staffed it with members of her own community.

In the mid-eighteenth century, the Third Baltimore Council of Catholic Bishops mandated that every parish should have a school. Lay people who taught in many of the early schools were gradually replaced by members of growing religious communities. The need for their own schools was clear to most Catholics who saw the public schools as places where their children were being indoctrinated with protestant ideas and values. The religious were seen by most to be best prepared to make the schools the main expression of the Church's educational ministry to youth.

CATHOLIC SCHOOLS IN THE 1960'S

The Church in America and other parts of the world remained very traditional in its approach to nearly everything until Vatican Council II in the mid-nineteen sixties. The Council of Church Bishops again reaffirmed the conviction that Catholic schools "retain their immense importance in the circumstances of our times" and reminded parents of their duty "to entrust their children to Catholic schools."¹ The ideas enunciated by the Council may have been the same as the traditional directives, but the schools were soon to undergo significant change.

Religious communities of brothers and sisters still dominated the teaching staffs in the vast majority of schools in the dioceses. Laymen and women teaching in these schools were the exception and not the rule. Most were in the high schools where they taught special or more advanced subject matter. Lay teachers in the elementary schools were usually older women who taught a primary grade while the teaching religious kept firm control of the administration and the upper grades.

Vatican II created many upheavals within the Church and religious communities experienced unprecedented internal conflicts. Many religious left their communities for the "outside" world or other forms of service. Numbers declined from attrition, defection and a lack of interest. Religious superiors were no longer able to fulfill their commitments to many parishes to staff their schools. More and more lay teachers were recruited at low wages, poor, if any, benefits and with the hope that an increase in religious vocations would eliminate the need for their services in the near future.

The number of lay teachers in some dioceses reached close to the half way mark by the late sixties. The religious continued to run the schools as if the lay teacher did not exist and made all the important decisions among themselves in the convent or brothers' house. This situation could not continue long without a reaction. Catholic teachers looking to the recently unionized public schools were to start thinking in similar terms.

One belatedly perceptive Brooklyn Diocesan official tried after the movement for unionization had begun to remind other administrators that "teachers are important and valuable people in the schools. This is the time to invite them to share with administrators in the formulation of fair and workable personnel practices. When teachers in such schools and school systems

determine that administrators have not treated them as competent professionals, especially in the matter of pay scales and fringe benefits, then administrators must be prepared to face the realities that result from teacher collective action and collective bargaining."²

THE SITUATION IN NEW YORK

Teacher organizations have long been an accepted part of the school scene. Teacher associations like the National Education Association have had teacher memberships from the earliest days of the twentieth century. However a new type of teacher organization - the teacher union - began to make itself known in the early sixties, especially in New York. The strike by members of the United Federation of Teachers on November 7th, 1960 against the Board of Education put the American Federation of Teachers in the forefront of forceful teacher organizations. The climate for direct action by teachers was encouraged by the fact that so many men had entered the teaching profession following World War II and that white collar workers had been increasingly involved in collective bargaining.

In Catholic schools there was little immediate response to the efforts of public school teachers to unionize. But with more men now in the Catholic schools too, it became evident to them that public school teachers had made significant gains through unionization. Embryonic teacher associations that quietly appeared in several dioceses in the early sixties were growing into forceful teacher organizations during the mid-sixties in cities like Philadelphia and New York.³

The New York lay teachers were part of the Catholic Lay Teachers Group (CLTG) which had existed for years as a mostly social organization for the Archdiocese's 3,000 elementary and secondary school teachers. Then in October 1969 a change in state labor law gave CLTG the opportunity to turn itself into a union with the right of collective bargaining. The Archdiocese opposed the formation of a union and projected an adversary relationship between employer and employee. It reminded teachers of nonexistent days when the superintendent or principal supposedly sat down quietly with his teachers and discussed salary and fringe benefits. Collective bargaining was pictured as something that involved the parties dealing "with one another as equals" and which constrained the dioceses to bargain in "good faith" with their employees, the teachers.

New York lay teachers rejected the Archdiocesan arguments for continued paternalism and voted to recognize the CLTG as their bargaining agent. The first teacher union to include both elementary and secondary teachers in its membership survived. Soon the Archdiocese found itself negotiating the first collective bargaining agreement in its history. A settlement was finally reached after months of bargaining, the threat of a strike and the forced intervention of Cardinal Terence Cooke. The New York Cardinal got involved only after State Mediation Board Chairman Vincent McDonnell personally urged him to do so. On Monday, January 19th, 1970 there was no strike.

The two year agreement did not buy labor peace. While CLTG was seeking a settlement, it received help from many labor organizations including the American Federation of Teachers and its New York City local, the United Federation of Teachers. Money and manpower also came from the Association of Catholic Teachers, Local 1776, which represents 1,000 high school teachers in the Archdiocese of Philadelphia. The Philadelphia union along with the now defunct Chicago Archdiocesan Teachers Federation, Local 1700, which both came into existence in the summer of 1967, were the first Catholic teacher groups to gain collective bargaining rights.

It was the larger CLTG that was to have the most difficulty when it too decided to affiliate with the AFT. In December of 1970, CLTG changed its name to the Federation of Catholic Teachers (FCT) and became Local 2092. The N.Y. Archdiocese challenged the affiliation move on technical grounds and convinced the State Labor Board that another representation election was necessary to determine if the union's action truly represented its membership's wishes. The election scheduled for May 14th, 1971 was one of the most hotly contested anywhere. The Archdiocese now had a second chance to rid itself of a union it did not want. The lay teachers were purposely given a choice between no union or the rechristen(sic) affiliated CLTG/FCT. The Office of the Superintendent of Schools waged a letter writing campaign to every teacher urging them to vote for "no union." AFT was described as the "dragon" opposing the future of Catholic schools. While the AFT position on aid to parochial schools is not what the Bishops would like it to be, the national union has supported aid to these schools under the Elementary and Secondary Education Act and has endorsed its Title I concept that "aid follows the child." The real objection to AFT affiliation is the fear that it might make the teachers more militant and would put them in a better

negotiations position of being able to call upon organized labor for help and assistance. The teachers voted for "FCT."

The Archdiocesan re-recognition of the union was followed by months of delay in bargaining on a new collective bargaining agreement. The contract expired on August 31st, 1971 and teachers were working without an agreement until the middle of November. The Archdiocese did not want to bargain with the union and did the minimum necessary to avoid being charged with not acting in "good faith." After a number of well attended demonstrations, the union called for a strike vote on November 14th. One thousand of the Archdiocese's three thousand lay teachers walked out, but the schools remained open staffed by the religious teachers. The N.Y. Archdiocesan chief negotiators said "we have more teachers in the schools than you have on the street" and sat back to watch the union crumble and fall. It took the intervention of N.Y.S. A.F.L.-C.I.O. President Raymond Corbett, N.Y.C. Central Labor Council President Harry Van Arsdale and Building Trades President Peter Brennen to convince the Archdiocese through its Cardinal Archbishop to settle with the lay teachers. Once again organized labor made the difference for the Federation of Catholic Teachers. There was no doubt in anyone's mind that the Archdiocese had come very close to its goal of breaking the union.

There is much irony to the Church trying to break labor organizations within its own sphere while doing all in its power to help the United Farm Workers. One of the more popular signs during union demonstrations has been "Practice what you preach, if you want us to teach."⁴

THE OFFICIAL CHURCH POSITION ON UNIONS

Papal encyclicals from Leo XIII, more than 85 years ago, to Paul VI have asserted the right of workers to share with employers in determining working conditions, salaries, welfare benefits and even in management of "the enterprise." In the encyclical Mater et Magistra, Pope John XXIII wrote:

"Like our predecessors, we are convinced of the legitimacy of the wish on the part of the worker to take part in the life of the company which employs them..

"Man should be allowed to contribute to the organization of the productive activities in which he has a part..

"The worker should make himself heard, he should be allowed to take part in the running and development of the enterprise."⁵

The question has been raised if the right of collective bargaining applies to both public as well as private institutions such as the Church - the Christian enterprise. Pope John has no doubts in his encyclical when he observed "the need for giving workers an active part in the business of the company for which they work - be it a public or private one."⁶

The Vatican Council II document on "The Church and the Modern World" also points out that the right to organize and bargain collectively is a moral right.

"Among the basic rights of the human person must be counted the right of freely founding labor unions. These unions should be truly able to represent the workers and to contribute to the proper arrangement of economic life.

"Another right is that of taking part freely in the activity of these unions without risk of reprisal" the council fathers declared.⁷

The difference between the Church's actions and its words did not escape all members of the clergy. Msgr. George Higgins of the U.S. Catholic Conference warned that fighting unions "under some confused understanding of the vow of poverty or the independence of Church-related institutions, would be a serious mistake." He also observed that "at the present time, I think, it would have to be said in all honesty that Catholic institutions, by and large, are not out in front in the field of labor-management relations. The time has come, then, to make up for lost time."⁸

Fr. Andrew Greely has been even more outspoken and has accused the Catholic hierarchy of an organized campaign to bust teacher unions. According to Greely "not all bishops are engaging in union busting (though two of the scab labor advocates are cardinals). Many bishops are intelligent and gifted men. But as far as I can see, no one is speaking out on the record (whatever they may be saying privately) about the union busting tactics of some. So once again the image of the Catholic Church is set by the lowest common denominator of episcopal intelligence."⁹

THE PRICE OF UNIONIZATION

Despite Vatican Council II's explicit condemnation of reprisals against employees who organize unions, such activities can get a teacher fired. "Fear is the main component in the thrust against organizing," said the president of a recently formed union. He and his organization did better than others who tried unionization. William Allegri's contract was not renewed after five years teaching social studies and religion in a Kansas City, Mo. Diocesan high school because he had been meeting with teachers to discuss starting a union. Dwain Pedersen, activities moderator at Boys Town in Omaha was not rehired as director of the summer camp program after being elected the local teacher association's president. Fourteen teachers in the Los Angeles Archdiocese in Mater Dei High School were terminated in a "curriculum cutback" that only involved union members. Teachers at St. Leo School in Queens endured such an atmosphere of fear that the National Labor Relations Board (NLRB) ruled that an election could not be held fairly and automatically certified the union.¹⁰

Robert Madsen, president of the Lay Teachers Federation in the Gary, Indiana Diocese was also among recent casualties of the war on Catholic teacher unions. He was dismissed in February of last year for making critical remarks against the bishop of the diocese to a county A.F.L.-C.I.O. meeting. His dismissal came shortly after the diocese's petition to stop the National Labor Relations Board from hearing unfair labor practice charges against them was denied by a federal court.

A representation election was finally held in early October, only to have the ballots impounded by order of a federal judge. Judge Phil McNagny ruled that the NLRB had exceeded its jurisdiction by interfering in the religious affairs of the Gary Diocese when it ordered the election. In his ruling he said the issue of government intervention in Church affairs overshadowed the participants. He also said that no ruling would be made in the case until the Seventh Circuit Court of Appeals in Chicago ruled on a similar case involving the NLRB, teachers at Bishop Quigley Preparatory Seminary and the Archdiocese there.

CATHOLIC SCHOOLS AND THE NLRB

The Dioceses of Gary and Ft. Wayne, Indiana and the Archdiocese of Chicago are arguing "excessive entanglement" and citing the "separation of Church and State" as justification for

denying their teachers recourse to the protection of the NLRB. If their contentions were to be upheld in court, lay teachers would be without NLRB safeguards and collective bargaining would become a meaningless thing of the past in Catholic schools. There is little doubt that State Labor Board jurisdictions would be challenged next and Catholic teacher organizations would become ineffectual and of little consequence.

In responding to an editorial in the Catholic Standard and Times, the official newspaper of the Archdiocese of Philadelphia, the president of the Association of Catholic Teachers questioned if "church officials are not using opposition to the NLRB as a subterfuge to strike back at the Courts for their anti-aid decisions. Church officials are stressing that fundamental constitutional issues are involved in the current cases while ignoring the most fundamental issue of all - justice for the worker."¹¹

In the court challenged rulings against the Dioceses of Ft. Wayne and Gary, Indiana on June 18th of last year, the NLRB found that the "constitutional issues were clearly raised" and that there were "no substantial contentions." Earlier in April in a case involving the Archdiocese of Los Angeles the Board dismissed the assertion that its jurisdiction would create excessive governmental interference with religion as is prohibited by the First Amendment. "The provisions of the Act do not support or interfere with religious beliefs. Rather, the Act seeks to maintain and facilitate...the stabilization of labor relations. Regulation of labor relations does not violate the First Amendment when it involves a minimal intrusion on religious conduct and is necessary to obtain that objective." The Board also disagreed with the contention that the schools involved were religious institutions internally involved with the Catholic Church. The schools perform the secular function of educating children and in part concern themselves with religious instruction. The Board maintained its policy of declining jurisdiction over institutions only when they are completely religious and not just religiously associated.¹²

OTHER ATTACKS ON CATHOLIC UNIONS

Although the Los Angeles high school teachers won their NLRB supervised representation election on June 7th of last year, the Archdiocese has refused to bargain with them citing "constitutional issues." The lawyers for L.A. Cardinal Timothy Manning once again attacked the infant union for its affiliation with the American Federation of Teachers. The L.A. County

A.F.L.-C.I.O. withdrew its participation in the annual Labor Day breakfast sponsored by the Catholic Labor Institute and "cut off all ties with the Catholic Church." In a letter from that group's Executive Secretary-Treasurer, Cardinal Manning was reminded "that the Catholic Church has long been in the forefront of the fight for social and economic justice for workers. However, you have been very reluctant to grant your own employers the right which you advocate other employers recognize."¹³

Meanwhile, the Federation of Catholic Teachers leadership were attending a Mass for Labor Day in New York City celebrated by Cardinal Cooke. The homilist for this annual event was Newark Archbishop Peter L. Gerety who stated that we are all "human beings created in the image and likeness of God and are endowed with rights which must be protected by the strength of men and women freely associating themselves in organizations and unions recognized in law as concrete evidence of our liberties as American citizens."¹⁴ The FCT, like the few other established unions in New York State and Pennsylvania, does not face the same problem as those in Gary, Chicago or Los Angeles but will be affected by the decisions to be made in the federal courts.

The established union that has come under the most attack is the Lay Faculty Association of the Diocese of Brooklyn (LFA), Local 1261 AFT. This was the union that first successfully approached the NLRB for redress of unfair labor practices. The union started their 1975 school year with a six week strike that was the second longest in New York State. Then to circumvent the newly signed collective bargaining agreement, the Diocese began to officially "close" some of the schools that the union represents. This move came after the NLRB had already found the Diocese guilty six times in three years of violating federal labor law. Three of the "closed" schools continue with slightly altered names and significantly altered faculties. The latest school to "close" has been Bishop Ford High School. The school reopened its doors this school year as Bishop Ford Central High School. When one of the earlier schools had been closed in similar fashion the total faculty was dismissed, at Ford, twenty-eight union teachers were not "rehired" by the "new school." The NLRB, in an unprecedented move, is seeking a court injunction to stop the diocese from "transferring" the school to its "new owner" to get around its collective bargaining obligations.

The NLRB in similar cases over the last two years has found the Brooklyn Diocese guilty of multiple violations of labor law

and ordered bargaining with the union and reinstatement of fired teachers with back pay and interest. The "new owners" have been found to be the diocese's "alter ego" and in no way distinguishable from diocesan authorities who have operated the schools for years.

The NLRB's move for an injunction, taken under Section 10J of the National Labor Relations Act, was made in the U.S. District Court of the Eastern District of New York and a decision is pending.

CRISIS SITUATION BUILDS

While a crisis situation is building up to an explosion point, neither side, the union or the dioceses, have met face to face to discuss a solution. The National Conference of Bishops has consistently ignored requests from Catholic teacher groups to have a representative appear before them and speak to the issue of recognition and collective bargaining for lay teachers. Without consulting Catholic teacher unionists, the Catholic Conference has formed a sub-committee to "try to articulate a position for the conference with regard to the whole question of teacher unionization and the NLRB." The eight member committee consists of five bishops, a priest superintendent of schools in St. Louis, Mo., the executive secretary of the N.Y.S. Commission of Catholic School Superintendents and a Raymond Watson, an Illinois farmer representing the USCC Social Development..

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