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SUPERIOR COURT OF THE STATE OF WASHINGTON  
KING COUNTY

SERVICE EMPLOYEES INTERNATIONAL )  
UNION 775, WASHINGTON PUBLIC )  
EMPLOYEES ASSOCIATION/UNITED FOOD )  
AND COMMERCIAL WORKERS LOCAL )  
365, SERVICE EMPLOYEES )  
INTERNATIONAL UNION LOCAL 925, )  
SERVICE EMPLOYEES INTERNATIONAL )  
UNION DISTRICT 1199NW, )  
INLANDBOATMEN'S UNION OF THE )  
PACIFIC/ILWU, UNITED FOOD AND )  
COMMERCIAL WORKERS LOCAL 21, and )  
WASHINGTON STATE NURSES )  
ASSOCIATION, )

No. 07-2-05431-6 SEA  
  
DECLARATION OF JAMES W.  
ROBINSON IN SUPPORT OF  
EVERGREEN FREEDOM  
FOUNDATION'S OPPOSITION  
TO PLAINTIFFS' MOTION FOR  
SUMMARY JUDGMENT

Plaintiffs,

v.

STATE OF WASHINGTON, OFFICE OF )  
FINANCIAL MANAGEMENT, and STEVE )  
MCLAIN, Director of Labor Relations, in his )  
official capacity, )

Defendant.

James W. Robinson declares and states as follows:

- 1. I am over the age of eighteen and competent to testify to the matters herein.
- 2. I am not a party to this action.
- 3. I am employed as the superintendent of schools for the Lebanon Community

School District, Lebanon, Oregon. I've held that position for nine years after serving the  
Reedsport, Oregon School District in the same capacity for five years. I was a superintendent in

1 Wyoming for nine years prior to that. I'm completing my thirty-second year in the field of public  
2 education. I have bargained several contracts to their successful conclusion. And I have been a  
3 participant in both the open and closed process.

4 4. Oregon Revised Statute 192.660(3) states, "Labor negotiations shall be conducted  
5 in open meetings unless negotiators for both sides request that negotiations be conducted in  
6 executive session." There have been occasions when both sides have agreed to bargain in closed  
7 sessions. At other times the bargaining in which I participated has been open. This means that  
8 members of the press and public have been allowed to sit in and watch the negotiations as they  
9 occur.  
10

11 5. Wyoming is a "right to work" state and the process there was more "meet and  
12 confer" in nature. This means that there was no legal requirement to bargain and that formal  
13 processes for bargaining were not articulated; rather, teachers simply met with administrators  
14 and voiced their desires and concerns relative to working conditions.  
15

16 6. Based upon years of bargaining in Oregon in both open and closed formats I have  
17 observed that open collective bargaining brings a clearer and more comprehensive understanding  
18 of the issues between the unions and a school district to the media and the general public. Closed  
19 sessions more frequently lead to the selective use of information that can be spun to the  
20 advantage of either side involved in the bargaining. The intensity of the negotiations and the  
21 complexity that the issues bring are much more easily understood when bargaining is open so  
22 that the process and debate are observable. The open session environment usually assures more  
23 accurate media coverage of the bargaining.  
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1 7. It has been my experience that the dialog and exchange of ideas has been as full  
2 and fruitful in the open process as it has in the closed one. Moreover, I find the open process to  
3 be less political because of the scrutiny that can be brought to it.

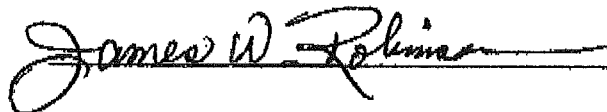
4 8. I have found that negotiators gain more public support and respect through the  
5 open process. The rationale that accompanies proposals assists observers in gaining useful  
6 background understanding surrounding the issues. Many times negotiators actually come away  
7 more respected for their efforts. I have not experienced nor witnessed any form of harassment  
8 nor intimidation that has resulted from the open process.

9  
10 9. Strained relationships between the parties are not made by the form that the  
11 sessions take be they open or closed. Rather, relationships are affected by the conduct of  
12 participants and the extent to which the process is personalized by the negotiators or those they  
13 represent. To that extent it is also useful to use the views of third parties taken from open  
14 sessions to more accurately judge our own reactions in the midst of heated debate.

15  
16 10. Open bargaining, like other public meetings, are democratic methods that can  
17 hold the parties of interest to account. This can be favorable to either side or sometimes both  
18 sides. It is always right for taxpayers.

19 11. I declare under penalty of perjury under the laws of the State of Washington that  
20 the foregoing is true and correct.

21 Executed this 23<sup>rd</sup> day of May, 2007, at Lebanon, Oregon.

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