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IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF THURSTON

STATE OF WASHINGTON, ex. rel.  
EVERGREEN FREEDOM FOUNDATION, a  
Washington non-profit corporation,

Plaintiff,

vs.

NATIONAL EDUCATION ASSOCIATION, a  
foreign corporation,

Defendant.

NO.

**COMPLAINT FOR VIOLATIONS  
OF RCW 42.17.760**

**INTRODUCTION**

This is a citizen action brought in the name of the State of Washington pursuant to RCW 42.17.400(4) to enforce Washington State’s Public Disclosure Act (RCW 42.17) against defendant National Education Association (“NEA”). Defendant NEA is a national labor organization that collects agency shop fees from non-member public school employees of the State of Washington. Defendant NEA has collected and used these agency fees for political campaigns in and outside the state, without the consent of non-members, in defiance of Washington State law.

The citizen-plaintiff seeks to protect the integrity of Washington State’s Campaign finance laws and safeguard the fundamental principle of free elections that no one should be forced to support the political causes of others.

1 **PARTIES**

2 1. State of Washington. Pursuant to RCW 42.17.400(4), Evergreen Freedom Foundation  
3 (“EFF”) provided the Attorney General and county prosecutors with the required written notices.  
4 None of these law enforcement agencies have commenced an enforcement action on the claims set  
5 forth in the written notices. EFF is a Washington State non-profit corporation.

6 2. National Education Association. The NEA is incorporated under a special act of the  
7 United States Congress. It conducts business and operations throughout the United States, including  
8 the State of Washington. NEA is affiliated with the Washington State Education Association  
9 (“WEA”), the labor union representing for collective bargaining purposes public school employees.

10 **JURISDICTION AND VENUE**

11 3. This court has jurisdiction over this action pursuant to RCW 42.17.400. The violations  
12 alleged herein have taken place in whole or in part in Thurston County.

13 **STATEMENT OF FACTS**

14 4. Through its state affiliate and public school employers, NEA collects member dues and  
15 mandatory non-member agency fees from Washington State public school employees. In fiscal year  
16 2000-2001 alone, the NEA collected \$123 per public school teacher. Over 70,000 public school  
17 employees pay NEA dues and mandatory agency fees.

18 5. NEA’s revenues from Washington State public school employees are transmitted to the  
19 NEA and deposited in its general fund and the Ballot Measure/Legislative Crisis and Media Campaign  
20 Fund (“Campaign Fund”).

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1           6.       On information and belief, the Campaign Fund was established in 2000 to generate  
2 additional revenues for the NEA’s political activities of supporting and opposing state ballot measures  
3 and paid media to promote its political agenda. NEA, through its affiliate WEA, collects a five dollar  
4 special assessment, or “special dues increase” as NEA labeled it, from Washington State members and  
5 non-members, over and above general dues, for use in the Campaign Fund.

6           7.       NEA has used general funds and Campaign Funds to influence elections and operate  
7 political committees in Washington State and other states. For example, the NEA made the following  
8 contributions to the following Washington State campaigns:

- 9           • \$15,000 Paycheck Protection Initiative
- 10          • \$15,000 No On Initiative 200
- 11          • \$50,000 Citizens for Quality Educators (Initiatives 728/732)
- 12          • \$450,000 Citizens for Quality Educators

13          8.       At no time has the NEA, or its affiliate on NEA’s behalf, obtained the  
14 affirmative authorization of Washington State agency fee payers prior to collecting and using  
15 their wages to influence elections or operate political committees. At any one time, there are  
16 2,000 – 5,000 non-members who pay agency shop fees to the NEA.

17          9.       From year to year, the NEA concedes over 35% of its total expenditures are for  
18 political contributions, to further its ideology and for other expenditures that under federal law  
19 may not be charged non-members who object to supporting activities unrelated to NEA’s  
20 “representational functions.”

21          10.       On September 25, 2000, WEA signed a Stipulation of Facts, Violations and  
22 Penalty, *In the Matter of the Enforcement Action Against the Washington Education*  
23 *Association*, PDC. Case No. 01-002. WEA admitted therein to multiple violations of RCW

1 42.17.760. The Washington State Attorney General commenced an enforcement action in  
2 Thurston County Superior Court, No. 00-2-01837-9. After a bench trial to the Honorable Gary  
3 Tabor, Judge Tabor awarded the State \$200,000 in penalties and doubled the amount to  
4 \$400,000 based on WEA's willful violation of the law. Judgment was entered and a Permanent  
5 Injunction ordered against WEA on December 3, 2001.

6 11. NEA intentionally collected agency fees and made multiple contributions or  
7 expenditures to influence an election or operate a political committee, without non-members'  
8 consent.

9 12. NEA continued to collect agency fees and make expenditures in violation of  
10 RCW 42.17.760 after its state affiliate stipulated to violating RCW 42.17.760 in September  
11 2000.

12 13. NEA made no effort to comply with RCW 42.17.760 until late 2001, after Judge  
13 Tabor ruled against the WEA. NEA continues to violate RCW 42.17.760.

14 **CAUSE OF ACTION**

15 14. Defendant NEA has committed and continues to commit multiple violations of RCW  
16 42.17.760 by failing to obtain the affirmative authorizations of Washington State agency fee payers  
17 prior to collecting and using their wages to make contributions or expenditures to influence elections  
18 or to operate political committees.

19 **PRAYER FOR RELIEF**

20 Wherefore, the State of Washington requests judgment for the following relief:

- 21 1. For civil penalties and sanctions in an amount to be determined at trial;  
22 2. For treble damages pursuant to RCW 42.17.400(5);  
23 3. For injunctive relief;

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- 4. For all costs, including attorney fees and expenses, and
- 5. For such other relief as the court deems just and equitable.

DATED this \_\_\_\_ day of April, 2002.

By: \_\_\_\_\_  
Jeanne Brown  
WSBA No. 24630