

# The Neglected Charter

Reversing the National Education Association's Slide  
from Selfless Professionalism to Selfish Extremism

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## Key Points

- The National Education Association (NEA) is America's largest labor union. Despite its political and partisan nature, the NEA has the rare distinction of holding a federal charter, granted by Congress in 1906.
- The NEA that received its federal charter in the early twentieth century bears no resemblance to the politicized behemoth it has become today. The NEA has transformed from a professional organization interested in improving schools into a political machine that serves the ambitions of the Democratic Party.
- The NEA's federal charter presents an opportunity for Congress to reform the NEA's governance and operations. Congress should create an oversight board of governors, appointed by the president and confirmed by the Senate, to ensure that the NEA complies with its charter. Congress should also direct the Department of Education to enforce existing law requiring the NEA to file annual reports regarding the use of its property and income; require the NEA to submit annually to the board of governors and to the appropriate committees in the House and Senate a comprehensive report on the NEA's activities, as well as audited financial statements; authorize the Attorney General to enforce NEA compliance with the charter; limit the NEA's lobbying activities and prohibit it from participating in election campaigns; and require the NEA to open all annual meetings and representative assemblies to the public.
- Congress should also restore the NEA's original name—the “National Teachers’ Association”—to mark its return to its original focus on teacher professionalism and educational achievement.

## Executive Summary

With affiliates across the country to negotiate education policy with thousands of school districts, the National Education Association (NEA) is America’s largest labor union. The NEA and its affiliates together spend hundreds of millions of dollars on political races at the local, state, and federal levels—nearly all of which goes to support candidates of the Democratic Party—and to lobby lawmakers to adopt a progressive agenda, including on issues completely unrelated to education. The NEA has embraced the indoctrination of young people in critical race theory and gender ideology in the classroom and opposes traditional forms of school discipline to the detriment of classroom teachers and students.

The NEA also holds a rare congressional “seal of approval” in the form of a federal charter, along with the American Red Cross, the National Trust of Historic Preservation, and the U.S. Olympic Committee. No other union enjoys this designation. Among other problems, this charter conveys legitimacy and credibility on the NEA’s nakedly political operation.

This report examines the circumstances under which Congress granted a federal charter to the NEA in 1906 and describes how the organization has mutated in such a way that it now undermines the very objectives that the original NEA pursued: “To elevate the character and advance the interests of the profession of teaching, and to promote the cause of popular education in the United States.” The organization’s story is one of militant organizers pushing for trade unionism for teachers and winning fights with political foes, as well as external influences that allowed the NEA to dominate the public-sector collective bargaining landscape and local, state, and federal political races and appointments over the last fifty years. These trends combined to make the NEA the thoroughly politicized behemoth—and opponent of education freedom, parents’ rights, and traditional family values—that exists today. In light of this politicization, Congress should conduct meaningful oversight of the NEA as a congressionally chartered organization. Specifically, this report recommends that Congress consider legislation imposing the following conditions on the NEA’s federal charter:

- Establish an oversight board of three governors within the NEA appointed by the president and confirmed by the Senate. The board would have the authority to scrutinize the inner workings of the NEA and its affiliates and to reject decisions of the NEA’s board of directors when they do not accord with the purposes set out in its federal charter;
- Require the NEA to submit annually to the board of governors and to the appropriate committees in the House and Senate a report on the NEA’s activities, as well as audited financial statements;
- Direct the Department of Education to enforce existing federal law requiring that the NEA file annual reports regarding how it has used its property and income and investigate why the NEA has, to this day, failed to abide by its legal obligation to file such reports;
- Establish a mechanism for the U.S. Attorney General to compel the NEA to comply with the terms of its federal charter;

- Prohibit the NEA from lobbying as a substantial part of its activities and from participating in any campaign activity for or against political candidates;
- Require the NEA to open to the public annual meetings and assemblies of the organization's members; and
- Redesignate the NEA to its original name, the National Teachers' Association, to underscore the NEA's return to its roots as an association dedicated to teacher professionalism and improvement in education.

## Introduction

Parents, taxpayers, and policymakers learned during the COVID-19 pandemic about the dire state of public schools. Plummeting math and reading test scores, a rising tide of disruption in classrooms, an epidemic of sexual assault, and the ideological indoctrination of students demonstrate that our public schools are failing to serve too many students.

A key driver of this decline is the teacher unions, which consistently oppose meaningful reforms that would reverse this alarming downward trajectory. The largest of these unions, the National Education Association (NEA), is central to the Democratic Party's electoral and policy ambitions. It incorporates thousands of local and statewide affiliates to fight needed reforms and advocates, through lobbying and collective bargaining, for increased funding without accountability.

The NEA also spends millions of dollars and employs other vast resources to elect federal, state, and local officeholders who tolerate the status quo in education. At the same time, the union advances a progressive policy agenda that blames the country's problems on systemic racism and sexism,<sup>1</sup> attacks laws that aim to protect young children from graphic sexual material and instruction,<sup>2</sup> and seeks to pack the Supreme Court in response to recent decisions on such issues as abortion<sup>3</sup> and race-based college admissions policies.<sup>4</sup>

Despite its embrace of extreme ideology and its critical role in left-wing politics, the NEA has been designated by Congress as one of ninety-five "patriotic and national organizations" to hold a federal charter. Congress granted the NEA this charter in 1906, when the NEA was a very different organization serving purposes distinct from, and even in direct contradiction to, the goals it currently pursues. Today, the NEA's status under federal law provides opportunities for Congress to demand institutional accountability from the union and to leverage reforms that benefit teachers, students, and parents.

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This report first examines the NEA's early days, when it received its federal charter and focused on professionalizing the practice of teaching. The report then describes how the NEA mutated into the political animal that it is today. Finally, this report proposes several conditions to the NEA's charter to return the organization to its founding purpose focused on teacher professionalism.

## I. The Early Days: “To elevate the character and advance the interests of the profession of teaching”

In 1857, ten state teachers' associations held a meeting in Philadelphia to establish the National

Teachers' Association (NTA).<sup>5</sup> The invitation, written by Thomas Valentine, the president of the New York Teachers Association, read as follows:

We cordially extend this invitation to all practical teachers . . . who are willing to unite in a general effort to promote the general welfare of our country by concentrating the wisdom and power of numerous minds, and distributing among all the accumulated experiences of all; who are ready to devote their energies and their means to advance the dignity, respectability, and usefulness of their calling; and who, in fine, believe that the time has come when the teachers of the nation should gather into one great educational brotherhood.<sup>6</sup>

While there were fifteen state education associations at that time, no national organization promoted the profession of teaching,<sup>7</sup> so as to raise standards in the profession and “promote the general welfare.” The organizational purposes expressed in the NTA’s first charter reflected an apolitical mission to advance educational objectives and teaching as a profession across the country: “To elevate the character and advance the interests of the profession of teaching, and to promote the cause of popular education in the United States.”<sup>8</sup>

The NTA subsequently grew through adoption, adding state education associations and other education-focused organizations to its ranks. In 1870, the NTA officially changed its name to the “National Educational Association” when it added as departments the American Normal School Association, the National Association of School Superintendents, the Central College Association (which became the Department of Higher Education), and a Department of Elementary Education.<sup>9</sup> Its fusion with these non-teacher groups showed the NEA’s openness to ideas from a broad array of stakeholders during this time, in contrast with its current mission as an employee union focused on institutional self-interest.

According to the NEA’s anointed historian on its centennial, the organization’s “deliberately adopted philosophy” in its first fifty years was “to establish a profession,” not to advocate for “the personal

welfare of either administrators or teachers.”<sup>10</sup>

One likely reason for this lack of emphasis on employee welfare was the absence of classroom teachers in the NEA during that time, as “[t]he salary, tenure, and general prospects of the typical teacher scarcely warranted his joining a professional organization.”<sup>11</sup> The main activity of the NEA during these years was to host an annual meeting; most teachers had little prospect of affording the cost of attending such meetings during this period.<sup>12</sup>

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One must consider the status and goals of the NEA in light of the status of American education at the turn of the twentieth century. In 1900, a mere one out of fifteen eighteen-year-olds (6 percent) finished high school, as factories and farms accounted for the employment of four out of five workers



(80 percent).<sup>13</sup> At that time, a mere 2 percent of the 18- to 24-year-old population of the United States was enrolled in institutions of higher education, compared to approximately 42 percent of this population in recent years.<sup>14</sup> Society viewed education more as an extravagance, without relevance to the factory floor or family farm, than as a necessary stepping stone to a college diploma and career success.

This helps explain why the NEA counted only 5,261 members in 1906, when Congress granted the organization a charter.<sup>15</sup> It also helps explain why the organization at the time was far more interested in advancing “educational progress” across the country than promoting the rights of a subset of education employees.<sup>16</sup> The activities of a then-important subsidiary of the NEA, the National Council of Education, reflected the benevolent aims of its parent organization, as it served “to provide a dignified forum for discussions,” produce reports and research, and sponsor hundreds of programs at the NEA’s annual meetings.<sup>17</sup>

Like the American Medical Association<sup>18</sup> or the American Bar Association<sup>19</sup> of that era, the purpose of the NEA in 1906 was to research and publicize best practices and policies in the field of education to advance the common good of American society.

## **II. The Charter: “Purely an altruistic institution for the upbuilding of education in the United States”**

On April 2, 1906, the U.S. House of Representatives debated a bill that would grant the NEA a federal charter incorporating the “National Education Association of the United States” as an entity under federal law. The NEA had already received a District of Columbia charter in 1886 under the laws of that jurisdiction.<sup>20</sup> The NEA decided to use the expiration of the District charter in 1906 as an occasion to invite more attention and prestige by requesting a federal charter from Congress.<sup>21</sup>

In language that survives in federal law to this day, the legislation considered by Congress laid out the dual purposes of the NEA as follows: “to elevate the character and advance the interests of the profession of teaching” and “to promote the cause of education in the United States.”<sup>22</sup> The legislation



granted to the NEA the general powers of a corporation, such as the right to sue and be sued in court, adopt by-laws, and “to take or receive . . . any real or personal estate, and to hold, grant, convey, hire, or lease the same for the purposes of its incorporation.”<sup>23</sup>

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The bill also granted to the NEA an exemption from taxes on all of its real property (*i.e.*, land and buildings) in the District of Columbia and personal property, so long as this real and personal property “shall be used by the corporation for the educational or other purposes of the corporation. . . .”<sup>24</sup> In light of this exemption, the bill required that the NEA, on an annual basis, submit to the U.S. Commissioner of Education (then a sub-cabinet level position in the Department of the Interior) “a report in writing stating in detail the property, real and

personal, held by the corporation, and the expenditure or other use or disposition of the same, or the income thereof, during the preceding year.”<sup>25</sup>

The debate in the House over granting the NEA this federal charter sheds useful light on the members’ views of the purposes of that organization at the time. One supporter of the charter, Representative Edwin Webb of North Carolina, characterized the NEA as “purely an altruistic institution for the upbuilding of education in the United States” that was “devoted entirely to disseminating education.”<sup>26</sup> Webb likened<sup>27</sup> the NEA federal charter bill to contemporaneous legislation granting federal charters to the Carnegie Institution of Washington—established in 1902 as a nonprofit “organization for scientific discovery” that today houses six scientific departments<sup>28</sup>—and the “General Education Association”—likely referring to the General Education Board of the District of Columbia, which, during its existence between 1903 and 1964, focused on improving education in the American South and in medical science.<sup>29</sup> Representative James Tawney of Minnesota described the NEA as “a national educational institution which is not only the pride of every American interested in national education but an educational organization unexcelled by any nation in the world.”<sup>30</sup>

Indeed, the controversy within the House debate over whether to grant the NEA a federal charter was not focused on the overall nature or purpose of the organization, but rather that the charter would take control over the expenditure of funds and other matters out of the hands of the general organizational membership and vest it in the organization’s board of trustees.<sup>31</sup> Unsurprisingly, no member could then see that the NEA would transform into the largest public employee union in the United States and one of the country’s most powerful and divisive political advocacy groups.

Comforted by the NEA’s posture as an altruistic organization focused solely on improving the education of young Americans, the House and Senate passed the legislation granting the NEA its federal charter, and President Theodore Roosevelt signed the bill into law.<sup>32</sup>

In 1937, Congress passed and President Franklin Delano Roosevelt signed a law amending the NEA's charter to permit the organization to modify its programs and structure without first seeking congressional approval.<sup>33</sup> In 1998, Congress passed and President Bill Clinton signed a law revoking the NEA's special exemption from taxes on its real property in the District of Columbia (but not revoking its personal property tax exemption), declaring that its real property "shall be subject to taxation by the District of Columbia in the same manner as any similar organization."<sup>34</sup>

### **III. The Transformation: "[I]f that means building a war chest to get friends of education elected—then we need to keep the old lid open and continue to plunk in the money."**

The transformation of the NEA from an organization focused on hosting annual informational meetings and determining how best to advance the profession of teaching into the largest labor union in the United States and a critical player in politics at every level of government arose from three factors: 1) the NEA's massive growth and consolidation after it received its federal charter; 2) its decision to support affiliates in their pursuit of collective bargaining agreements with school districts; and 3) its embrace of partisan political activism.

#### **A. Growth and Unification**

No doubt due in part to its newfound prestige after receiving its federal charter, the NEA experienced unprecedented membership growth after 1906. By the end of World War I, NEA membership approximately doubled from 5,168 to 10,104. By 1923, NEA membership had grown over thirteen times, to 133,566. At its centennial in 1956, and on the eve of the organization's strategic shift toward union and political activism, the membership of the NEA had ballooned to 659,190.<sup>35</sup>

The NEA's membership growth in its second fifty years of existence can mostly be attributed to a fundamental shift in



strategy to advocate for better salaries and working conditions for classroom teachers. This occurred soon after Congress granted the NEA a charter. As one observer put it:

By 1910 the NEA was demonstrating some interest in teacher welfare; in the 1920's it was vigorously advocating higher salaries and tenure laws; in the 1940's it became almost militant in its defense of teachers and their rights; and in the 1950's the NEA was leading the teachers' demands for professional standards and for more reasonable work loads as well as for continued improvement in economic status.<sup>36</sup>

This growing “militancy” in pushing for higher teacher salaries and benefits stemmed from a 1905 NEA study on tenure and salaries showing disparities between the salaries of classroom teachers and other school and district employees, as well as a divergence between urban and rural teacher salaries and between male and female teachers.<sup>37</sup>

At its 1913 annual meeting in Salt Lake City, the NEA established a Department of Classroom Teachers, spearheaded by teachers and teacher organizers who wasted no time adopting “vigorous resolutions denouncing ‘arbitrary and perfunctory’ teacher-rating scales and calling for the establishment of advisory councils of teachers to give expert professional advice to superintendents and schools boards.”<sup>38</sup> This energetic offensive in support of teacher rights and benefits certainly played a role in fueling the NEA’s membership increases in the next half-century. This expansion also necessitated a substantial growth in NEA staff, from fifty employees at the organization’s Washington, DC, headquarters in 1922 to 660 in 1956.<sup>39</sup>

Of course, there is nothing improper about an organization achieving success in terms of membership growth, much less advocating for the rights of teachers. Indeed, the lot of teachers early in the twentieth century was unenviable in terms of salary and employment conditions.<sup>40</sup> The rapid growth and change in focus of the NEA between 1906 and 1956 demonstrate, however, that

soon after it received its federal charter, the NEA became an organization that was very different from the small, purely “altruistic” group to which Congress granted this distinction. These developments also laid the groundwork for an era in which the NEA abandoned any claim to be pursuing better education in the United States and instead pursued better conditions for teachers through collective bargaining rights and the election of politicians who would do its bidding.

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One other major development made the NEA’s rise possible: the unification of the national organization with its state and local affiliates. Prior to the 1940s, members of the NEA’s state affiliates were not required to become dues-paying members of the congressionally chartered NEA. That situation began to change in 1944, when the NEA’s annual Representative Assembly approved a five-year plan to unify membership at the local, state, and national levels. Gradually,



states adopted unification policies requiring a single enrollment to become a member of all three levels of the organization until a new constitution and bylaws, adopted by the NEA in 1972, required such unification. By 1976, affiliates in each state, the District of Columbia, and Puerto Rico, plus the Overseas Education Association, had unified their memberships with the national organization.<sup>41</sup>

One cannot overstate the impact of unification on the ability of the NEA to leverage its finances and membership to influence elections at every level and pursue uniform policies nationally. As one sympathetic observer characterized it:

The unification movement bound together the 10,000 local and 53 state organizations into a single united teaching profession, concluding an effort spanning more than forty years. This movement is in large part responsible for increasing NEA membership from 703,829 in 1957 to 1,709,693 in 1979; but unification goes beyond enrolling more members more efficiently. It means program coordination at all three levels—local, state, and national. This achievement has given confidence to members that the NEA now has the power to represent the interests of teachers and the American public schools in the local communities and the state and national capitals where public policies are made.<sup>42</sup>

The legislators who granted the NEA its federal charter certainly never contemplated the rise of an organization whose influence and self-interest wind through every level of government in the country.

## **B. Unionism**

Prior to the public-sector employee collective bargaining revolution of the 1960s, President Franklin Delano Roosevelt's declaration best expressed the prevailing view concerning collective bargaining in the public sector: "The process of collective bargaining, as usually understood, cannot be transplanted into the public service."<sup>43</sup> Even George Meany, the first president of the AFL-CIO, stated in 1955 that it is "impossible to bargain collectively with the Government."<sup>44</sup>

Fidelity to these common-sense axioms began to erode after World War II. In 1959, the Wisconsin

legislature passed the first state law in the country granting government employees, including teachers, the right to engage in collective bargaining.<sup>45</sup> A year later, the NEA Representative Assembly considered, for the first time ever, a proposed resolution regarding the negotiation of salaries and working conditions. After the Michigan delegation offered an amendment pushing for the establishment of education-specific mediation bodies in case teachers and school boards failed to reach an agreement on these matters, the New York State Teachers Association expressed concern that the amendment would subject teachers to general state labor laws, and the resolution was postponed until the 1961 assembly.<sup>46</sup>

Meanwhile, following a New York City teacher strike in late 1960, the United Federation of Teachers (UFT)—a local affiliate of the AFL-CIO’s American Federation of Teachers (AFT)—compelled the New York City Board of Education to hold a referendum in 1961 that showed a majority of the city’s public-school teachers wished to adopt a system of collective bargaining.<sup>47</sup> The vote on which organization would represent these teachers in negotiations with the city occurred that December.

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While the AFT had long advocated for the organization of teachers into local labor unions to influence school district policies on teacher pay and welfare and other matters,<sup>48</sup> its New York City strike empowered voices within the NEA to pursue a similar course, but initially without the threats of strikes. At the 1961 NEA Representative Assembly, delegates considered a resolution with the following language:

The National Education Association believes, therefore, that professional education associations should be accorded the right, through democratically elected representatives, using appropriate professional channels, to participate in the determination of policies of common concern, including salary and other conditions for professional service.

The seeking of consensus and mutual agreement on a professional basis should preclude the arbitrary exercise of unilateral authority by boards of education and the use of the strike by teachers as a means for enforcing economic demands.<sup>49</sup>

A delegate from the Michigan Education Association proposed an amendment substituting the second paragraph above with a recommendation, as the Michigan delegation had proposed in 1960, for disputes to be settled by education-oriented mediation bodies: “When common consent cannot be reached, the Association recommends that a board of review consisting of members of professional and lay groups affiliated with education should be used as a means of resolving extreme differences.”<sup>50</sup> Notably, the new language removed the negative reference to teacher strikes



contained in the original resolution. With this amendment, the assembly passed the resolution<sup>51</sup> and, nearly sixty years after Congress's approval of its federal charter, oriented the NEA for the first time in its history toward government-employee unionism.

In December 1961, the UFT handily defeated the hurriedly composed NEA competitor group in the election choosing which union would collectively bargain with the New York City Board of Education on behalf of public-school teachers.<sup>52</sup> According to a historian of the NEA, this election loss served as a wakeup call to the organization and signaled an important shift for America's public education system:

The New York City campaign had a significant effect on the attitudes of teachers toward both collective bargaining and the use of the strike as a means of enforcing teachers' demands. Although much of the activity was "stage-managed" to create that impression, the New York City strike appeared to teachers across the nation as a successful use of teachers' collective power that forced concessions from the Board of Education. It therefore had an impact on both the thinking and actions of teachers and the NEA in the developing events of the early 1960s.<sup>53</sup>

In direct response to its election loss to the UFT among the teachers of New York City, the NEA launched the Urban Project to develop active associations within the NEA's urban areas and train their leaders to organize against its AFT-affiliated opponents in local union elections.<sup>54</sup> To dissociate the organization's efforts from the AFT's openly union-dominated aims (especially since the NEA still billed itself at the time as a 501(c)(3) tax-exempt organization under federal law), it labeled its collective bargaining efforts as "professional negotiation," as set out for the first time in a resolution adopted at the NEA's 1962 Representative Assembly.<sup>55</sup> At that assembly, NEA leadership pushed local affiliates to return to their districts and "formalize those negotiation procedures already in use by preparing written documents recognizing the right of teachers to negotiate with their employers and outlining the procedures by which the negotiation should take place."<sup>56</sup>

By 1965, the NEA's national office had received more than 350 formal negotiation (*i.e.*, collective bargaining) agreements from its local affiliates.<sup>57</sup> Further, the Urban Project developed a model state statute setting out the NEA's preferred mode of "professional negotiation" for use by its state

affiliates in drafting collective bargaining statutes for teacher unions.<sup>58</sup> Between 1963 and 1965, thirty-six school systems held union representation elections, with the NEA winning in twenty-three and the AFT winning in thirteen.<sup>59</sup> As a NEA historian characterized its battle with the AFT during the era of nascent public-sector unionism, NEA staff were “certain that the NEA’s survival as the dominant voice for American teachers depended upon our ability to win the representation elections and out-negotiate the AFT.”<sup>60</sup>

Underlining the NEA’s abandonment of its one-time role as a disinterested advocate for furthering education throughout the United States, the NEA’s energetic entry into unionism on behalf of teachers and similarly situated public school employees led the American Association of School Administrators, which had joined with the National Teachers Association to form the NEA in 1870, to depart the organization after over a century of partnership.<sup>61</sup> This split signaled the discomfort among some of the NEA’s allies with its newfound “us versus them” strategy. Within the transformed NEA, teacher pay and rights were now the focus; teacher professionalism (the reason for the NEA’s federal charter) and the best interests of students became afterthoughts.

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Government policy toward public-sector employee collective bargaining also changed. In 1962, President John F. Kennedy signed Executive Order 10988, which granted federal employees the right to join labor organizations that engage in collective bargaining with the government on their behalf.<sup>62</sup> In the past sixty years, states have followed suit: by 2022, according to an analysis by the Commonwealth Foundation, twenty-four states required agencies to engage in collective bargaining with teacher unions, while twenty states permitted such bargaining.<sup>63</sup>

This explosion of union activity in school systems has allowed the NEA and AFT to increase their memberships and revenues, contribute money and volunteers to federal, state, and local races, and steer educational policymaking at all levels of government. Once these organizations had committed to collective bargaining as a strategy to negotiate policies with the school districts, the logical next step for both was to use their access to vast financial resources to elect the officials with whom they negotiate.

### C. Political Activity

Aside from its receipt of a federal charter, the only considerable legislative achievement the NEA could claim in its first hundred years was the establishment of a federal department of education in 1867.<sup>64</sup> That department was charged solely with collecting “statistics and facts as shall show the condition and progress of education in the several States and Territories” and publicizing such information throughout the country.<sup>65</sup> This success was short-lived, as just a year later, Congress downgraded the department to an Office of Education under the supervision of the Department of the Interior.<sup>66</sup>



Despite this setback, the creation of a cabinet-level federal department of education remained on the NEA's legislative agenda, along with a continuing call for increased federal funding of schools and teachers. These recommendations sometimes made their way into legislative proposals. In 1918, for example, the so-called Smith-Towner Bill, which did not pass, included recommendations of the NEA's National Commission on the Emergency in Education to reorganize the Office of Education as a cabinet-level agency responsible for all federal education programs.<sup>67</sup> Beginning in 1920 and until it was absorbed by a standing committee on legislation in 1972, the NEA's Legislative Commission continued this push for a cabinet-level department of education, as well as for Congress to increase federal aid to schools and teachers.<sup>68</sup>

Another important development foreshadowing the emergence of today's politicized NEA was its establishment in the early 1940s of a National Commission for the Defense of Democracy Through Education.<sup>69</sup> This commission's work consisted mainly of investigating teacher dismissals at the invitation of state and local associations while advocating for tenure and academic freedom laws and attacking critics of the status quo in the public school system.<sup>70</sup> In the words of one NEA historian, "In its first year, [the Commission] helped manage school campaigns in Omaha and Kenosha, investigated individuals and organizations who were critical of public schools, conducted regional conferences, set up local defense committees, and campaigned for increased salaries for teachers."<sup>71</sup> The Commission's combative efforts included high-profile political bouts. In 1944, it criticized Mayor F. H. La Guardia for "interfering" with the New York City Board of Education.<sup>72</sup> Its 1945 report characterizing the Chicago Public Schools as "the worst educational situation in the United States" resulted in the expulsion of the superintendent from the NEA and the resignation of members of the local school board.<sup>73</sup>

The increasing frequency of the NEA's forays into school systems and policymaking allowed it to flex its political muscle and, at the federal level, to contribute to the fulfillment of one of its foundational legislative goals with Congress's passage of the Elementary and Secondary Education Act of 1965, which threw open the gates to substantial federal funding of K-12 public schools.<sup>74</sup> This high-profile political victory, however, invited scrutiny from the Internal Revenue Service (IRS) and signaled the end of the NEA's tax-exempt status under Section 501(c)(3) of the Internal Revenue Code (IRC) later that decade. In response to IRS inquiries relating to the eligibility of donors to claim their NEA contributions as tax-deductible in light of the NEA's increasing political thrust, the NEA abandoned its tax-exempt status under Section 501(c)(3) and agreed to classification as a "business league" under IRC Section 501(c)(6).<sup>75</sup> It was subsequently classified as a "labor organization" under Section



501(c)(5).<sup>76</sup> While donors can no longer deduct their contributions to the NEA from their annual tax burden, this designation permits the NEA to continue to claim exemption from taxation of its income.<sup>77</sup>

Having thrown off the limitations imposed by its tax-exempt status, the NEA quickly became a political juggernaut. In 1969, the NEA staked out a public position for the first time on a nominee to the U.S. Supreme Court, successfully opposing President Nixon’s nomination of Clement Haynsworth; a few months later, it helped sink the nomination of G. Harrold Carswell to the same position.<sup>78</sup> In 1972, the NEA Representative Assembly approved a motion instructing its president to create a procedure for endorsing a presidential candidate in the 1976 election and authorized a contribution of one dollar to be added to NEA membership dues—extracted from each member unless he or she requested a refund—to fund the organization’s new political action committee, NEA-PAC.<sup>79</sup>

At the NEA Representative Assembly in 1973, when the body authorized the first cash contributions for political action, NEA President Helen Wise outlined the organization’s strategy to interfere in the country’s political system:

We will initiate a grass roots campaign that will bring about the victories that we must have in 1976, and if that means building a war chest to get friends of education elected—then we need to keep the old lid open and continue to plunk in the money. . . . One thing is certain—the NEA will never again sit out a national election.<sup>80</sup>

The NEA put these formidable resources into play as it backed presidential candidate Jimmy Carter in the 1976 election.<sup>81</sup> After his election, President Carter, in return, backed the NEA’s long-time call for the establishment of a cabinet-level department of education. Congress approved and the president signed into law the establishment of this department in 1979.<sup>82</sup> Unlike the department of education of 1867, this one has had staying power, as well as a broad mandate that goes well beyond the collection of statistics, no doubt due to the powerful influence of the NEA over presidents and federal lawmakers who have clamored for the union’s support.

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**One thing is certain—the NEA will never again sit out a national election.**  
—NEA President Helen Wise, 1973  
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The organization to which Congress granted a federal charter in 1906 “to elevate the character” of the teaching profession had become a political powerhouse, with a cabinet-level department to demonstrate its electoral muscle and serve as a foundation for future lobbying efforts.

## **IV. Today’s NEA: “[A]dvancing racial justice and social justice in education”<sup>83</sup>**

When it received a federal charter in 1906, the NEA was a membership organization devoted to creating a profession dedicated to teaching. The underlying belief was that professionalizing teaching would lead to improvements in instruction and learning, as well as to improved educational

opportunities and outcomes for all students across the United States.

No more. The NEA is now the nation’s largest labor union, with thousands of affiliates that heavily influence education policy at all levels. Through a web of collective bargaining, lobbying, candidate contributions, campaign volunteers, and electoral politics, the NEA’s system elects candidates, invariably Democrats, who are loyal to its agenda of more money for, and less accountability from, public schools.

By the end of the reporting period for its 2021–22 annual report filed with the U.S. Department of Labor, the NEA had 2,871,908 members as of August 2022—nearly 2.5 million of whom were actively working.<sup>84</sup> With dues set at \$202 per member on top of state and local charges,<sup>85</sup> it reported annual

“Through a web of collective bargaining, lobbying, candidate contributions, campaign volunteers, and electoral politics, the NEA’s system elects candidates, invariably Democrats, who are loyal to its agenda of more money for, and less accountability from, public schools.”

revenue of over \$600 million.<sup>86</sup> It reported spending nearly \$38 million of these dues on “representational activities” and even more—nearly \$42 million—on “political activities.”<sup>87</sup> The latter reported number—a mere 7 percent of the total revenue of an organization embedded in electoral politics at every level of government—reveals the NEA’s utter lack of transparency and likely does not come close to capturing the true amount of political spending by the NEA of its membership dues. The union conceals much of this political spending in the

approximately \$120 million of “Contributions, Gifts, and Grants” for 2021–22,<sup>88</sup> much of which has been shown in past reporting cycles to have gone to groups engaged in political activities.<sup>89</sup> With regard to membership dues spending by the NEA and its state and local affiliates across the country during the 2021–22 reporting cycle, the Commonwealth Foundation reports that approximately \$108 million of this spending was political in nature.<sup>90</sup>

The Commonwealth Foundation has also revealed that, on top of these membership dues expenditures, NEA-affiliated federal political action committee (PAC) expenditures totaled over \$51 million.<sup>91</sup> NEA state and local PAC spending exceeded \$54 million.<sup>92</sup>

Nearly all of this massive amount of money goes to help elect candidates of the Democratic Party. For instance, according to political spending data compiled on OpenSecrets.org, the political contributions by the NEA and its affiliates to Democratic or liberal candidates and organizations totaled 99.8 percent of their total political expenditures in the 2021–22 election cycle.<sup>93</sup> 98.7 percent of the money spent by NEA PACs and other affiliates in federal congressional campaigns during the 2021–22 cycle supported

**The NEA and its affiliates contributed 99.8% of their total political expenditures to Democratic or liberal candidates and organizations in the 2021–22 election cycle.**

Democrat candidates.<sup>94</sup> Members of Congress who granted the NEA a federal charter in 1906 were unaware that they were unwittingly placing their seal of approval on what would become a partisan piggy bank for Democratic candidates in today's elections.

This partisan campaign war chest is the inevitable result of the NEA's transformation into a political behemoth with a collective-bargaining footprint in school districts across America. In 1906, the NEA's federal charter set two clear objectives for the organization: "to elevate the character and advance the interests of the profession of teaching" and "to promote the cause of education in the United States." Now, the association's constitution includes as organizational objectives commitments to "promote, support and defend public employees' right to collective bargaining," "unite educational employees for effective citizenship," and "promote and protect human and civil rights."<sup>95</sup> Its 2022–24 Strategic Plan includes among its "core values" calls for a "Just Society" and "Collective Action," the latter of which the document justifies on the basis that, "[a]s education professionals, we improve both our professional status and the quality of public education when we unite and advocate collectively."<sup>96</sup>

Demonstrating both the heft of the organization's financial resources and its abandonment of its original commitments, the union's current strategic plan commits the NEA to spending nearly \$100 million on lobbying over a two-year period; installing pro-union legislators, executive officials, and judges to the exclusion of those who oppose "the rights of workers"; and "foster[ing] social, racial, and economic justice."<sup>97</sup>

The NEA leadership's particular obsession with "racial justice," a notion that permeates the organization's policies and priorities, conflicts with its founding purpose as a congressionally chartered corporation. As a report from the Freedom Foundation points out, the NEA's constitution mandates that "ethnic minorities" make up one-fifth of the organization's board of directors, and in case the NEA does not elect a president who is an "ethnic minority" in eleven years, the constitution requires "legally permissible" action to put someone from such a minority group in office.<sup>98</sup>



The NEA’s strategic plan devotes more than \$33 million over two years to its goal “to enhance the advancement of racial and social justice in education,” including by “raising awareness of the effects of institutional and systemic racism” (no doubt through the indoctrination of students in the classroom along with other means).<sup>99</sup> The NEA’s 2022–23 policy statements include objections to security measures in schools (some of which are subject to gang violence and other threats) based on their supposed threat to racial “equity.”<sup>100</sup> A task force report recently adopted by the NEA calls upon public-school teachers to weigh every decision they make based on whether it will “help counteract dominant patterns of white supremacy.”<sup>101</sup> At its 2023 Representative Assembly, the NEA hosted a rally against state legislation that prohibits instructing children younger than eight years old about gender ideology and sexuality, and then adopted resolutions to that effect.<sup>102</sup>

Moreover, the NEA now plays the role of attack dog against the U.S. Supreme Court. One 2022 resolution approved by the NEA called for rolling back the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization*. A proposed resolution considered at the 2023 NEA Representative Assembly called on the president to respond to the recent decision in *Students for Fair Admissions v. Harvard*—ending race-based college admissions—by packing the Supreme Court, which it characterized as “illegitimate.”<sup>103</sup>

With regard to this and the other “New Business Items” it considered at its 2023 Representative Assembly, the NEA did not publicize their contents or reveal to the public which of these items it

“**That an organization with a federal charter approves resolutions each year that are so unpopular with the public that it must conceal them behind closed doors is strong evidence of how far the NEA has strayed from the original vision of its founders.**”

approved—likely due to the negative publicity it has received in past years in response to blatantly partisan, radical resolutions that often have nothing to do with teaching as a profession or the well-being and success of students. That an organization with a federal charter approves resolutions each year that are so unpopular with the public that it must conceal them behind closed doors is strong evidence of how far the NEA has strayed from the original vision of its founders.

Yet more evidence of the NEA’s abdication of its founding principles lies in the influence it wielded to keep schools closed during the COVID-19 pandemic and its use of state and local affiliates as roadblocks to in-person learning. In a letter to members of Congress in April 2020, the NEA and three other major public employee unions demanded at least \$1 trillion in state stabilization funds, at least \$200 billion in public education stabilization funds, increased Medicaid funding, paid sick leave, and more in response to the pandemic to help create a “just, equitable society.”<sup>104</sup> It refused to rein in unreasonable demands by its state affiliates as a condition for sending teachers back to the classroom, such as the push by United Teachers Los Angeles for the abolition of standardized tests, defunding the police, and imposing a wealth tax. The UTLA demands led to over half a million students being locked out of their classrooms during the 2020–21 school year.<sup>105</sup>

Rather than fight for the best interests of students during the pandemic, the NEA demanded more

funding for progressive priorities, and the results are indisputable: massive drops in reading and math skills,<sup>106</sup> widening racial and socio-economic disparities in academic achievement,<sup>107</sup> and increased rates of anxiety and depression among children who were shut out of their schools.<sup>108</sup> It is difficult to imagine how the NEA and its affiliates might have done more to undermine its foundational goal, as stated in its charter, “to promote the cause of education in the United States.” This language, ostensibly still operative in federal law, is now treated as a quaint reminder of a time when the NEA worked for the interests of students and their families.

In short, the NEA is no longer what it was when Congress enacted its charter and undermines the very goals upon which the organization was established as a federally chartered corporation.

## V. One of These Charters Is Not Like the Others

Among the ninety-five organizations whose federal charters are codified as a “patriotic and national organization” in Title 36 of the U.S. Code, the NEA is the only labor union and by far the largest political advocacy group.<sup>109</sup> The only other organization with a Title 36 charter that operates a PAC, according to the Freedom Foundation’s recent report, is the Society of American Florists and Ornamental Horticulturalists, which raised less than \$24,000 during the 2019–20 election cycle (compared to the NEA’s \$31,700,000).<sup>110</sup> With due respect to the importance of America’s florists and gardeners, the influence of their dedicated organization on America’s political system is significantly less than that of the country’s largest labor union.

In 1997, economics professor Charles Baird exhaustively reviewed the 351 charters that Congress had granted since 1791 and placed them in three categories:

- corporations carrying out some federal governmental or public function;
- private non-profit corporations which exist for patriotic, civic-improvement, charitable, or educational purposes; and
- ordinary corporations organized in the District of Columbia (*e.g.*, banks, insurance companies and the National Cathedral).<sup>111</sup>

The 1906 version of the NEA arguably met the standard of a nonprofit corporation that exists for “educational” purposes. Today’s NEA belongs in none of these categories.

## VI. Recommendations for Reform

In light of the obvious mismatch between the aspirations behind the NEA’s charter and what the NEA has become, members of the House and Senate in the 117th Congress introduced bills that would have repealed the NEA’s federal charter.<sup>112</sup> But while repealing the charter would at least rescind what might be interpreted as continued congressional approval of the NEA’s unabashedly political character, it would not discontinue or substantially alter the organization, which has an independent legal existence as an entity incorporated under the laws of the District of Columbia.<sup>113</sup>

Instead, Congress should leverage the federal charter to reform the NEA. One member of the House

of Representatives has introduced a bill—the “Stopping Teachers Unions from Damaging Education Needs Today” (STUDENT) Act—based on this idea of reform over rescission.<sup>114</sup> These proposals include provisions that would prevent the NEA from participating in any political or lobbying activities and provide an annual report to Congress.

These are good proposals; however, Congress should consider other reforms related to the structure, governance, and activities of the NEA so as to return it to its roots as a professional organization solely dedicated to the practice of teaching and the best interests of students. To that end, as statutory conditions of the NEA’s federal charter, Congress should:

- **Revamp the governance of the NEA to provide for oversight.** Congress should establish a board of governors to ensure good governance and improved oversight of the NEA. Appointed by the president and confirmed by the Senate to serve staggered terms,<sup>1</sup> the board of governors would have the authority to review all internal documents of the NEA; to interview any officer, director, employee, contractor, attorney, or consultant of the organization; and, in a nod to modifying the 1937 legislation allowing the NEA to make program changes without congressional approval, to veto (by a majority vote of the board) any action taken by the NEA’s board of directors or its officers or their designees. Congress’s charge to this board of governors would be to return the NEA to the founding purposes as set out in 1906: “to elevate the character and advance the interests of the profession of teaching” and “to promote the cause of education in the United States.” Congress should also require the NEA to submit annually to the board of governors and to the appropriate committees in the House and Senate a report on the NEA’s activities, as well as audited financial statements.
- **Enforce the annual reporting requirements in the NEA’s charter retroactive to at least 1980.** The NEA’s charter currently requires it to submit to the Department of Education an annual report describing its property holdings and the disposition of those property holdings, including the income earned from that property.<sup>115</sup> Based on records requests under the Freedom of Information Act, it does not appear that the NEA has been complying with this responsibility at least since the Department began operations in 1980.<sup>116</sup> In light of this abdication by the Department and the NEA of their responsibilities under federal law, Congress should clarify that the Department *must* enforce the NEA’s annual reporting requirement, investigate the NEA’s past failure to file annual reports, and demand that the NEA file retroactive reports—at least since the Department opened its doors in 1980. If the NEA refuses to comply with any of these reporting requirements, then the law should require the Education Department to refer the matter to the Attorney General to seek a court order requiring the NEA to come into compliance.

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i The board could be comprised of two members of the cabinet of the president of the United States and a private citizen representing the interests of parents and students. The two board members from the president’s cabinet could include the Secretary of Labor and, assuming that the Department of Education is not abolished, the Secretary of Education. If Congress dissolves the Department of Education, then the Secretary of Health and Human Services, who oversees the Administration for Children and Families and the Administration for Community Living, could be an appropriate choice for the second cabinet-level member of the board. U.S. Department of Health and Human Services, “HHS Organizational Charts Office of Secretary and Divisions,” accessed January 16, 2024, <https://www.hhs.gov/about/agencies/orgchart/index.html>.

- **Authorize the Attorney General to force the NEA to comply with its charter and related conditions.** As proposed elsewhere,<sup>117</sup> Congress should establish a mechanism to deter the NEA from violating the terms of its charter by requiring the U.S. Attorney General to file a lawsuit in federal court seeking an order compelling the NEA to comply with its charter and related statutory conditions. Additionally, Congress should grant the board of governors the right to petition the Attorney General to investigate any actions of the NEA that it believes violate the organization’s charter. In such a case, Congress should direct the Attorney General to investigate the allegations and, within sixty days, either file a lawsuit against the NEA seeking compliance or provide to the board and the NEA a written explanation of why no action was taken.
- **Restrict the NEA from engaging in political campaigning and lobbying activities.** When it received its federal charter from Congress in 1906, the NEA was a charitable organization dedicated to improving education across the country. Had such an income tax exemption existed at the time, the organization would have certainly qualified for Section 501(c)(3) status. Congress should place a condition on the NEA’s federal charter to prohibit the organization from lobbying or influencing legislation as a substantial part of its activities and from participating in any campaign activity for or against political candidates—conditions placed on charitable organizations under Section 501(c)(3) of the U.S. Tax Code.<sup>118</sup> To prevent any skirting of this requirement, Congress should also prohibit the NEA from entering any structure involving the allocation of membership dues with an organization (such as a state or local teacher union) that does not qualify for the Section 501(c)(3) tax exemption.
- **Require the NEA to disclose to the public any business conducted at its Annual Meeting and Representative Assembly.** The NEA describes its annual Representative Assembly as “[t]he world’s largest democratic, deliberative body,”<sup>119</sup> but as



described above, it has refused in recent years to publish any of the “New Business Items” it considered or approved at the conference. Because no federally chartered corporation should be permitted to hide its political plans and expenditures from the public, Congress should require the NEA to publish in a conspicuous location on its website for each Representative Assembly all of the New Business Items and any other measures considered for a vote at that Representative Assembly, including information regarding any amendments offered to these measures in the course of the Representative Assembly, whether they were approved, and vote totals on amendments and the final measure.

- **Mandate that the NEA allow the public to observe the proceedings of each Annual Meeting and Representative Assembly.** For the same reasons as those described above, Congress should require the NEA to allow the public to observe all sessions of its Annual Meeting and Representative Assembly.
- **Require the NEA to change its name to the National Teachers’ Association.** The historical analysis in this report shows that the NEA has fallen woefully short of accomplishing its original aim of improving education in the United States. Congress should provide the organization a fresh start by restoring its original name, marking the return of the NEA’s focus to where it should have been over the course of the last century: teacher professionalism and improvements in education that benefit students, parents, and classroom teachers.

## VII. Conclusion

The NEA’s long historical descent from idealistic promoter of the common good through education to massive political machine is a story of both internal and external influences.

On the external side, the nature of education in America, along with the needs and demands of teachers, has changed dramatically since the NEA received its federal charter; subsequently, the rise of public-sector employee unions and the AFT as a competitive force in the 1960s and 1970s convinced NEA leadership that they must change to avoid becoming obsolete.

Internally, the founders and initial stewards of the NEA, who focused on improving education by promoting professionalism in teaching, were gradually replaced by activists fixated on securing more and more funding for public schools—and along with that funding, more teachers and union members and increased teacher pay and benefits. These activists abandoned the founding ideals of the organization in favor of a militant approach focused on growth, wealth, power, and influence.

Since receiving its federal charter over a century ago to “elevate the character and advance the interests of the profession of teaching, and to promote the cause of popular education in the United States,” the NEA long ago lost its way. This report provides a roadmap for Congress to ensure that the NEA returns to a route leading back to its founding ideals.



## About the Author

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## Endnotes

- 1 National Education Association, *Policy Statements 2022–2023*, 31, <https://www.nea.org/sites/default/files/2022-07/NEA%20Policy%20Statements%202022-23.pdf> (“NEA’s vision is to emphasize evidence-based behavioral practices centered in the philosophy of restorative justice over the criminalization and policing of students, and which dismantle and eliminate inequitable policies, practices, and systems that deprive many of our students of their futures and disproportionately harm Native, Asian, Black, Latin(o/a/x), Middle Eastern and North African, Pacific Islander, and Multiracial students, including those who identify as LGBTQ+, have disabilities, and/or are English language learners.”).
- 2 Brenda Álvarez and Mary Ellen Flannery, “Educators Rally for Freedom to Learn,” *NEA News*, July 5, 2023, <https://www.nea.org/professional-excellence/conferences-events/annual-meeting-and-representative-assembly/about-ra/ra-news/educators-rally-freedom-learn>.
- 3 Robert S. Eitel and Paul Zimmerman, *The AFT’s and the NEA’s Summer of Woke* (Washington, DC: Defense of Freedom Institute for Policy Studies, 2022), iii, <https://dfipolicy.org/wp-content/uploads/2022/08/DFI-Summer-of-Woke.pdf>.
- 4 Rebecca Friedrichs, “National Education Association, ‘Education Mafia,’ the Enemy of Teachers and Families,” *California Globe*, July 21, 2023, <https://californiaglobe.com/articles/national-education-association-education-mafia-the-enemy-of-teachers-and-families/>.
- 5 Charles W. Baird, “The NEA and Its Federal Charter,” *Government Union Review* 17 (1997), <https://psrf.org/government-union-review-1/2016/11/13/the-nea-and-its-federal-charter-by-charles-w-baird>; Sabrina Holcomb, “The History of NEA,” *NEA.org*, May 26, 2021, <https://www.nea.org/about-nea/mission-vision-values/history-nea>.
- 6 Baird, “The NEA and Its Federal Charter” (citing Edgar B. Wesley, *NEA: The First Hundred Years* (New York: Harper & Brothers, 1957), 21).
- 7 Holcomb, “The History of NEA.”
- 8 Allan M. West, *The National Education Association: The Power Base for Education* (New York: The Free Press, 1980), 1.
- 9 Wesley, *NEA: The First Hundred Years*, 44.
- 10 Wesley, *NEA: The First Hundred Years*, 334.
- 11 Wesley, *NEA: The First Hundred Years*, 337.
- 12 Wesley, *NEA: The First Hundred Years*, 337.
- 13 Fredrick M. Hess, *The Great School Rethink* (Cambridge, MA: Harvard Education Press, 2023), 7.
- 14 See *120 Years of American Education: A Statistical Portrait*, ed. Thomas D. Snyder (Washington, DC: National Center for Education Statistics, 1993), 76, table 24, <https://nces.ed.gov/pubs93/93442.pdf> (indicating that 2.3 percent of the 18- to 24-year-old population was enrolled in institutions of higher education in 1904–05); National Center for Education Statistics, “Digest of Education Statistics, Table 302.65,” National Center for Education Statistics, accessed October 30, 2023, [https://nces.ed.gov/programs/digest/d21/tables/dt21\\_302.65.asp?current=yes](https://nces.ed.gov/programs/digest/d21/tables/dt21_302.65.asp?current=yes) (indicating that 42.3 percent of 18- to 24-year-olds were enrolled in institutions of higher education in 2019).
- 15 Wesley, *NEA: The First Hundred Years*, 397 (Appendix B).
- 16 Wesley, *NEA: The First Hundred Years*, 276.
- 17 Wesley, *NEA: The First Hundred Years*, 267.
- 18 See, e.g., *Proceedings of the National Medical Conventions, Held in New York, May, 1846, and in Philadelphia, May, 1847*

(Philadelphia: T.K. & P.G. Collins, 1847), 55–56 (a report setting out the purposes of establishing a “National Medical Association” (which became the American Medical Association) “for cultivating and advancing medical knowledge, for elevating the standard of medical education, for promoting the usefulness, honour, and interests of the Medical Profession; for enlightening and directing public opinion in regard to the duties, responsibilities and requirements of medical men, for exciting and encouraging emulation and concert of action in the profession, and for facilitating and fostering friendly intercourse between those who are engaged in it . . .”).

- 19** Simeon E. Baldwin, Henry Hitchcock, and R.D. Hubbard, “The Founding of the American Bar Association,” *American Bar Association Journal* 3, no. 4 (October 1917): 695 (quoting a contemporaneous report on the establishment of the American Bar Association at a meeting in Saratoga Springs, NY, in 1879 “to advance the science of jurisprudence, promote the administration of justice and uniformity of legislation throughout the Union, uphold the honor of the profession of the law, and encourage cordial intercourse among the members of the American Bar”).
- 20** 40 Cong. Rec. 4,617 (April 2, 1906) (statement of Rep. Southwick) (“[T]his bill is intended to incorporate the National Education Association of the United States, and thereby change the title of the National Educational Association of the District of Columbia, the present title of the association.”).
- 21** West, *The National Education Association*, 6; 40 Cong. Rec. 4,619 (April 2, 1906) (quoting Rep. Webb) (“This body of 2,000 educators met two years ago and asked that this charter be given by this Congress. They want the charter from Congress in order to give them the added prestige.”).
- 22** 40 Cong. Rec. 4,617 (April 2, 1906) (Sec. 2); *see* 36 U.S.C. § 151102 (setting out the same dual purposes).
- 23** 40 Cong. Rec. 4,617 (April 2, 1906) (Sec. 3); *see* 36 U.S.C. § 151105 (“The corporation may— . . . acquire, own, lease, encumber, and transfer property to carry out the purposes of the corporation . . .”).
- 24** 40 Cong. Rec. 4,617 (April 2, 1906) (Sec. 4); *see* 36 U.S.C. § 151106(a)–(b) (setting out the same general exemptions from property taxes).
- 25** 40 Cong. Rec. 4,617 (April 2, 1906) (Sec. 4); *see* 36 U.S.C. § 151106(c) (setting out the same reporting requirement to the Secretary of Education).
- 26** 40 Cong. Rec. 4,618 (April 2, 1906).
- 27** 40 Cong. Rec. 4,619 (April 2, 1906).
- 28** “Carnegie Institute for Science,” Carnegie Corporation of New York, October 8, 2015, <https://www.carnegie.org/news/articles/carnegie-institute-science/>.
- 29** Teresa Iacobelli and Barbara Shubinski, “The General Education Board,” *RE:source*, January 5, 2022, <https://resource.rockarch.org/story/the-general-education-board-1903-1964/>.
- 30** 40 Cong. Rec. 4,622 (April 2, 1906).
- 31** *See* 40 Cong. Rec. 4,619–4,621 (April 2, 1906) (statement of Rep. Sullivan).
- 32** Wesley, *NEA: The First Hundred Years*, 330.
- 33** West, *The National Education Association*, 13.
- 34** Act of October 21, 1998, Pub. L. No. 105-277, 112 Stat. 2681-145 (Div. A, Sec. 101(c)).
- 35** Wesley, *NEA: The First Hundred Years*, 397 (Appendix B).
- 36** Wesley, *NEA: The First Hundred Years*, 377.

- 37** Wesley, *NEA: The First Hundred Years*, 346–347 (“The NEA committee report of 1905 on tenure and salaries showed that the annual salaries of elementary teachers in six large, widely separated cities in 1903 was about \$700, for principals about \$1,800, for high-school teachers about \$1,200, and for superintendents about \$5,000. In general, men received about 20 per cent higher salaries than women. Salaries in the smaller cities and rural districts were markedly lower than in the larger cities.”) (footnote omitted) (citing National Education Association, *Proceedings*, 1904, 370–377).
- 38** Wesley, *NEA: The First Hundred Years*, 281.
- 39** Wesley, *NEA: The First Hundred Years*, 377 (including in the 1956 figure “the approximately 220 employees of the twenty-one NEA departments that maintain Washington headquarters as well as the 440 employees of the NEA proper”).
- 40** See Hess, *The Great School Rethink*, 8 (“Teachers could be fired for getting married, being pregnant, or failing to conform to height and weight charts.”).
- 41** West, *The National Education Association*, 17, 38.
- 42** West, *The National Education Association*, 36.
- 43** Letter from Franklin Delano Roosevelt on the Resolution of Federation of Federal Employees Against Strikes in Federal Service, August 16, 1937, <https://www.presidency.ucsb.edu/documents/letter-the-resolution-federation-federal-employees-against-strikes-federal-service>.
- 44** Quoted in Daniel DiSalvo, “The Trouble with Public Sector Unions,” *National Affairs* (Fall 2010), <https://www.nationalaffairs.com/publications/detail/the-trouble-with-public-sector-unions>.
- 45** West, *The National Education Association*, 43.
- 46** West, *The National Education Association*, 44.
- 47** West, *The National Education Association*, 34.
- 48** The founding charter of the AFT, granted by the American Federation of Labor to an organization of eight local unions in Chicago in 1916, committed the AFT to forming “a more perfect Federation of all Trades and Labor Unions.” “AFT Resolution: 100th Anniversary of the Founding of the American Federation of Teachers,” American Federation of Teachers, accessed January 11, 2024, <https://www.aft.org/resolution/100th-anniversary-founding-american-federation-teachers>; American Federation of Teachers Certificate of Affiliation, May 9, 1916, available at [https://www.aft.org/sites/default/files/media/2015/aftcharter\\_800.jpg](https://www.aft.org/sites/default/files/media/2015/aftcharter_800.jpg).
- 49** West, *The National Education Association*, 45 (citing National Education Association, *Proceedings*, 1961, 216–217).
- 50** West, *The National Education Association*, 45 (footnote omitted) (citing National Education Association, *Proceedings*, 1961, 217–218).
- 51** West, *The National Education Association*, 45.
- 52** West, *The National Education Association*, 34.
- 53** West, *The National Education Association*, 34.
- 54** West, *The National Education Association*, 57.
- 55** West, *The National Education Association*, 66–67.
- 56** West, *The National Education Association*, 70.
- 57** West, *The National Education Association*, 73.

- 58** West, *The National Education Association*, 71.
- 59** West, *The National Education Association*, 75.
- 60** West, *The National Education Association*, 75.
- 61** West, *The National Education Association*, 84.
- 62** “50th Anniversary: Executive Order 10988,” U.S. Federal Labor Relations Authority, last accessed August 25, 2023, [https://www.flra.gov/50th\\_Anniversary\\_EO10988](https://www.flra.gov/50th_Anniversary_EO10988).
- 63** See Priya M. Brannick & Andrew Holman, *The Battle for Worker Freedom in the States: Grading State Public Sector Labor Laws*, 3d ed. (Harrisburg, PA: Commonwealth Foundation, 2022), <https://www.commonwealthfoundation.org/research/grading-state-public-sector-labor-laws/>, 24–26 (Appendix II). The District of Columbia and Puerto Rico also require collective bargaining with teacher unions. D.C. Code 1–617.01(c); P.R. Laws Ann. Tit. 3, § 1451j.
- 64** 14 Stat. 434 (March 2, 1867). According to the record, then-Representative James Garfield of Ohio introduced the legislation in light of recommendations made by the National Association of School Superintendents, one of the three organizations that would become the NEA in 1870. Cong. Globe, 39th Cong., 1st Sess. 835.
- 65** 14 Stat. 434 (March 2, 1867) (Sec. 1).
- 66** Kevin Kosar, “Kill the Department of Ed.? It’s Been Done,” *The Agenda, Politico*, September 23, 2015, <https://www.politico.com/agenda/story/2015/09/department-of-education-history-000235/#:~:text=It%20wasn't%20Jimmy%20Carter,chief%20just%20a%20year%20later>.
- 67** West, *The National Education Association*, 163–164.
- 68** Wesley, *The First Hundred Years*, 304; West, *The National Education Association*, 164.
- 69** Wesley, *The First Hundred Years*, 309.
- 70** Wesley, *The First Hundred Years*, 310–311.
- 71** Wesley, *The First Hundred Years*, 309 (footnote omitted) (citing National Education Association, *Proceedings*, 1942, 531).
- 72** Wesley, *The First Hundred Years*, 310 (citing National Education Association, *Proceedings*, 1944, 59–63).
- 73** Wesley, *The First Hundred Years*, 310 (citing National Education Association, *Proceedings*, 1945–1946, 180–181). This characterization of Chicago Public Schools (CPS) applies as much today as it did in 1945. See, e.g., Hannah Schmid, *Chicago Public Schools Hit Record Graduation Rate as Math, Reading Scores Drop* (Chicago: Illinois Policy, 2023), <https://www.illinoispolicy.org/chicago-public-schools-hit-record-graduation-rate-as-math-reading-scores-drop/> (analyzing Illinois State Board of Education data showing cratering reading and math proficiency rates and a sharp rise in chronic absenteeism rates in CPS during the 2021–22 school year); Paul Zimmerman, *Catching the Trash* (Washington, DC: Defense of Freedom Institute, 2023), 21–23, <https://dfipolicy.org/wp-content/uploads/2023/05/Catching-the-Trash-FNL.pdf> (describing the withdrawal from CPS of millions of dollars in federal grant funding due to the school system’s failure to address sexual violence and the ongoing epidemic of sexual abuse in CPS schools).
- 74** West, *The National Education Association*, 185.
- 75** West, *The National Education Association*, 85.
- 76** West, *The National Education Association*, 85.
- 77** 26 U.S.C. § 501(a). To maintain an outlet for donors to deduct their NEA gifts from their taxes, in 1969, the organization established the National Foundation for the Improvement of Education, which claims tax-exempt status under Section

- 501(c)(3), to receive grants for “special education projects.” West, *The National Education Association*, 85.
- 78** West, *The National Education Association*, 191–192.
- 79** West, *The National Education Association*, 193.
- 80** Quoted in West, *The National Education Association*, 194 (citing National Education Association, *Proceedings*, 1973, 20).
- 81** Warren Weaver Jr., “Labor’s Drive for Carter Is Biggest It Has Made in a Presidential Race,” *New York Times*, October 26, 1976, <https://www.nytimes.com/1976/10/26/archives/labors-drive-for-carter-is-biggest-it-has-made-in-a-presidential.html>.
- 82** West, *The National Education Association*, 186. Notably, the NEA’s chief union rival, the American Federation of Teachers, had opposed the creation of a department of education, likely because it expected that the department would serve as a puppet controlled by the NEA. West, *The National Education Association*, 184.
- 83** National Education Association, *2022–2024 Strategic Plan and Budget* (Washington, DC: National Education Association, 2022), 16, <https://www.nea.org/sites/default/files/2022-10/2022-24-strategic-plan-and-budget-10-26-22.pdf>.
- 84** National Education Association, *Form LM-2 Labor Organization Annual Report, 2021–2022* (2022), <https://olmsapps.dol.gov/query/orgReport.do?rptId=849363&rptForm=LM2Form>.
- 85** Americans for Fair Treatment, *NEA: Where Do Your Union Dues Go?*, <https://americansforfairtreatment.org/resources-and-data/nea-where-do-your-union-dues-go/#:~:text=NEA%20charges%20its%20members%20%24200,and%20causes%20around%20the%20country> (“NEA charges its members \$200 a year on top of local and state charges—often adding up to close to \$1,000 a year in total cost.”).
- 86** National Education Association, *Form LM-2, 2021–2022*.
- 87** National Education Association, *Form LM-2, 2021–2022*.
- 88** National Education Association, *Form LM-2, 2021–2022*.
- 89** See Mike Antonucci, “Analysis: How Much Does NEA Spend on Politics? Union Poured More than \$4.6 Million into State Ballot Initiatives,” *The74*, December 10, 2019, <https://www.the74million.org/article/analysis-how-much-does-nea-spend-on-politics-union-poured-more-than-4-6-million-into-state-ballot-initiatives/> (explaining that NEA grants to state affiliates to help them lobby for or against bills in state legislatures are “difficult to itemize . . . because the money goes from NEA directly to the affiliates and is generally indistinguishable from the host of other subsidies, grants and reimbursements the national union sends down the line”); Mike Antonucci, “Analysis: Tracking the NEA’s and AFT’s \$43 Million in Donations to PACs, Advocacy Organizations, Nonprofits—and the State Engagement Fund?,” *The74*, January 22, 2020, <https://www.the74million.org/article/analysis-tracking-the-neas-and-afts-43-million-in-donations-to-pacs-advocacy-organizations-nonprofits-and-the-state-engagement-fund/> (describing the NEA’s distribution of \$30.2 million to 119 advocacy groups during the 2018–19 school year).
- 90** Andrew Holman and David R. Osborne, *The Battle for Worker Freedom: How Government Unions Fund Politics Across the Country* (Harrisburg, PA: Commonwealth Foundation, 2023), [https://www.commonwealthfoundation.org/research/government-unions-fund-politics/#\\_edn3](https://www.commonwealthfoundation.org/research/government-unions-fund-politics/#_edn3) (figure labeled “Political Spending by Union, 2021–22 Cycle”).
- 91** Holman and Osborne, *The Battle for Worker Freedom* (figure labeled “Political Spending by Union, 2021–22 Cycle”).
- 92** Holman and Osborne, *The Battle for Worker Freedom* (figure labeled “Political Spending by Union, 2021–22 Cycle”).
- 93** Open Secrets, “National Education Assn, Recipients,” accessed January 12, 2024, <https://www.opensecrets.org/orgs/national-education-assn/recipients?id=d000000064>.
- 94** Open Secrets, “National Education Assn, Recipients,” accessed January 16, 2024.

- 95** National Education Association, *Constitution of the National Education Association of the United States*, 1 (Preamble), <https://www.nea.org/sites/default/files/2022-07/NEA%20Constitution%20-%202022-2023.pdf>.
- 96** National Education Association, *2022–2024 Strategic Plan and Budget*, 1.
- 97** National Education Association, *2022–2024 Strategic Plan and Budget*, 21–26.
- 98** Maxford Nelsen, *Rethinking the National Education Association’s Federal Charter* (Olympia, WA: Freedom Foundation, 2023), 5, <https://www.freedomfoundation.com/wp-content/uploads/2023/07/Rethinking-the-NEA-Federal-Charter.pdf> (citing National Education Association, *Constitution of the National Education Association of the United States*, 7 (Art. V, § 1c), 6 (Art. IV, § 4)).
- 99** National Education Association, *2022–2024 Strategic Plan and Budget*, 16, 20.
- 100** National Education Association, *Policy Statements 2022–2023*, 34, <https://www.nea.org/sites/default/files/2022-07/NEA%20Policy%20Statements%202022-23.pdf>.
- 101** National Education Association, *Report of the NEA Task Force on Safe, Just, and Equitable Schools*, 41 (Appendix B).
- 102** Eitel and Zimmerman, *Summer of Woke*, ii; Angela Morabito and Paul Zimmerman, *Summer of Woke, The Sequel* (Washington, DC: Defense of Freedom Institute for Policy Studies, 2023), 2, [https://dfipolicy.org/wp-content/uploads/2023/08/Summer\\_of\\_Woke\\_The\\_Sequel.pdf](https://dfipolicy.org/wp-content/uploads/2023/08/Summer_of_Woke_The_Sequel.pdf).
- 103** Morabito and Zimmerman, *Summer of Woke, The Sequel*, 5 (citing Friedrichs, “National Education Association, ‘Education Mafia,’ the Enemy of Teachers and Families”).
- 104** Randi Weingarten et al. to United States Senate, 21 April 2020, 2–4, <https://www.afscme.org/covid-19/downloadable-asset/4-union-leaders-COVID-priorities-Senate-ltr-4.21.20.pdf>.
- 105** See Mike Antonucci, *Teacher Union Resistance to Reopening Schools: An Examination of the Largest U.S. School Districts* (Washington, DC: Defense of Freedom Institute for Policy Studies, 2021), 4; “Los Angeles Unified,” Education Data Partnership, last accessed August 25, 2023, <http://www.ed-data.org/district/Los-Angeles/Los-Angeles-Unified> (showing 589,601 students enrolled in Los Angeles Unified School District during the 2020–21 school year).
- 106** “NAEP Long-Term Trend Assessment Results: Reading and Mathematics,” The Nation’s Report Card, last accessed August 25, 2023, <https://www.nationsreportcard.gov/highlights/ltr/2023/>.
- 107** Dan Goldhaber et al., *The Consequences of Remote and Hybrid Instruction During the Pandemic* (Cambridge, MA: Center for Education Policy Research, Harvard University, 2022), 6–7, <https://cepr.harvard.edu/files/cepr/files/5-4.pdf?m=1651690491>.
- 108** Meira Levinson and Daniel Markovits, “The Biggest Disruption in the History of American Education,” *The Atlantic*, June 23, 2022, <https://www.theatlantic.com/ideas/archive/2022/06/covid-learning-loss-remote-school/661360/>.
- 109** Nelsen, *Rethinking the National Education Association’s Federal Charter*, 1.
- 110** Nelsen, *Rethinking the National Education Association’s Federal Charter*, 4.
- 111** Baird, “The NEA and Its Federal Charter.”
- 112** National Education Association Charter Repeal Act, H.R. 7510, 117th Cong. (2022), <https://www.congress.gov/bill/117th-congress/house-bill/7510>; National Education Association Charter Repeal Act, S. 4854, 117th Cong. (2022), <https://www.congress.gov/bill/117th-congress/senate-bill/4854>.
- 113** Nelsen, *Rethinking the National Education Association’s Federal Charter*, 1–2. Nelsen’s report for the Freedom Foundation, published earlier this year, similarly proposes reforming, rather than repealing, the NEA’s federal charter.

- 114** Stopping Teachers Unions from Damaging Education Needs Today Act, H.R. 4705, 118th Cong. (2023), <https://www.congress.gov/bill/118th-congress/house-bill/4705>.
- 115** See 36 U.S.C. § 151106(c).
- 116** See Nelsen, *Rethinking the National Education Association's Federal Charter*, 6 (stating that, in response to a Freedom of Information Act request seeking such annual reports, the Department of Education replied that it had none to provide).
- 117** Nelsen, *Rethinking the National Education Association's Federal Charter*, 13.
- 118** 26 U.S.C. § 501(c)(3).
- 119** "NEA's Annual Meeting & Representative Assembly," National Education Association, last accessed August 25, 2023, <https://www.nea.org/professional-excellence/conferences-events/annual-meeting-and-representative-assembly>.



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