

## **AN INITIAL RESPONSE TO EXECUTIVE VICE PRESIDENT IVY BAILEY'S CAMPAIGN OF CHARGES AGAINST THE DFT PRESIDENT, STEVE CONN**

In a letter dated June 23, 2015, Executive Vice President Ivy Bailey (EVP) informed me that "a number of members of the Detroit Federation of Teachers (DFT) have submitted charges against you" and that she had scheduled a meeting for Monday, June 29, 2015 between myself and my accusers at which she would act as an impartial mediator attempting to reconcile our differences. What Ivy failed to mention was that she was already functioning as the prosecutor for the members who she alleges brought the charges and that she was a charging party herself. To date I have not been presented with the members' alleged charges against me, but even if I had been given the charges, I could not agree to proceed now in a process of reconciliation when my "neutral mediator" is also a charging party. Agreeing to proceed on this basis is simply acceding to the cynical belief that the democratic protections in our Bylaws to protect members and officers from witch-hunts, personal slander campaigns and frivolous and unfounded claims, are unenforceable and irrelevant. As union President it is my duty to stand for fair internal union proceedings that do not violate the language or intent of the DFT's Bylaws and can provide members with the due process protections that the law requires.

I am willing to sit down with any union member and discuss the written misconduct charges that they have leveled against me, even if I disagree with the content of the charges or question the motives of my accuser. I believe that it is possible to reconcile whatever concerns or allegations of wrongdoing that are brought by members. I believe in real democratic processes and not in shams. Accusers cannot act as mediators. Determined and outspoken political opponents who are actively campaigning to replace an officer cannot pretend to be objective or neutral, especially when the people alleged to have proffered the charges of misconduct are actively campaigning for the phony "mediator" to replace the officer being charged.

Ivy Bailey should recuse herself from these proceedings instead of making a mockery of our Bylaws. If I receive the written charges by members that have supposedly been filed and our union can establish a fair and legal basis for us to proceed on, I will gladly comply with a request to attend a reconciliation meeting. I believe it is my right and duty to have our Union postpone these proceedings until fair, just and legal procedures can be established and implemented.

**A. I pledge to DFT members and officers that I will remain focused on stopping EM Early's health care attacks being implemented against teachers and other DPS employees. We can beat EM Early and Gov. Snyder if we continue to rebuild the power of our union and organize community support for our cause.**

Before addressing EVP Bailey's charges against me, I want to make clear that my central focus and the central focus of this union must remain defeating the health care attacks that Governor Snyder and Emergency Manager Early are planning to implement in January 2016. (See the analysis of the health care crisis in the "Health Care Alert" leaflet by the DFT). The health care attacks are designed to drive teachers out of DPS and prevent new teachers from agreeing to work for the district. Early and Snyder know that unlike many other DPS employees, teachers are stuck in the perfect storm. We make too much money to qualify for good low-cost Obamacare health care plans and we make too little to use the plan Early is offering us. The choices are either to get out of the district or hope like hell that you and/or your family members never get ill.

This attack on our health care benefits goes well beyond the legitimate aim of preserving our current standard of living from further attacks—if teachers leave DPS in droves and they cannot be replaced, public education for the youth of Detroit will cease to be an option. Our union is facing the difficult but not insurmountable challenge of preventing Governor Snyder and Emergency Manager Early from completely gutting public education in the city of Detroit. Their plan to impose unaffordable and devastating attacks on health care for teachers and other DFT employees is merely another strategy to destroy public education in Detroit. We can and must defeat this planned assault on our union and on the right of Detroit to have public schools. There is no future for this city and no amount of cosmetic changes can save it from continuing decline if the public school system in this city is destroyed.

Nearly eight years ago, Education Secretary Arne Duncan declared Detroit to be "ground zero." He stated his intention to use Detroit to prove that the disastrous conditions imposed on public education in New Orleans and throughout the state of Louisiana in the wake of hurricane Katrina could be successfully imposed on other urban, poor, majority black and Latina/o school districts through conscious governmental efforts. Detroit was to be the center of an effort to replace public education with a system of cheap, profit driven charter schools.

Republican Governor Rick Snyder agreed with and shared Duncan's "vision" for Detroit and has done everything he can to implement that plan. His state takeover to "improve" public education has been a disaster for Detroit and has obviously failed to improve public education in this city. Handing over Detroit Public Schools to an Emergency Manager has created a crisis in this city. Detroit public education has spiraled downwards, and the charter schools and EAA have been a disaster. The closure of neighborhood schools has forced tens of thousands black families to migrate. The destruction of public education in Detroit has led to an increase in failing education throughout the state of Michigan. Students in Michigan are now doing so badly on standardized tests that the state as a whole has been ranked 50<sup>th</sup>, dead last in the nation. The racist policies of educational degradation in Detroit have created a new Jim Crow system of segregation and inequality. Special Education programs are now under an especially dangerous attack.

Michigan under the new Jim Crow is comparable to Mississippi and the other backwater states of the old Jim Crow.

There is only one force with the power and organization to turn this situation around, and it is the DFT. The members of this union have proven time and time again their dedication to the city of Detroit and most especially to the young people of this city. Our members have stubbornly refused to abandon their schools and their students even though they have been forced to work under conditions of constant deprivation and overcrowded classrooms. We have banded together recently to fight vicious and irrational principals who have threatened us with job loss and carrying out further attacks on public education. We are regarded as heroes and as champions of equality and progress by the people of Detroit, especially by our students and other young people who are prepared to fight side-by-side with us for our rights and needs and for a brighter future for themselves and our city. Since my election, the DFT has been regarded by the powers-that-be as the most dangerous and militant union in the state. The attack on health care is our first opportunity to show our enemies that they are right in their assessment of our union and to prove to ourselves that we can act on the militant traditions of striking and demonstrating to defend ourselves and win new gains.

I was elected by the members of this union to re-awaken and re-build the confidence and power of our union. I pledge that I will fight 'til the last drop of my blood to stop the planned attack on our health care and on the whole public education system in Detroit. To win, however, I will need the members of this union to act on the words of Frederick Douglass, "if there is no struggle, there is no progress."

We must use this summer to prepare ourselves for battle. We must dispense with the myth that we will lose public support if we give up being passive and acting respectable. If we allow our anger over our working conditions and the attacks on DPS to be channeled into organizing the people of Detroit for mass, militant direct actions against EM Early and Governor Snyder, we will place ourselves in a position to win. I have spent the time since I was elected President of this union to rebuild our union from the ground up. I have organized and supported pickets and demonstrations and have urged building representatives to build grievance campaigns in their schools. Our union is growing stronger and we cannot allow anything to derail this process.

The aim of my opponents within the DFT is to wear me down, paralyze my ability to act and if possible, to remove me from office before we have the opportunity to make and win the fight that lies ahead. Their policy is irrational and indefensible, which is why my opponents refuse to put forward any alternative strategies for our union to employ to beat back the attacks we are facing. The opposition faction against my policies, which is concentrated in the majority of the Executive Board, knows that we have no chance of beating Snyder if we beg and cajole and merely make all the best rational arguments for our side. They know if our Union fails to take mass actions, including going on strike, we

cannot win. My opponents cannot support my efforts to rebuild the union because they are scared that if teachers stand up for ourselves we could reignite the fighting spirit, pride and militancy of the people of Detroit. In truth, it is certain that we will have another massive riot in Detroit in the near future if we lose our fight to defend public education and turn our back on Detroit's black community which we must organize to move this city forward.

I do not want to waste a minute more of my time, or the members of this union's time, on fighting against baseless charges that are nothing more than an expression of a weak and defeated political minority who ought to be directing their efforts against our real enemies. I plan to focus all my time and energy this summer in gaining community, union and student support for the renewed campaign we must make this fall to stop the attack on our health care, to save our jobs, our union and our city. Our union as a whole must stay on task. We cannot allow any secondary concerns or personal antagonisms to divert us from carrying out the outreach campaign that we need to win.

When I was elected, the members of this union chose hope over cynicism and despair. What we have started to accomplish rebuilding this union, we can achieve as a city. We can inspire others across the country to rebuild the union and civil rights movements so that they can fight for themselves and for our collective future. We must fight, I will lead, and we can win.

I hope that by giving a clear explanation for why the reconciliation hearing ordered by Ivy Bailey must be postponed until that meeting and the procedures that may follow can be conducted on a fair, democratic and legal basis, I can prevent the baseless, politically motivated and demagogic attempts to oust me from the union Presidency from derailing our fight to rebuild the union and to defeat the slashing of teachers' health care benefits.

## **B. What the DFT Constitution and Bylaws require to initiate an investigation on misconduct charges**

Article XV, section 2b of the DFT Constitution and Bylaws states that "charges shall be submitted to the president (or if the president is the person charged, the executive vice president) in writing." Written charges by individual members are needed to begin any investigation of misconduct alleged against a union member or union officer. Before scheduling any reconciliation meeting, EVP Bailey must first give me copies of the alleged charges of members other than herself. In EVP Bailey's letter to me, she attempts to pass her rendition of members charges as fulfilling this requirement even though it does not and cannot serve as a substitute for providing members' allegations in their own words. EVP Bailey attempts to pass off statements like "the executive board has received numerous complaints from many other members making similar complaints about your conduct of meetings." as a legitimate basis for her actions.

The Constitution and Bylaws require EVP Bailey to provide the names of the complainants of the “similar complaints” and what they are specifically asserting about my conduct of meetings. It is a waste of time and a violation of the Constitution and Bylaws to adjudicate vague, general and unsigned allegations against any member or officer. There is no point in my engaging in a process of reconciliation that is conceived of to be fruitless and a waste of this union’s time and resources.

The “charges” letter I received from EVP Bailey is a confusing and overlapping combination of EVP Bailey’s own summation of supposed “charges” alleged by members and what appear to be her own claims against me. EVP Bailey does not present herself as a charging party, because doing so would require that EVP Bailey recuse herself from acting as a neutral mediator at the reconciliation phase of misconduct proceedings. However, the letter EVP Bailey has drafted is exactly what Article 15, sec a, requires the Executive Board to produce after reconciliation has *failed* and the Executive Board has decided to hold a trial on the charges they have put together based on the testimony of the accuser. It is undoubtedly easy to get ahead of yourself procedurally when the process is rigged from the start and the Executive Board faction has already determined the final outcome.

For the reconciliation process outlined in Article 15 to succeed, it is necessary for an impartial mediator to try to resolve differences through a constructive informal process. To achieve this, EVP Bailey should recuse herself now. But that will only partially fix the problem because there are no Executive Board members who could legitimately and honestly claim to be neutral: the majority of the Executive Board members are part of an organized political faction against the DFT President. Rather than create a new completely discredited and discrediting process for resolution—one in which the mediator and accuser share identical positions—I propose that the Executive Board should adopt a process for selecting a neutral mediator that mirrors the selection process for mediators between unions and managements. Selecting an impartial mediator acceptable to both the accused and the accuser should begin with each side creating and exchanging a list of members and or officers that they would find as acceptable candidates to conduct a reconciliation hearing. Each side would then have the opportunity to eliminate candidates from the other parties’ list until that process of elimination resulted in the selection of a single mediator, or if there is a deadlock, two mediators to conduct the reconciliation meeting.

### **C. An Initial Response to the Specific Charges Drafted by EVP Bailey**

Under the heading, “charges by members regarding your conduct,” EVP Bailey states that “member Patti McCoin charges that you have failed and refused to carry out your responsibilities in connection with meetings.” Later in the first paragraph, EVP Bailey states that “specifically Ms. McCoin charges that you unilaterally declared the membership meeting to be adjourned without following required procedure.” Besides those

two statements, this charge includes five additional paragraphs that EVP Bailey is advancing herself.

Several of the allegations under the first charge, “illegal cancellation of meetings, illegal attempts to convene special meetings and failure to preside over meetings in accordance with the bylaws,” are raised in greater detail in other charges and to avoid duplication will be addressed in response to those specific charges. However, there are two points that should be clarified now, the first being on special business meetings, and second, the choice of venue for our monthly business meetings.

The calling of special business meetings is governed by Article 4 section 1c which states that special business meetings “may or shall be called by the executive board, or shall be called upon the written request of 500 members in good standing representing at least 10% of the schools and work locations.” Every one of the four special membership meetings, beginning with the first special meeting held on Jan 25, 2015 and including the meetings held on March 29, May 3 and May 31 were convened in compliance with this Bylaw provision. I received more than 500 signatures by members from more than 10% of DPS schools and worksites asking for the convening of special membership meetings. The agenda for those meetings was contained in the language of the signed petitions. I gave those petitions to the election committee for verification. Any member questioning the legitimacy of those meetings can simply ask for certification by the election committee. The election committee was also present at each of these meetings to make a determination of whether the necessary quorum requirements had been met for the meetings to proceed officially. The January 25, March 29, May 3, and May 31 meetings achieved the quorum necessary to be decision-making membership meetings.

According to EVP Bailey’s letter, she, Ms. McCoin, and presumably any other DFT member should have the right to obtain the petitions and to verify that at least 500 members who signed the petitions are members in good standing of the DFT. This request by Ms. McCoin or EVP Bailey violates the provisions of the Bylaws and Constitution and the past practices of this union that correctly assigns to the election committee (see article V and VI) the exclusive right to determine which members of the DFT are qualified to vote in elections and whether or not membership meetings have achieved quorum. This exclusive right resides with the election committee in order to protect both the integrity and fairness of union proceedings and members’ confidentiality. Neither EVP Bailey nor Ms. McCoin have the right to interfere with or usurp the rights and responsibilities assigned to the election committee without first succeeding in amending the DFT’s Bylaws and Constitution.

The integrity and honesty of the current election committee has already been vindicated against such a challenge. An attorney representing the AFT completely exonerated the election committee of any wrongdoing. The reason that EVP Bailey, Ms. McCoin and other detractors of the election committee continue to charge, attack, harass, and

falsely accuse the election committee with wrongdoing is because it is the first election committee in decades to run a fair and clean election. Anyone looking to unseat me knows that replacing this election committee with a corrupt election committee is an essential ingredient for defeating me.

Article IV section 1c gives the Executive Board the prerogative to call special business meetings, however, it does not give the Executive Board the prerogative to interfere or subvert the right of members to call for special business meetings, themselves. Any attempt by the Executive Board to usurp the duties and rights of the election committee would also require a change in the Constitution and the Bylaws that has never occurred and never even been proposed.

Duly constituted regular and special membership meetings are the highest decision making authority of the union. The decision of the Executive Board to ignore, violate or attempt to overturn decisions made at duly constituted regular or special membership meetings is a violation of the DFT Constitution and Bylaws and represents a flagrant disregard of members' rights and union democracy.

If EVP Bailey and Ms. McCoin were being candid and honest, they would state the truth, which is that they disagree with the decisions made at the special membership meetings, and are desperately seeking a way to justify the Executive Board's refusal to adhere to binding and democratically made membership decisions. Both EVP Bailey and Ms. McCoin have had ample opportunity to get any decision they opposed overturned by simply attending and making a motion for a revote at one of the next duly constituted union meetings. Neither EVP Bailey nor Ms. McCoin have raised such motions at any other membership meeting. EVP Bailey, Ms. McCoin and the Executive Board members who support the bringing of these charges know that they could not overturn the decisions they disagree with at a membership meeting because they do not have the support to win those votes. No member or officer has the right to use subterfuge or baseless charges to overturn membership decisions. No union should accept the right of union officers to change through procedural fiat what they cannot change by winning popular support.

#### **D. Defending the right of every union member to attend union meetings and the right of the DFT to make decisions without the interference of other bodies**

Ms. McCoin, EVP Bailey and perhaps Ms. Emma Howland-Bolton also object to my decision to refuse to accept the IBEW's right to interfere in the internal union processes of the DFT by determining who this union could allow to attend our union meetings. First, no self respecting union, including the DFT, should ever agree to allow another union to interfere with its internal decision making processes. In this case, the IBEW tried to use the rental agreement the DFT had with it to dictate whether or not an elected union official, the chair of the DFT election committee, Patrick Burton, would be

allowed to attend regular monthly meetings. If DFT members or officers wanted to exclude chairman Burton from DFT meetings, they had the duty to raise this matter within the appropriate union bodies. Hiding behind a rental agreement was a dishonest and dangerous precedent-setting maneuver to which this union should not give countenance.

More importantly, Article IV section 1a of our bylaws states that “a regular business meeting open to *the entire membership* shall be held monthly during the school year at a time and place determined by the executive board.” The Executive Board’s failure to come up with a time and a location for monthly membership meetings open to *the entire membership* was and is a violation of the DFT’s bylaws. If the Executive Board believed that any member or officer of this union should be banned from attending DFT meetings, they have the obligation to bring that member up on charges. No union member can be excluded from membership meetings unless he or she has been found guilty of a gross violation of the Constitution and Bylaws and he or she has exhausted all their appellate rights. (See article XV section 4b)

Ms. McCain, EVP Bailey and other Executive Board members’ demands, that I join them in ignoring this union’s Constitution and Bylaws, are both illegal and unethical.

#### **E. Defending the Constitutional right of every union member and officer to free political speech and association**

The second charge contained in EVP Bailey’s summation of charges against me is titled “Affiliation with BAMN.” According to EVP Bailey, member Patti McCain charges that I have “knowingly and willingly allowed the DFT to become affiliated with BAMN.” This statement is obviously false since article 12 of the Constitution and Bylaws requires the DFT to make a “regular financial contribution to organizations that they affiliate with.” The other demagogic and politically motivated charges are also filled with lies and factual misrepresentations.

No section of the DFT Constitution and Bylaws is cited to support EVP Bailey’s or Ms. McCain’s attempt to impose unconstitutional limitations on free speech and association. Allowing the DFT to set a precedent of imposing limitations on the First Amendment rights of members and officers would open the door to the exclusion of devout Christian members openly affiliated with a church and openly advocating its teachings, and other unconscionable scenarios.

Fifty years ago, virtually every union in this country had a specific clause in their union Constitution and Bylaws excluding “Socialist, Communist and other radical elements” (which often meant openly gay members as well) from membership to the union. Witch-hunts were a regular feature of union life. Finally, these red-baiting provisions and other loyalty requirements were removed from union constitutions and bylaws because they were held by courts to be illegal and unconstitutional. The absence of these provi-



sions, provisions which once allowed regular and systematic purges to occur in the unions, clearly has not tempered either EVP Bailey's or Ms. McCain's appetite for witch-hunting elected union leaders like me. EVP Bailey, Ms. McCain and the Executive Board have no legal right to censor, charge, or remove me from office because they disagree with my political affiliations or beliefs. In fact, the McCarthyite red-baiting within our union only benefits the political powers that we must take on to save our union. Ironically, if I had invited Governor Snyder or Emergency Manager Early to attend and speak at a DFT membership meeting, the vast majority of current Executive Board members would be praising me and treating this as a political coup pulled off by their union president. Additionally, if I was publicly recognized as a friend or ally of Governor Snyder or Emergency Manager Early, the obvious political enemies of our union, no Executive Board member would be attempting to remove me from office for collaborating with the enemy. They would treat my friendship with our political opponents as an asset for the union.

#### **F. Defending against the falsification of history**

Point 3 of EVP Bailey is titled "failure to investigate abusive members." According to EVP Bailey, member Emma Howland-Bolton is claiming that she was threatened and mistreated at the Jan 28, 2015 membership meeting and that I took no action in response to her request for an investigation of what occurred. In fact, I convened a meeting that included EVP Bailey, member Nicole Conway and Ms. Howland-Bolton. At that meeting, we discussed Ms. Howland-Bolton's concerns, and as a part of the resolution I have appointed four sergeants of arms to be present at every union meeting to assure that the democratic rights of every union member and of the body as a whole are maintained and protected.

#### **G. Our union must stand on the constitutional protections required to maintain democratic freedoms**

Charge 4 listed in EVP Bailey's letter to me centers around an event that occurred at the March 29, 2015 special membership meeting involving Ms. Howland-Bolton and election committee chair Patrick Burton. Because the title of this section is libelous, misleading, and prejudicial, I will not repeat it here. At the most recent court hearing in front of Judge Ruth Carter, Ms. Howland-Bolton and Mr. Burton were ordered by the court to stop discussing or publicizing their views about what occurred at the March 29, 2015 union meeting. This whole charge is simply a veiled attempt to defy Judge Carter's order. I cannot allow this union to stand in contempt of Judge Carter's order under the pretext that EVP Bailey or Ms. Howland-Bolton are charging me with some kind of wrongdoing. I intend to remove the link to the video included in that document because Judge Carter specifically ordered the parties in this case to cease and desist showing this video on social media, and/or urging others to view it. I encourage EVP Bailey and Ms. Howland-

Bolton to remove all references to the specifics of this case and to act in compliance with Judge Carter's order.

The Bill of Rights contains ways to defend citizens against tyranny and to assure the rights of individuals to a fair and impartial adjudication of charges made against them. This constitutional protection is summed up in the phrase "innocent until proven guilty." It is the basis of Judge Carter's order to Ms. Howland-Bolton to refrain from discussing or trying to sway public opinion on the facts of this case before trial.

Apparently Ms. Howland-Bolton and EVP Bailey assume that they have the right to defy a judge's order, to ignore and reject this basic democratic standard and are urging our union to follow suit. As president of this union, it is my duty to defend every constitutional and legal right that the officers and members of this union currently possess. I do not want to tie up the resources of this union in unnecessary litigation between union members. However, I will actively oppose any attempts to eviscerate members' First Amendment rights, due process rights, or other constitutional rights or legal protections.

Within the next few weeks, an impartial jury will have the opportunity to determine whether Mr. Burton's actions were legal or whether Ms. Howland-Bolton has proved her claims against Mr. Burton. The Executive Board of this union should not attempt to substitute itself for the jury in this matter or to affect the outcome of this case in open defiance of the judge's order.

## **H. Defending the basic union principle of unity in action**

Section 5 of EVP Bailey's letter states that DFT member Gloria Bradley and other unnamed members are charging me with holding a rally at their school against the wishes of 90 percent of the staff. Ms. Bradley is aware that the decision to hold a rally at Clark school was ratified at a duly constituted DFT membership meeting. Reversing that decision would have required a second vote of a membership meeting. It is a basic principle of union democracy that once a decision of the membership is made, no group of teachers is entitled to act in opposition to the decision simply because they disagreed with it. There is also no right of any group of teachers to make a special pleading to me to absolve them from having to carry out a membership decision. If the members of this union take a majority vote to strike and 100 percent of teachers at Clark school or any other school oppose that decision, they have no right to continue to work because their school did not want to strike. The strength of our union is our ability to act in unity. Any assertion that each school can choose what union decision it will or will not abide by not only reduces our collective strength in numbers but also accedes to Emergency Manager Early's view that every school should be treated as a little fiefdom controlled by the principal of that school. Our union must defend the fundamental right of teachers to fight abuse by principals, discrimination and other illegal acts by DPS management. As is true with most of the charges listed, there is no violation of the DFT Constitution or Bylaws cited. Addi-

tionally, the names of the majority of members advancing this charge are not listed and as such, there is no basis for a reconciliation meeting on this charge.

**I. The actions taken to comply with the DFT/AFT constitutional requirements concerning financial matters—why I will defend the financial officers of this union, the Treasurer and the Trustees, against any actions proposed against them**

Finally, according to EVP Bailey's letter, Rahjina Johnson, Lisa Card and Elena Brantley-Phillips, the elected trustees of the DFT, are charging me with failure to pay per capita dues payments to the American Federation of Teachers (AFT) and AFT Michigan and with failing to negotiate a new forbearance agreement with the AFT. I never refused to pay per capita dues either to the AFT or the Michigan AFT. I have spoken with AFT President Randi Weingarten and several other AFT representatives and worked out a plan to create a new forbearance agreement mutually satisfactory to both parties. With the arrival of summer and the school year coming to an end, I will meet with the appropriate AFT officials to negotiate a new forbearance payment schedule.

My concern about this charge is that it insinuates that the Executive Board members responsible for maintaining the union's finances have failed to carry out their duties. Article VII section 5 states that the DFT treasurer has the responsibility for "presenting all per capita dues to the proper affiliated unions and maintain the financial records in a manner satisfactory to the Auditing Committee." I am confident that the DFT treasurer has fulfilled her responsibilities and that the board of trustees who function as auditors have also performed their duties in accordance with the bylaws and have seen to it that all per capita dues were properly paid and recorded. If by some mistake or misunderstanding the DFT treasurer or board of trustees has failed to fulfill the duties assigned to them in the DFT constitution and bylaws, I will make sure that the oversights and/or failures are corrected and that these officers are protected against wrongful persecution.