

VIA Overnight Delivery

November 20, 2007

Marilyn Stewart, President  
Chicago Teachers Union  
222 Merchandise Mart, Suite 400  
Chicago, IL 60654-1016

Dear President Stewart:

I write in response to your recent letter to me requesting an opinion regarding the pass through provision in the AFT Constitution. In this connection, it is my understanding that the Chicago Teachers Union ("CTU") utilizes a fixed dollar pass through amounting to \$12 per member, per year.

As you know, one of the fundamental conditions under which each AFT local is chartered is the clear understanding that the affiliate agrees to be bound by the provisions of the AFT Constitution. Article IV, Section 5 of the Constitution contains what is commonly referred to as the supremacy clause and it states that "no such constitution or bylaws [of any AFT local affiliate] shall be in conflict with the constitution of the AFT." This language has two requirements. The first is that a local affiliate's constitution must affirmatively conform to the provisions of the AFT Constitution. The second requirement is that the local constitution must not contain provisions which conflict with the language and the mandates of the AFT Constitution.

Among the most significant mandates in the AFT Constitution is the dues pass through language contained in Article IV, Section 6. That section provides:

"Each affiliated local shall increase the local dues to equal any increase in per capita payments that are required to be made to the American Federation of Teachers and any increase to either the state federation or the regional council with which the local is affiliated."

The language of this section is mandatory and not permissive. Article IV, Section 6 stipulates that when the per capita increases for either the AFT or the applicable state federation, the local shall pass through such increase to the members as part of the total dues that are charged. The purpose of this provision is to make sure that AFT locals have the necessary resources to both defend their members and to carry out their local responsibilities and that these resources are not eroded by national or state per capita increases.

American Federation  
of Teachers, AFL-CIO

AFT Teachers  
AFT PSRP  
AFT Higher Education  
AFT Public Employees  
AFT Healthcare

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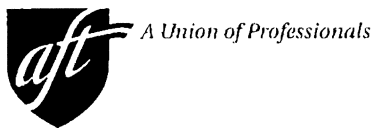
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Marilyn Stewart, President  
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It is my opinion, for the reasons stated earlier concerning the supremacy language in Article IV, Section 5 of the AFT Constitution, that the pass through is self-executing and that AFT locals must follow such provisions whether the local constitution is silent or not on the subject. Put another way, due to the mandatory nature of such language, there need be no express terms in a local constitution to implement the pass through.

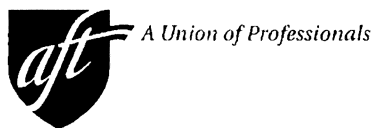
I trust I have responded to your inquiry.

Sincerely,

Edward J. McElroy  
President

EJM:DJS:od

cc: Nat LaCour, AFT Secretary-Treasurer



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Chicago Teachers Union  
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bcc: Larry Poltrock, AFT Special Counsel