

Is There a Future for Catholic School Unions in the United States?

Walter R. (Bob) Baker, June 2009

Forward

Catholic school teachers work far more hours than their public school counterparts and are not usually recompensed. Their base pay is generally around 80% of their counterparts and can be much lower and their benefits are almost always less and sometimes they don't exist at all.

Through the years of being a Catholic school teacher, I have seen, heard and experienced how dedicated Catholic school teachers most are, but I've also witnessed the machinations of some that are inimical to the true concept of Catholic education.

I have seen those in authority wield their power to justify their own positions and deliberately belittle and even oust those who are not in agreement with them from not only their jobs but from teaching, as well. Our profession has lost and is losing many teachers due to the heavy-handedness that is allowed to exist in many (arch-) dioceses. The problem is that there is no real recourse; the deck is stacked against the individual teacher by the principal, pastor (for grades K-8) and/or the diocesan education office.

Unions. This one word evokes an ethereal, almost universal, reaction that most in American society associate with it. Ironically, most of the bishops and their diocesan offices also find the word repugnant – but most either don't know or have conveniently forgotten that every pope since Leo XIII has stated or written of the right of employees to have unions, *without* excepting Catholic organizations (including diocesan workers)!

The Church makes great noise about social justice issues, but seems all too reticent to bring attention to itself in this area. It is one thing to put forth the notion that it's a calling, vocation or ministry, but quite another when you ask others to live from paycheck to paycheck and suffer through a hierarchal system that is immune to change.

About the Author.

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Chapter 1: Introduction

A. Background

“Is There a Future for Catholic School Unions in the United States” is a country-wide study of Catholic teacher unions at the primary and secondary level of education. A questionnaire was sent to dioceses across the United States and Church documents on social justice issues served as the basis for this action research project. In an attempt to widen the report, the United States Conference of Catholic Bishops (USCCB) was solicited for input and assistance, but no reply was received.

When I first entered the teaching profession, after over a quarter of a century in the military and in industry, I wondered why there was such a dichotomy between the many public school unions and the dearth of Catholic school unions. I began to research this subject (primarily through the internet), which soon prompted me to look into the subject further, eventually to the point where I used this informal research as the basis for a formal action research project.

I was privately warned and publicly intimidated for asking about unionization by a previous principal (who was ultimately successful in having me replaced), met “hushed” resistance in discussing personal attitudes by Catholic school teachers regarding unions (primarily because of potentially losing their jobs) and evasive equivocations by many occupying Catholic school positions of authority concerning this topic. In the absence of answers to innocent questions, I decided to pursue this endeavor.

An email from Father Andrew Greeley in which he stated, “Anything you can do to fight for the rights of teachers is a very good work,” then confirmed my decision to proceed.

B. Importance of the Study

This study is important on many different levels. There is no known single Church source (though there have been attempts) having a volume of specific information on Catholic teacher unions. There has been little known research data on the wage differences between public and Catholic schools, at any level. Though public schools readily publish their salary schedules (they are, after all, publicly-funded), dioceses generally treat salaries as private corporations and hence they do not usually publish salary or benefit schedules. It has been over 30 years since the National Conference of Catholic Bishops specifically addressed the subject of school unions, then as a report of a subcommittee that was never implemented.

From *Rerum Novarum* in 1891, through the Second Vatican Council and every papacy since, popes have written at length or commented about the Catholic view of work and an appropriate relationship between labor and management. Despite this copious body of Church documents that repeatedly acknowledge that all workers have the right to unionize, lay Catholic school teachers have met with only limited success in being able to organize into a collective bargaining relationship within a diocese. Those Catholic school unions that have survived have often had to fight for their continued existence, some successfully, others not.

It is interesting to note that all Catholic school unions in existence are located east of the Mississippi River (this is also the case for those unions that are now defunct).

This study is important because it is an initial attempt to quantify where Catholic school unions have been, where they are and where they might be in the future.

C. Establishing Program

A bishop is responsible for all that occurs or doesn't occur in his diocese through the power of jurisdiction and his teaching authority. In the United States, a large degree of collegiality is also present in the form of the United States Conference of Catholic Bishops (USCCB) where decisions regarding pastoral functions of a diocese are discussed and sometimes implemented.

Though a pastor of a parish may run a parish primary school, all parish schools must conform to the bishop's wishes (usually via a diocesan department of Catholic schools office). Secondary schools are usually directly subordinate to the diocesan educational office. Schools with a religious order affiliation or independently chartered are still located within a diocese and there are varying degrees of diocesan direction. Therefore, the bishop has control over all diocesan Catholic schools in some manner and all, usually through a diocesan education office, help set teacher requirements, goals, benefits and salaries.

The bishop may also allow teachers to organize or he may not – there are no compelling, official instructions either way. The focal point of implementing unionization of teachers in the United States rests with each individual bishop. The bishops have

also ignored their own social teaching documents (Themes of Catholic Social Teaching – specifically, “On the Dignity of Work and the Rights of Workers” and especially, “Economic Justice for All”), which have clearly called for bishops to recognize teachers’ rights to organize.

Though an individual pastor may favor or technically be able to allow a school to unionize, he still must ultimately answer to his bishop - the results of the questionnaire will answer the probability of this happening.

D. Statement of the Problem

The purpose of this study was to discover why Catholic school teachers have not organized in any significant numbers in the past and attempt to discover if they will be allowed or tolerated in the future. Additionally, an attempt to discover why among the Catholic school unions that do exist, there is a preponderance of secondary schools compared to primary schools.

E. Hypothesis and/or Research Questions

This study was undertaken with an attempt to discover the background of the Catholic Church’s stance on school unionization and to solicit information from dioceses, nationwide, in an attempt to offer a comprehensive presentation of the facts surrounding the problem. A balanced view of the current situation among the many dioceses offers clues to the future of teachers being able to organize in the future.

It is hoped that this study will be utilized and expanded upon by researchers and others whose are interested in social justice issues and this issue in particular.

F. Definition of Terms

NCCB – National Conference of Catholic Bishops (predecessor to the USCCB)

USCCB – United States Conference of Catholic Bishops

SDACT – Scranton Diocese Association of Catholic Teachers

NLRB – National Labor Relations Board

NLRB v. CATHOLIC BISHOP OF CHICAGO, 440 U.S. 490 (1979) – Supreme Court of the United States decision, March 21, 1979 in which the Court ruled that Congress, by not mentioning Catholic schools, found that the NLRB had no basis to interfere in a labor dispute between the Archdiocese and schools attempting to unionize.

Chapter 2: Review of Literature/Related Research

Catholic school unions are relatively new to America, the oldest formed in 1966. As a consequence, data must be culled from various sources; sometimes only one sentence might be germane to the subject matter. The history of unionizing Catholic schools is replete with problems and may serve as a preface for the years to come. With the exception of the first review, the remainder of the Literature Review is in chronological order to allow the reader to see how, in many cases, the writings have built upon each other.

A. Literature

Bishop's Jurisdiction and Teaching Authority "The bishop must also supervise the teaching of Christian doctrine in the seminaries, as well as in secondary and primary

schools (Conc. Balt. III, nos. 194 sqq.; Const. "Romanos pontifices", 8 May, 1881; op. cit., Appendix, 212). In virtue of this right of superintendence, and because of the intimate relations which exist between instruction and education, the bishop is empowered to forbid attendance at undenominational schools, at least in those districts where Catholic schools exist, and where attendance at the former schools is dangerous. In virtue of the same right he will very often be bound to erect Catholic schools or favour their establishment (Third Council of Baltimore, nos. 194-213)."

Van Hove, A. (1907). *Bishop*. In *The Catholic Encyclopedia*. New York: Robert Appleton Company. Retrieved April 24, 2009 from New Advent:

<http://www.newadvent.org/cathen/02581b.htm>

This is the basis for all bishops' authority to control all things Catholic within his diocese.

"49. The most important of all are workingmen's unions, for these virtually include all the rest. History attests what excellent results were brought about by the artificers' guilds of olden times. They were the means of affording not only many advantages to the workmen, but in no small degree of promoting the advancement of art, as numerous monuments remain to bear witness. Such unions should be suited to the requirements of this our age - an age of wider education, of different habits, and of far more numerous requirements in daily life. It is gratifying to know that there are actually in existence not a few associations of this nature, consisting either of workmen alone, or of workmen and employers together, but it were greatly to be desired that they should become more

numerous and more efficient. We have spoken of them more than once, yet it will be well to explain here how notably they are needed, to show that they exist of their own right, and what should be their organization and their mode of action.

54. Associations of every kind, and especially those of working men, are now far more common than heretofore. As regards many of these there is no need at present to inquire whence they spring, what are their objects, or what the means they imply. Now, there is a good deal of evidence in favor of the opinion that many of these societies are in the hands of secret leaders, and are managed on principles ill - according with Christianity and the public well-being; and that they do their utmost to get within their grasp the whole field of labor, and force working men either to join them or to starve. Under these circumstances Christian working men must do one of two things: either join associations in which their religion will be exposed to peril, or form associations among themselves and unite their forces so as to shake off courageously the yoke of so unrighteous and intolerable an oppression. No one who does not wish to expose man's chief good to extreme risk will for a moment hesitate to say that the second alternative should by all means be adopted.

57. To sum up, then, We may lay it down as a general and lasting law that working men's associations should be so organized and governed as to furnish the best and most suitable means for attaining what is aimed at, that is to say, for helping each individual member to better his condition to the utmost in body, soul, and property.”

Pope Leo XIII, 1891, *Rerum Novarum* (On the Condition of Workers), retrieved

February 15, 2009 from the Vatican website:

http://www.vatican.va/holy_father/leo_xiii/encyclicals/documents/hf_l-xiii_enc_15051891_rerum-novarum_en.html

Pope Leo XIII's treatise on labor established the historical context for labor unions and its role in the workplace; it is the first Church document that discusses the right of workers in the Modern Era; the document serves as the springboard for the many further documents that have followed.

“5. We therefore lavish praise upon each and every one of the strictly Catholic workingmen's associations existing in Germany. We wish them every success in all their endeavors on behalf of the laboring people, hoping they will enjoy a constant increase. However, in saying this We do not deny that Catholics, in their efforts to improve the workers' living conditions, more equitable distribution of wages, and other justified advantages, have a right, provided they exercise due caution, to collaborate with nonCatholics for the common good. For such a purpose, however, We would rather see Catholic and non-Catholic associations unite their forces through that new and timely institution known as the *cartel*.”

Pope Pius X, 1912, *Singulari Quadam* (On Labor Organizations), retrieved February 15, 2009 from the Vatican website:

http://www.vatican.va/holy_father/pius_x/encyclicals/documents/hf_p-x_enc_24091912_singulari-quadam_en.html

Pius X continued his predecessor's discussion regarding unions (cartels).

“37. Leo's learned treatment and vigorous defense of the natural right to form associations began, furthermore, to find ready application to other associations also and not alone to those of the workers. Hence no small part of the credit must, it seems, be given to this same Encyclical of Leo for the fact that among farmers and others of the middle class most useful associations of this kind are seen flourishing to a notable degree and increasing day by day, as well as other institutions of a similar nature in which spiritual development and economic benefit are happily combined.

84. Because order, as St. Thomas well explains,[49] is unity arising from the harmonious arrangement of many objects, a true, genuine social order demands that the various members of a society be united together by some strong bond. This unifying force is present not only in the producing of goods or the rendering of services--in which the employers and employees of an identical Industry or Profession collaborate jointly--but also in that common good, to achieve which all Industries and Professions together ought, each to the best of its ability, to cooperate amicably. And this unity will be the stronger and more effective, the more faithfully individuals and the Industries and Professions themselves strive to do their work and excel in it.”

Pope Pius XI, 1931, *Quadragesimo Anno* (The Fortieth Year) On the Reconstruction of the Social Order, retrieved February 15, 2009 from the Vatican website:

http://www.vatican.va/holy_father/pius_xi/encyclicals/documents/hf_p-xi_enc_19310515_quadragesimo-anno_en.html

Pius XI, saluting Leo's work 40 years earlier, continues his predecessor's acknowledgement of the right of unions to exist.

“On labor: ‘The duty and right to organize the labor of the people belongs above all to the people immediately interested: the employers and the workers....Every legitimate and beneficial interference of the State in the field of labor should be such as to safeguard and respect its personal character.’”

Pope Pius XII, June 1, 1941, Radio Vatican broadcast, retrieved on February 23, 2009

from the Time Magazine website:

<http://www.time.com/time/printout/0,8816,933208,00.html>

A portion of Pius XII’s radio broadcast during World War II which included this reference to the right of unions to exist.

“18. They concern first of all the question of work, which must be regarded not merely as a commodity, but as a specifically human activity. In the majority of cases a man's work is his sole means of livelihood. Its remuneration, therefore, cannot be made to depend on the state of the market. It must be determined by the laws of justice and equity. Any other procedure would be a clear violation of justice, even supposing the contract of work to have been freely entered into by both parties.

22. Pope Leo XIII also defended the worker's natural right to enter into association with his fellows. Such associations may consist either of workers alone or of workers and employers, and should be structured in a way best calculated to safeguard the workers' legitimate professional interest. And it is the natural right of the workers to work without hindrance, freely, and on their own initiative within these associations for the

achievement of these ends.”

Pope John XXIII, 1961, *Mater et Magistra* (Christianity and Social Progress), retrieved February 15, 2009 from the Vatican website:

http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_jxxiii_enc_15051961_mater_en.html

John XXIII, acknowledging Leo XIII, concurs with the existence of unions in the workplace.

“23. Men are by nature social, and consequently they have the right to meet together and to form associations with their fellows. They have the right to confer on such associations the type of organization which they consider best calculated to achieve their objectives. They have also the right to exercise their own initiative and act on their own responsibility within these associations for the attainment of the desired results(20).”

Pope John XIII, 1963, *Pacem in Terris* (Peace on Earth), retrieved February 15, 2009 from the Vatican website:

http://www.vatican.va/holy_father/john_xxiii/encyclicals/documents/hf_j-xxiii_enc_11041963_pacem_en.html

John XXIII, again, cites the right to form unions.

“68...Among the basic rights of the human person is to be numbered the right of freely founding unions for working people. These should be able truly to represent them and to contribute to the organizing of economic life in the right way. Included is the right of freely taking part in the activity of these unions without risk of reprisal. Through this orderly participation joined to progressive economic and social formation, all will grow day by day in the awareness of their own function and responsibility, and thus they will be brought to feel that they are comrades in the whole task of economic development and in the attainment of the universal common good according to their capacities and aptitudes.

When, however, socio-economic disputes arise, efforts must be made to come to a peaceful settlement. Although recourse must always be had first to a sincere dialogue between the parties, a strike, nevertheless, can remain even in present day circumstances a necessary, though ultimate, aid for the defense of the workers' own rights and the fulfillment of their just desires. As soon as possible, however, ways should be sought to resume negotiation and the discussion of reconciliation.”

Vatican II Pastoral Constitution on the Church in the Modern World, 1965, *Gaudium et*

Spes (Joy and Hope), retrieved February 15, 2009 from the Vatican website:

http://www.vatican.va/archive/hist_councils/ii_vatican_council/documents/vat-ii_const_19651207_gaudium-et-spes_en.html

Vatican II, in essence, codified the Church's position on unions.

“39. Every form of social action involves some doctrine; and the Christian rejects that

which is based on a materialistic and atheistic philosophy, namely one which shows no respect for a religious outlook on life, for freedom or human dignity. So long as these higher values are preserved intact, however, the existence of a variety of professional organizations and trade unions is permissible. Variety may even help to preserve freedom and create friendly rivalry. We gladly commend those people who unselfishly serve their brothers by working in such organizations.”

Pope Paul VI, 1967, *Populorum Progressio* (On the Development of Peoples), retrieved February 15, 2009 from the Vatican website:

http://www.vatican.va/holy_father/paul_vi/encyclicals/documents/hf_p-vi_enc_26031967_populorum_en.html

Paul VI wrote that unions must serve a higher purpose.

“14. Although for the defense of these rights democratic societies accept today the principle of labor union rights, they are not always open to their exercise. The important role of union organizations must be admitted: their object is the representation of the various categories of workers, their lawful collaboration in the economic advance of society, and the development of the sense of their responsibility for the realization of the common good.”

Pope Paul VI, 1971, *Octogesima Adveniens* (Call to Action) (Apostolic Letter), retrieved February 15, 2009 from the Vatican website:

http://www.vatican.va/holy_father/paul_vi/apost_letters/documents/hf_p-vi_apl_19710514_octogesima-adveniens_en.html

Paul VI wrote that many states only accept the concept of union “on principle.”

“54. Education for justice is imparted first in the family. We are well aware that not only Church institutions but also other schools, trade unions and political parties are collaborating in this.

56. The basic principles whereby the influence of the Gospel has made itself felt in contemporary social life are to be found in the body of teaching set out in a gradual and timely way from the encyclical *Rerum Novarum* to the letter *Octogesima Adveniens*. As never before, the Church has, through the Second Vatican Council's constitution *Gaudium et Spes*, better understood the situation in the modern world, in which Christian works out their salvation by deeds of justice. *Pacem in Terris* gave us an authentic charter of human rights. In *Mater et Magistra* international justice begins to take first place; it finds more elaborate expression in *Populorum Progressio*, in the form of a true and suitable treatise on the right to development, and in *Octogesima Adveniens* is found a summary of guidelines for political action.”

Synod of Bishops, 1971, *Justitia in Mundo* (Justice in the World), retrieved February 15,

2009 from Spring Hill College:

<http://www.shc.edu/theolibrary/resources/synodjw.htm>

Acknowledging previous social justice encyclicals, the Synod of Bishops stated that they are as valid today as they were when first written.

“II. Collective Bargaining by Teachers

Catholic social teaching strongly supports the rights of employees to organize and to bargain collectively with their employers. The free exercise of these rights pertains to Catholic school teachers and other school employees in the same way it relates to the employees of other Catholic institutions and secular organizations. We firmly believe that Catholic school teachers should not only study and understand these rights but should consider a responsibility toward their fellow teachers as they examine the possibility or even necessity of collective bargaining.

A corollary to the right of Catholic school teachers to organize into teacher associations is the right which they possess to determine for themselves the agency or organization which is to represent them in the bargaining process.

III. Procedural Recommendations

3. Where the teachers want an organization to be their way of participating in decisions, school administrators should cooperate and with it its officers. Teacher organizations can bring benefits not only to teachers but to Catholic education in general. The organization, for its part, should ask how it meets the rationale of a teacher organization in a Catholic school.”

United States Catholic Conference, Subcommittee on Teacher Organizations. (1977.

September 15). *Teacher Organizations in Catholic Schools - A Report*, retrieved

February 15, 2009 from the National Association of Catholic School Teachers
website: <http://www.nacst.com/aoi1.shtml>

This report made clear that teachers' unions should be supported by the bishops, but the report was never apparently voted upon by the bishops.

U.S. Supreme Court decision, *NLRB v. Catholic Bishop of Chicago*, 440 U.S. (1979)
“Accordingly, in the absence of a clear expression of Congress' intent to bring teachers in church-operated schools within the jurisdiction of the Board, we decline to construe the Act in a manner that could in turn call upon the Court to resolve difficult and sensitive questions arising out of the guarantees of the First Amendment Religion Clauses.

The Court today holds that coverage of the National Labor Relations Act does not extend to lay teachers employed by church-operated schools. That construction is plainly wrong in light of the Act's language, its legislative history, and this Court's precedents. It is justified solely on the basis of a canon of statutory construction seemingly invented by the Court for the purpose of deciding this case. I dissent.”

BURGER, C. J., delivered the opinion of the Court, in which STEWART, POWELL, REHNQUIST, and STEVENS, JJ., joined. BRENNAN, J., filed a [440 U.S. 490, 491] dissenting opinion, in which WHITE, MARSHALL, and BLACKMUN, JJ., joined, post, p. 508.

NLRB v. CATHOLIC BISHOP OF CHICAGO, 440 U.S. 490 (1979), retrieved April 24, 2009 from the Case Law website:

[http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=440
&page=490](http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=us&vol=440&page=490)

This case is usually the basis for legal challenges to the bishops' rejection of unions within their dioceses.

“20. All these rights, together with the need for the workers themselves to secure them, give rise to yet another right: the right of association, that is, to form associations for the purpose of defending the vital interests of those employed in the various professions. These associations are called labor or trade unions. The vital interests of the workers are to a certain extent common for all of them; at the same time, however, each type of work, each profession, has its own specific character which should find a particular reflection in these organizations....The experience of history teaches that organizations of this type are an indispensable element of social life, especially in modern industrialized societies. Obviously this does not mean that only industrial workers can set up associations of this type. Representatives of every profession can use them to ensure their own rights. Thus there are unions of agricultural workers and of white-collar workers; there are also employers' associations. All, as has been said above, are further divided into groups or subgroups according to particular professional specializations.Speaking of the protection of the just rights of workers according to their individual professions, we must of course always keep in mind that which determines the subjective character of work in each profession, but at the same time, indeed before all else, we must keep in mind that which conditions the specific dignity of the subject of the work. The activity of union organizations opens up many possibilities in this respect,

including their efforts to instruct and educate the workers and to foster their self education. Praise is due to the work of the schools, what are known as workers' or people's universities and the training programs and courses which have developed and are still developing this field of activity. It is always to be hoped that, thanks to the work of their unions, workers will not only have more, but above all be more: in other words that they will realize their humanity more fully in every respect.

One method used by unions in pursuing the just rights of their members is the strike or work stoppage, as a kind of ultimatum to the competent bodies, especially the employers. This method is recognized by Catholic social teaching as legitimate in the proper conditions and within just limits. In this connection workers should be assured the right to strike, without being subjected to personal penal sanctions for taking part in a strike. While admitting that it is a legitimate means, we must at the same time emphasize that a strike remains, in a sense, an extreme means. It must not be abused; it must not be abused especially for "political" purposes."

Pope John Paul II, 1981, *Laborem Exercens* (On Human Work), retrieved February 15, 2009 from the Vatican website:

<http://www.vatican.va/edocs/ENG0217/INDEX.HTM>

John Paul II acknowledged that unions seek to defend the vital interest of the employed; white collar unions are also mentioned.

"36. While it is only natural to expect lay Catholic educators to give preference to Catholic professional associations, it is not foreign to their educational role to participate

in and collaborate with all educational groups and associations, along with other groups that are connected with education. They should also lend support to the struggle for an adequate national educational policy, in whatever ways such support is possible. Their involvement may also include Trade Union activity, though always mindful of human rights and Christian educational principles.⁽³³⁾ Lay teachers should be reminded that professional life can sometimes be very remote from the activities of associations; they should realize that if they are never involved in or even aware of these activities, this absence could be seriously harmful to important educational issues.

It is true that there is often no reward for such activities; success or failure depends on the generosity of those who participate. But when there are issues at stake so vital that the Catholic teacher cannot ignore them, then generosity is urgently needed.

78. If the directors of the school and the lay people who work in the school are to live according to the same ideals, two things are essential. First, lay people must receive an adequate salary, guaranteed by a well defined contract, for the work they do in the school: a salary that will permit them to live in dignity, without excessive work or a need for additional employment that will interfere with the duties of an educator. This may not be immediately possible without putting an enormous financial burden on the families, or making the school so expensive that it becomes a school for a small elite group; but so long as a truly adequate salary is not being paid, the laity should see in the school directors a genuine preoccupation to find the resources necessary to achieve this end.

The Sacred Congregation For Catholic Education. (1982. October 15). *Lay Catholics in Schools: Witnesses to Faith*. The Vatican. Retrieved May 30, 2009 from the Vatican website:

http://www.vatican.va/roman_curia/congregations/ccatheduc/documents/rc_con_ccatheduc_doc_19821015_lay-catholics_en.html

The Sacred Congregation for Catholic Education specifically mentions trade unions and the need for an adequate salary without excessive work.

“104. The Church fully supports the right of workers to form unions or other associations to secure their rights to fair wages and working conditions. This is a specific application of the more general right to associate. In the words of Pope John Paul II, "The experience of history teaches that organizations of this type are an indispensable element of social life, especially in modern industrial societies" [58]. Unions may also legitimately resort to strikes where this is the only available means to the justice owed to workers [59]. No one may deny the right to organize without attacking human dignity itself. Therefore, we firmly oppose organized efforts, such as those regrettably now seen in this country, to break existing unions and prevent workers from organizing. Migrant agricultural workers today are particularly in need of the protection, including the right to organize and bargain collectively. U.S. labor law reform is needed to meet these problems as well as to provide more timely and effective remedies for unfair labor practices.

353. All church institutions must also fully recognize the rights of employees to organize and bargain collectively with the institution through whatever association or organization

they freely choose.¹² In the light of new creative models of collaboration between labor and management described earlier in this letter, we challenge our church institutions to adopt new fruitful modes of cooperation. Although the Church has its own nature and mission that must be respected and fostered, we are pleased that many who are not of our faith, but who share similar hopes and aspirations for the human family, work for us and with us in achieving this vision. In seeking greater justice in wages, we recognize the need to be alert particularly to the continuing discrimination against women throughout Church and society, especially reflected in both the inequities of salaries between women and men and in the concentration of women in jobs at the lower end of the wage scale.”

Economic Justice for All, Pastoral Letter on Catholic Social Teaching and the U.S.

Economy, U.S. Catholic Bishops, 1986, A Pastoral Message

http://www.osjspm.org/economic_justice_for_all.aspx

This pastoral letter sets forth, in clear terms, that the Church “must” allow unions; the Church also admits that women are discriminated against in wages.

“We should add here that in today's world there are many other forms of poverty. For are there not certain privations or deprivations which deserve this name? The denial or the limitation of human rights as for example the right to religious freedom, the right to share in the building of society, the freedom to organize and to form unions, or to take initiatives in economic matters--do these not impoverish the human person as much as, if not more than, the deprivation of material goods? And is development which does not

take into account the full affirmation of these rights really development on the human level?"

Pope John Paul II, 1987, *Sollicitudo Rei Socialis* (On Social Concern), retrieved

February 15, 2009 from the Vatican website:

http://www.vatican.va/edocs/ENG0223/_INDEX.HTM

Again, John Paul II stated that organizing into unions is a freedom enjoyed by workers.

"7. In close connection with the right to private property, Pope Leo XIII's encyclical also affirms other rights as inalienable and proper to the human person. Prominent among these, because of the space which the Pope devotes to it and the importance which he attaches to it, is the "natural human right" to form private associations. This means above all the right to establish professional associations of employers and workers, or of workers alone.[19] Here we find the reason for the Church's defense and approval of the establishment of what are commonly called trade unions: certainly not because of ideological prejudices or in order to surrender to a class mentality, but because the right of association is a natural right of the human being, which therefore precedes his or her incorporation into political society. Indeed, the formation of unions "cannot..be prohibited by the State," because "the State is bound to protect natural rights, not to destroy them; and if it forbids its citizens to form associations, it contradicts the very principle of its own existence." [20]

8. The Pope immediately adds another right which the worker has as a person. This is the right to a "just wage," which cannot be left to the "free consent of the parties, so that the employer, having paid what was agreed upon, has done his part and seemingly is not called upon to do anything beyond." [23] It was said at the time that the State does not have the power to intervene in the terms of these contracts, except to ensure the fulfillment of what had been explicitly agreed upon. This concept of relations between employers and employees, purely pragmatic and inspired by a thoroughgoing individualism, is severely censured in the encyclical as contrary to the twofold nature of work as a personal and necessary reality. For if work as something personal belongs to the sphere of the individual's free use of his own abilities and energy, as something necessary it is governed by the grave obligation of every individual to ensure "the preservation of life." "It necessarily follows," the Pope concludes, "that every individual has a natural right to procure what is required to live; and the poor can procure that in no other way than by what they can earn through their work." [24]

A workman's wages should be sufficient to enable him to support himself, his wife and his children. "If through necessity or fear of a worse evil the workman accepts harder conditions because an employer or contractor will afford no better, he is made the victim of force and injustice." [25]

Would that these words, written at a time when what has been called "unbridled capitalism" was pressing forward, should not have to be repeated today with the same severity. Unfortunately, even today one finds instances of contracts between employers and employees which lack reference to the most elementary justice regarding the employment of children or women, working hours, the hygienic condition of the

workplace and fair pay; and this is the case despite the international declarations and conventions on the subject[26] and the internal laws of states. The Pope attributed to the "public authority" the "strict duty" of providing properly for the welfare of the workers, because a failure to do so violates justice; indeed, he did not hesitate to speak of "distributive justice.[27]"

Pope John Paul II, 1991, *Centesimus Annus* (One Hundred Years), retrieved February 15, 2009 from the Vatican website:

http://www.vatican.va/edocs/ENG0214/_INDEX.HTM

Celebrating the 100th anniversary of *Rerum Novarum*, John Paul II mentions the natural human right to form unions, the right to a just wage and the concept of distributive justice of Leo XIII.

"The question arises as to why some Catholic school administrators oppose the right of their teachers to organize and bargain collectively.

Constitutional issue aside, it is important to understand exactly what the high court did and did not say (in the *NLRB v. Chicago Bishop* decision).

The court said that the Catholic school teachers' right to organize for this purpose finds no protection under the NLRA. It did not question or negate their right to organize. Yet the distinction was lost on many observers. One widely circulated news story, typical of many others, was headlined "Court Bans Bargaining for Religious Schools."

Some have argued that unions are not the "only way" to meet the legitimate economic needs of teachers. Theoretically speaking, there may be something to be said for this point of view, but as a practical matter it is somewhat irrelevant.

The question is, Are Church people prepared to support the right of teachers to form unions if and when their teachers choose to do so?

Some Catholic opinion leaders have suggested that with unions in Catholic schools will come ideas and values that contradict or even undermine the faith. It has also been suggested that some associations of Catholic school teachers are dominated by public educational lobbies with secular goals.

The fact is that the overwhelming majority of unionized teachers in Catholic schools belong to unions which are neither dominated nor manipulated by public school unions."

Msgr. George Higgins, Date Unknown, retrieved February 15, 2009 from the National Association of Catholic School Teachers website:

<http://www.nacst.com/aoi2.shtml>

Monsignor poses questions based the Bishops' own pastoral letter.

"The U.S. Catholic bishops insisted in their 1986 pastoral letter on the economy that the Church must practice in its own household what it preaches to others about justice. "All the moral principles that govern the just operation of any economic endeavor apply to the church and its agencies and institutions," the bishops declared, and in italics.

"Indeed, the church should be exemplary."

"All church institutions," the pastoral letter continued, "must also fully recognize the rights of employees to organize and bargain collectively with the institution through whatever association or organization they freely choose In seeking greater justice in wages, we recognize the need to be particularly alert to the continuing discrimination against women throughout church and society, especially reflected in both the inequities of salaries between women and men and in the concentration of women in jobs at the lower end of the wage scale."

An injustice that is unrectified is an injustice unrectified. We never get an injustice behind us until it is addressed and resolved. That is, until justice is done. "Justice clamors until it is satisfied."

Justice clamors for satisfaction in our Catholic parishes. Justice clamors for satisfaction in our Catholic schools. Justice clamors for satisfaction in our Catholic hospitals. Justice clamors for satisfaction in all of our Catholic agencies and institutions, of whatever kind. To be for justice is to stand up for the Catholic school teachers for whom the social teachings of the Church are a dead-letter, and to defend their right to unionize, even against the well-funded power of anti-union law firms employed and directed by the local bishop."

Richard P. McBrien. (1996. October 12). *Justice in the Church: The Unfinished*

Business of Catholic Social Teaching, retrieved February 15, 2009 from the

National Association of Catholic School Teachers website:

<http://www.nacst.com/aoi4.shtml>

Father McBrien, of Notre Dame, questioned why the bishops, while publishing their 1986 pastoral letter, have not allowed unions in their own dioceses.

“The late Cardinal Cody of Chicago won a supreme court decision that exempted the Church from the Wagner act. That's a terrible decision. Anything you can do to fight for the rights of teachers is a very good work.”

Email between Andrew Greeley and author, 2005

“We, the Catholic bishops of the United States, wish to offer our deep gratitude to those individuals who staff our Catholic elementary and secondary schools, the dedicated lay and religious administrators and teachers. We applaud their professionalism, personal sacrifices, daily witness to faith, and efforts to integrate learning and faith in the lives of their students in order to “accomplish the very purpose of evangelization: the incarnation of the Christian message in the lives of men and women” (*Lay Catholics in Schools: Witnesses to Faith*, no. 31).

We take this opportunity to encourage all who are devoted to working in Catholic schools to “persevere in their most important mission” (*Ecclesia in America*, no. 71).

Catholic schools will be staffed by highly qualified administrators and teachers who would receive just wages and benefits, as we expressed in our pastoral letter *Economic Justice for All*.

Our total Catholic community must increase efforts to address the financial needs of our Catholic school administrators, teachers, and staff. Many of our employees make great

sacrifices to work in Catholic schools. The Catholic community must not ignore the reality of inadequate salaries, which often require these individuals to seek supplemental employment (*Lay Catholics*, no. 27) to meet living expenses and expenses due to limited or non-existent health care and retirement benefits.”

USCCB (2005). *Renewing Our Commitment to Catholic Elementary and Secondary Schools in the Third Millennium*. Committee on Education of the United States Conference of Catholic Bishops (USCCB). Retrieved from <http://www.usccb.org/bishops/schools.pdf>

The bishops recognize and reiterate “Economic Justice for All” but broaden their call to correct inequalities in wages to the Catholic community at-large; unions are noticeably absent from this letter, however.

The Dignity of Work and the Rights of Workers “The economy must serve people, not the other way around. Work is more than a way to make a living; it is a form of continuing participation in God’s creation. If the dignity of work is to be protected, then the basic rights of workers must be respected--the right to productive work, to decent and fair wages, to the organization and joining of unions, to private property, and to economic initiative.”

Themes of Catholic Social Teaching. Retrieved April 24, 2009 from the USCCB website: <http://www.usccb.org/sdwp/projects/socialteaching/excerpt.shtml>

Copyrighted in 2005, the USCCB is quite clear that unions are a basic right of people in the workplace.

United States Catholic Elementary and Secondary Schools, 2008-2009, NCEA (pp. x-3), Washington, DC: NCEA

This is the latest NCEA document that profiles Catholic schools throughout the United States.

B. Related Research

While there has been research comparing different topics among teachers in Catholic, religious, private and public schools, there has been little known research devoted exclusively to Catholic schools and their internal nuances. Catholic schools were founded in reaction to the primarily Protestant public schools and, as such, bore fruit in an entirely different way.

Chapter 3: Research Design/Methodology

3.1 Sample

Using the USCCB website, approximately 150 requests were sent to diocesan school superintendents or offices and 45 have been returned, of which only 39 have some sort of usable responses. (The reason for the approximation of questionnaires sent is due to the fact that some of the diocesan web sites maintain an internal communications email system. 138 separate email deliveries are immediately verifiable.) A few superintendents sought to have a written assurance (e.g., a Dayton letterhead) that this was a school-related survey, while most others seem to have simply ignored this request.

3.2 Materials

Exhibit 1 is an exact copy of the survey that was sent to the superintendents of all the archdioceses and dioceses across the country.

The questionnaire was used to conduct a brief survey of Catholic dioceses in the United States to provide some sort of quantitative data. Measurement tools and scales are sometimes meager when the respondents failed to provide all the requested data.

3.3 Analysis of Data

The use of a spreadsheet was utilized in order to provide an easier method of quantifying incoming data responses from the questionnaire.

3.4 Results

The following Excel spreadsheet synthesizes the results of the survey.

The 39 responses received represent 26% of the 150 questionnaires sent. The first categorical response indicates that 92% do not have teacher unions in their dioceses at present.

Beginning with columns two and three, which indicate the total school populations of the respondents, a number of questionnaires were left blank. This absence of a response varied throughout all the remainder of responses. The 39 dioceses that responded represent over 11,796 primary and 4,759 secondary students.

The next column is an attempt to quantify the salary comparisons between diocesan and public schools. The range in which diocesan school teacher salaries compare to public schools ranges from a low of 50% (two dioceses reported this figure)

to 105% (one diocese included this figure as an upper range). The common percentage between most of the replies is approximately 80%. Some respondents also indicated that this percentage (80%) was what was aimed for. Though only one respondent indicated that it paid primary school teachers at a lower scale than its secondary teachers, it may be surmised that the lower end percentages of many of the responses represent primary teachers. With the exception of one response, none of the other dioceses indicated that 100% (equality with public schools) was a diocesan goal.

The yearly attrition rate was the next question posed in the questionnaire. Of the 867 (plus) teachers that leave Catholic education each year, 24% leave for public school positions. This figure is probably higher given that 12 respondents gave no response, two stated that figures were unknown and one replied “low.”

Responding to teacher benefits, tangible items (such as medical, dental, tuitions and life insurances) were often cited. Interestingly, 30% of the responses cited that there were none and 13% gave no response.

Asked whether their bishop would support a Catholic school union in their diocese, 38% stated no and another 34% stated that they didn't know if the bishop would support a teacher's union. Only 3% answered affirmatively, 15% gave no response and two respondents stated that their bishop possibly or probably would answer affirmatively.

The final question of the questionnaire posed the question whether there was concern with the papal encyclicals (such as *Rerum Novarum*) and the Vatican II Pastoral Constitution on the Church in the Modern World (*Gaudium et Spes*) in decisions concerning unions. 54% of the responses are recorded as negative. Of the

four dioceses that indicated affirmatively, two specifically stated no if applied to primary schools. 26% gave no real answer and four respondents gave no reply.

Chapter 4: Implication for Teaching/Supervision and Research

4.1. Limitations of the Study

This study was limited in scope, in large part, due to the reticence of the many Catholic education heads across the country to respond to the questionnaire. Though a small number of responses were expected, the total was expected to be somewhat higher than the 27% received. The total number of questions was deliberately kept low in order to prompt a reply. The dioceses that did respond sometimes chose not to add details and/or ignored specific questions.

Further, the USCCB ignored my request for assistance and didn't even have the courtesy to respond to my written request.

4.2 Discussions/Conclusions

Historically, the preponderance of papal encyclicals and other documents (including those of the USCCB) are overwhelmingly in favor of unionization. The fact that Catholic teachers in the United States have but few unions is, at first, perplexing.

There are only approximately 13 Catholic school unions in the United States at the present time. Of these, three are high school and 10 are both primary and secondary school unions. The 5000 members, in 20 dioceses, are part of the National Association of Catholic School Teachers.

The first Catholic school union in the United States was established in 1966 (the Association of Catholic Teachers - ACT). ACT is a union of Catholic high school teachers, which was formally recognized by the Archdiocese of Philadelphia in 1968. The previous year, ACT affiliated itself with the American Federation of Teachers (AFT), of the AFL-CIO, but left this organization in 1978 when AFT chose to oppose tuition tax credits and its inattentiveness towards Catholic school teachers.

Relatively recently, there have been at least three unions in which the (arch-) bishops of dioceses in the United States have completely extinguished. In St. Louis, Archbishop Burke squashed the fledgling elementary school union by simply stating in 2004 that, "Neither the Archdiocese nor individual parishes will recognize or bargain collectively with any organization as a representative of the teachers." Also in 2004, Archbishop Sean O'Malley decentralized Boston Catholic high schools and then refused to recognize The Boston Archdiocesan Teachers Association (BATA) that had been in existence for 36 years (from 1968-2004).

Because of its potential demise, the Scranton Diocese Association of Catholic Teachers (SDACT) serves as a ready example of how a bishop can "decommission" or prevent a union from becoming established and serves as the third example of how to (attempt) to rid a diocese of a union. (In large part, information is available due to the availability of the Internet as a ready resource.)

SDACT was established in 1981 and continued its existence until last year (2008) when the Bishop of Scranton followed the "scrip," reorganized the school system and then refused to renew the agreement between the union and the diocese. The bishop has hire a public relations firm, attempted to enlist parental support

(unsuccessfully) and has put into place what used to be called “company unions” under the cognizance of the bishop’s office.

SDACT has fought back with the introduction of House Bill 26 into the Pennsylvania Legislature. Unlike New Jersey, New York and Minnesota, which have specific laws covering Catholic school organizing, Pennsylvania (and most other states) do not have such legal provisions.

In a chance meeting at the National Catholic Education Association (NCEA) convention on April 14, 2009, Mr. Mitz (the current president of SDACT) stated that the problem with the passage of House Bill 26 lies with the state senate, where there is a majority of Republicans.

Of all the Catholic schools surveyed, most indicated that their pay scales are less than their public school counterparts (50-105% of their contemporaries’ current salaries). For the Church has stated that there should be a “family wage”, where only one spouse works, it plainly doesn’t look inward at itself.

Between 1999-2001, “19 percent of Catholic school teachers...changed schools or left the teaching profession.” (NCES) This compares with 15% of public school teachers. Movers (those who changed schools) and Leavers (those who left the profession), at 56%, stated that low salaries were a factor in leaving. A previous study (Ingersoll) indicated that 79% of the movers and 73% of the leavers also indicated low salaries as a reason for their change in location or profession. In fact, among all Catholic school teachers, 47.5% expressed dissatisfaction with salaries.

In most Catholic primary schools, according to the NCEA, female teachers are the norm at nearly 75% (85% in elementary schools). Many new teachers, recognizing

that they can make more in salaries, leave Catholic schools after a few years. (The action research project survey indicates that at least half of the teachers who leave go to public schools.) This is amplified given the fact that an increasing number of dioceses require teachers to possess a teaching credential. The proverbial “glass ceiling” that women face in wages continues to reflect the attitude (and heard personally by a pastor with a school) that “most are (or will be) married and their husbands make more and provide for them.” This sexist attitude continues to keep wages among Catholic teachers low and can only be attributed to the bishop and his diocese, despite lay women comprising 74.5% of Catholic teachers (2008-2009 figures).

How can this be, given the ready pronouncements found on diocesan websites across the country citing the value of women and teachers, in general? The bishops’ pastoral letter *Economic Justice for All*, though written in 1986, still apparently holds true today.

The bishop, in charge of all in his domain, usually appoints an advisory board of some sort in which teacher representation, if it exists, is limited. Take the example of one known board that “recommends” to the bishop salary increases and benefits – the priest council. Composed of all the parish rectors/pastors, this board votes on salary and benefits each year. There is an animosity between non-parish school pastors and the other pastors because each votes on these measures equally. The pastors with schools often supplement school budgets and do not feel the other pastors appreciate the degree (i.e., amount of money) they must “sacrifice” towards their schools. The benefits also do not include an identical medical/dental plan that the priests receive, instead there are other plans in which there are options with much less coverage.

There are pastors that also require the school to turn over all monies received (e.g., tuitions) to the parish. The pastor, then, provides a monthly amount to the school in return.

However, diocesan administrative salaries, it was found in 1995 by the National Association of Catholic Professional Administrators, were comparable to other non-profit organizations – this while teachers have consistently been paid less than their counterparts.

Some of the reasons given as to why teachers have not reached a comparable level of benefits with their public school counterparts are: 1) There is a communications breakdown and “we” should be above that; 2) Can’t draw blood from a stone; 3) Salaries are tied to the laity’s level of contributions (which are only at 1.2% of their gross income); 4) the Church still hasn’t adapted to the paid laity from its historically religious workforce and 5) the pietistic approach, where “people who work for Catholic schools at low wages are involved in the lay apostolate, and they should not expect to be paid on the same terms as their colleagues in the secular order...Implicitly this suggests their living under a virtual vow of poverty.” (The Scandal of Catholic Teachers’ Pay - Ederer)

In response to most of these reasons, many will point to the more than \$2,000,000,000 spent on the priest scandals that the Church has paid, the private homes that some dioceses possess and new church construction that can also be found in some dioceses.

Social justice, commutative justice, distributive justice and the cardinal virtue of justice are all different viewpoints in reflecting upon the manner in which bishops have

neglected Catholic teachers. Depriving a worker of a just wage is also a Sin that Cries to Heaven (for Vengeance). (Ederer)

“Of course, the Church personnel who hire and pay lay teachers are not vicious, money-hungry capitalist employers. At worst, they lack a proper understanding of their Church’s social teachings, which one bishop recently characterized as ‘the Church’s best kept secret.’”(Ederer)

4.3 Implications for Teaching and Supervision

Given the preponderance of bishops who are against Catholic school unions, there is little to suggest that this situation will change in the future. The irony of their official Church pronouncements notwithstanding, there is a decided antipathy towards unions when it applies to their own domain that was also reflected by many diocesan education heads who responded to the survey.

While Catholic secondary schools are primarily under diocesan supervision, most primary schools are not. The pastor of each parish is responsible for the operation of any attached primary school. Hence, while there is usually a diocesan school superintendent’s office, the pastor remains the ultimate head of the primary school – free to hire and fire at his discretion. Obviously, the bishop might choose to intercede in any of his pastor’s decisions, but this seems to be a rare occurrence. Consequently, while the diocese might set salary minimums and other goals, the pastor is free to conduct the operations of his parish school as he pleases. There is an instance where a principal (and priest) threatened to stand in the doorway and take names of the teachers who tried to attend a union meeting. (Ederer)

This, at least, partially explains the sometimes wide disparities in salaries found in the survey. However, the current economic climate (2009) has prompted some bishops to intervene and prevent pastors from increasing wages of teachers and principals, et al. This is an example of the bishop's interceding in the affairs of a parish, though they are supposedly independent.

The current (2009) economic climate serves to only reinforce the bishop's resistance to unions. A few of the respondents of the survey conveyed the thought that schools would have to close if they paid comparable salaries to their teachers. What was left unsaid is the fact that Catholic inner-city schools are the most difficult to operate, given the high amount of tuition assistance that is provided to students, unlike suburban schools. This obviously reinforces critics who state that Catholic schools are increasingly on for the rich.

Of the bishops who are in general concurrence with unions in their diocese, most are seemingly happy to only have high school unions only. Here is where there is a great "disconnect" that the bishops do not seem to completely realize or comprehend. Most of the students who attend Catholic secondary schools come from the parish primary schools. Of these students, only a relative few are able to meet the greater expense of being able to attend a Catholic high school. The growing closure of Catholic primary schools every year only exacerbates the number of students who will not be able to apply to Catholic secondary schools in the future. While public school students may be able to partially offset these quotas, the implications of addressing their general lack of religious knowledge and studies, let alone any other academics, may prove overwhelming.

4.4 Implications for Future Research

Future studies on the subject of Catholic school unions will undoubtedly face many of the same hurdles as this study encountered. Having the complete cooperation of the USCCB would undoubtedly be a triumph if future studies of any sort are attempted.

The most common method of employing a Catholic school teacher is the At-Will Contract. Under the provisions of this type of employment, either party (the educator or the school) may effectively cancel their employment at any time, without cause or reason. This has been an effective method used by many dioceses to dismiss teachers who have supported unions, regardless of how many years they have been teaching or how good a teacher they might be. Tenure is also virtually unknown in Catholic primary schools that are not unionized.

There is an inclination among principals and pastors to lower their budgets by not renewing contracts for teachers who have spent years teaching and/or with advanced degrees - At-Will Contracts make this uncomplicated in application.

Another topic of potential interest would be a study of why some (arch-) dioceses have allowed teacher unions in their high schools but not in their primary schools. The Archdiocese of St. Louis had such a union for its elementary schools until the archbishop put it out of existence (i.e., Association of Catholic Elementary Educators).

Another potential area for future research is the possibility that *NLRB v. Catholic Bishop of Chicago* might be overturned by another legal challenge or that Congress might make provisions in the National Labor Relations Act (which permits union election

when 30% of the employees express an interest) that encompasses Catholic (et al) school teachers. In 1979, when the Supreme Court handed down this decision, it was not unanimous - four Supreme Court justices dissented.

Given that lay teachers compose the greatest number of Catholic school teachers (96% in the 2008-2009 school year), the makeup of Catholic schools continues to change each year towards lay stewardship. With this increase and a movement towards advanced degrees, dioceses may lose more teachers to the public sector, especially after teachers have served a couple of years teaching in a Catholic school.

Another potential area of exploration might be explaining why there is often a difference between teacher salaries in the primary and secondary Catholic schools. As many Catholic school districts require teaching credentials and the course of instruction for primary schools is often much more complicated, why there is a difference between salary structures is questionable? Also, the daily activities of a primary school often require far more of a teacher than their secondary counterpart.

There are more questions for further study that can be imagined, but the main salient point is that research into secondary and primary schools is found wanting.

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