

The Honorable Gentner Drummond  
Attorney General of Oklahoma  
Oklahoma Office of the Attorney General  
313 NE 21st Street  
Oklahoma City, OK 73105

Re: Request for Attorney General Opinion on the Legality of State Superintendent Ryan Walters' Endorsement of a Labor Organization Using State Resources

Dear Attorney General Drummond:

I write to formally request an Attorney General Opinion regarding whether Oklahoma State Superintendent Ryan Walters' use of state letterhead and other state resources to endorse a labor organization/professional organization known as Teachers Freedom Alliance (TFA), explicitly advocating for it as a superior alternative to other unions in Oklahoma, constitutes a violation of state law.

#### Statement of Facts

It has come to my attention that Superintendent Walters, in his official capacity as a state officer, on March 10, 2025, has issued written communications on official state letterhead and using state resources, advocating for TFA and positioning it as a preferable alternative to other labor organizations and professional organizations representing educators in Oklahoma. This endorsement was not merely an expression of personal opinion but an official communication that:

1. Used state-funded materials (official letterhead, office resources, potentially state-funded staff time) to craft and disseminate the endorsement.
2. Specifically promoted TFA while explicitly suggesting that other labor organizations and professional associations were inferior or not in the best interests of educators in Oklahoma.
3. Was issued under his official title, giving the impression that the State of Oklahoma, through its Department of Education, officially supports this particular labor organization/professional association over others.

#### Legal Concerns and Violations

This conduct raises serious concerns under Oklahoma law, including violations of the following provisions:

## **Oklahoma Ethics Rules & Prohibition on Using State Resources for Private Purposes**

Under OK 74 O.S. § Rule 4.4, state officers are prohibited from using state resources to promote private interests; "a state officer or employee shall not use his or her State office ... (2) for the endorsement of any product, service or enterprise." A labor organization, even one claiming to be distinct from traditional unions, is a private entity. The use of public resources to advocate for its membership and superiority over other unions violates this rule.

## **Misuse of Office & Governmental Neutrality in Labor Relations 70 OK Stat § 509.9.**

Oklahoma's state policy upholds neutrality in labor relations, ensuring that public officials do not use the power of their office to influence union membership or labor disputes. Specifically, in addressing the rights of employees to collectively bargain and join, or not join, a union, 70 OK Stat § 509.9 explicitly states "No employee shall be discriminated against by the board of education, superintendent or any other administrative officer of a district or by any employee organization, its officers or any member thereof because of his exercise or nonexercise of rights under this act. It shall be prohibited for an employee organization, employee or employer to impede, restrain or coerce an employer or employees in the exercise of the rights guaranteed in Sections [509.1](#) through [509.10](#) of this title." By endorsing one labor organization over others in an official capacity, Superintendent Walters violated principles of fairness and neutrality required of state officials. Superintendent Walters also expressly attempted to coerce employees in the exercise of their statutory rights.

## **Oklahoma's Right-to-Work Law (Okla. Const. Art. 23, Sec. 1A) and 21 OK Stat § 360 (2024)**

Oklahoma is a right-to-work state, meaning public employees must not be coerced or unduly influenced in their choice of union or labor affiliation and they are free not to join. Further, Oklahoma law specifically states in 21 OK Stat § 360 (2024) as follows: "No public employee or public official ... shall directly or indirectly coerce, attempt to coerce, command, advise or direct any state employee to pay, lend or contribute any part of his or her salary or compensation, time, effort or anything else of value to any party, committee, organization, agency or person for political purposes."

A state official's public endorsement of one organization over others—especially using government resources—constitutes undue influence on teachers' decision-making regarding union membership and goes far beyond the "advice" contemplated by the statute. Further, the State Superintendent has clearly advised school staff to contribute their time, effort and pay to TFA using his official office, and TFA is without question a political entity with which the State Superintendent is aligned.

### **State Officers' Obligation to Avoid Conflicts of Interest & Preferential Treatment**

Under Oklahoma's General Conflict of Interest and Government Ethics laws OK 74 O.S. § Rule 4.4, quoted above, state officers may not use their position to provide preferential treatment to a specific private entity. Superintendent Walters' endorsement is intended to result in increased membership and financial benefits for TFA at the expense of competing labor organizations, which is a blatant misuse of official position. It is further believed, but not known, that Superintendent Walters may share a direct or indirect financial interest in TFA or one of its affiliated organizations.

### **Request for Attorney General Opinion**

Given these serious concerns, I respectfully request a formal Attorney General Opinion addressing the following questions:

1. Does the use of state letterhead and resources to endorse a specific labor organization/professional association over others violate Oklahoma law, including ethics and governmental neutrality provisions?
2. Does such an endorsement constitute an improper use of public office for private gain, given that TFA is a private organization?
3. Does Superintendent Walters' public endorsement conflict with Oklahoma's right-to-work laws, which protect public employees from undue influence in union-related matters?
4. What legal remedies or enforcement mechanisms exist to address this type of potential misconduct by a state official?

Given the implications for ethical governance and fair labor relations within the state, I respectfully urge your office to review this matter expeditiously and issue an opinion clarifying the legality of this conduct. I would also request that your office investigate, via subpoena or depositions, the financial ties and contacts Ryan Walters has to the Teacher Freedom Alliance.

I appreciate your time and consideration. Please do not hesitate to contact me if you require additional information. Thank you for your commitment to upholding the integrity of state government in Oklahoma.

Sincerely,

Ellen Pogemiller, House District 88

[ellen.pogemiller@okhouse.gov](mailto:ellen.pogemiller@okhouse.gov)

405-557-7396