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Teachers' Unions Celebrate Supreme Court's Friedrichs Decision

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In a blow to teachers looking to get out of paying dues to left-leaning unions, the Supreme Court today announced a 4-4 decision in the case of *Friedrichs v. California Teachers Association*. The deadlock means a lower court ruling stands for now and Rebecca Friedrichs and nine fellow California teachers will have to keep paying union dues to the CTA even if they disagree with the decisions their union makes.

The Center for Individual Rights, the non-profit law firm that argued on behalf of the plaintiffs, said it will fight on. “We believe this case is too significant to let a split decision stand and we will file a petition for re-hearing with the Supreme Court,” said president Terry Pell.

It’s more than likely that Justice Antonin Scalia, who died last month, would have sided with Friedrichs, et.al. His affirmative vote would have upended the right of public-employee unions to make collective bargaining fees compulsory. The court’s decision left in place what the union calls the “fair share” system. Teachers in 25 states and the District of Columbia who opt-out of the union still have to pay “agency fees” that cover collective bargaining. The other 25 states are considered right-to-work so union membership is voluntary.

The teachers’ unions cast this decision as a win over “free riders” who want the protection of the union without paying for it. What the unions don’t like to mention is that dues, which run upwards of \$1,000 a year in California, are mandatory. Teachers who want to opt-out of the overtly political portion of the dues, which runs about one-third of the total, must pay the total bill and ask for a refund of that portion at the end of the year. By opting out of the political portion, they also lose their liability and life insurance coverage, their ability to run for union leadership positions and the right to vote on contracts they work under.

“The truth is that I’m a forced rider and the unions have been free riding off of me and teachers like me for almost 40 years,” said Friedrichs in [an interview](#) with UnionWatch.org last week.

Union leadership doesn’t see it that way. They think it’s a victory for free speech.

“The U.S. Supreme Court today rejected a political ploy to silence public employees like teachers, school bus drivers, cafeteria workers, higher education faculty and other educators to work together to shape their profession,” said Lily Eskelsen Garcia, president of the 3-million-member National Education Association.

“Unions are about giving workers and their families a voice on the job and a fair shot to get ahead, and today’s decision enables those aspirations,” added Randi Weingarten, president of the American Federation of Teachers.

The AFT endorsed Hillary Clinton for president last July and the NEA followed with its endorsement in October.

Eric Heins, president of the 325,000-member California Teachers Association, which is affiliated with the NEA, said the ruling ensures a “strong voice” for educators. “Collective bargaining rights allow educators, like me, to speak up for their students on important issues such as class sizes and high-stakes standardized tests,” he said.

“From the beginning, this case was about breaking unions and silencing the voices of middle-class Americans,” said Wendell Steinhauer, president of the New Jersey affiliate of the NEA.

Jason Bedrick, a policy analyst with the Cato Institute’s Center for Educational Freedom, writes that compelling teachers to pay compulsory agency fees goes beyond the violation of their First Amendment rights.

“The unions often negotiate contracts that work *against* the best interests of the workers whose money they’re taking. For example, union-supported ‘last-in, first-out’ rules and seniority pay (as opposed to merit pay) work against talented, young teachers. Moreover, a teacher might prefer higher pay to tenure protections, or greater flexibility over rigid scheduling rules meant to ‘protect’ them from supposedly capricious principals.”

It is amazing that the unions invoke the First Amendment to defend their case. As an elected school board member and public-school parent, I knew many dues-paying teachers who had no interest in supporting the teachers’ union... or in speaking out against it. It wasn’t worth the trouble.

“Most teachers who support me do so quietly because they’re too afraid to speak out publicly,” Friedrichs told Union Watch. “But some are gaining the courage to speak out publicly as well. Isn’t it tragic that so many teachers across the country have been bullied into silence by a union that claims to “represent” their best interests?”