



## Unions celebrate ruling on mandatory fees, but the debate continues

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Tuesday's 4-4 Supreme Court decision allowing public employee unions to continue taking mandatory fees from unwilling employees was loudly celebrated by union officials, but supporters of the plaintiff say the issue is far from settled.

Arguing that public employee unions are inherently political, Rebecca Friedrichs and several fellow California teachers petitioned the Supreme Court to overturn a 1978 ruling letting unions take fees from non-members as a condition of employment.

Following the death of Justice Antonin Scalia, the Court issued a split decision in *Friedrichs v. California Teachers Association* that lets stand a lower court ruling in favor of the union but delays resolution for Friedrichs and other government employees who disagree with the labor unions they are forced to pay.

Unions — despite insisting in Court filings that they should be permitted to violate First Amendment protections against compelled speech — used the decision to paint the petitioners as opponents of workers' rights.

CTA hailed the *Friedrichs* decision as an affirmation of collective bargaining, accusing the public employees in the case of attempting to silence their peers.

Portraying itself as the voice of “working families,” CTA directed supporters to a release from the America Works Together public relations campaign unions created to smear Friedrichs as a pawn of “wealthy special interests.”

“The result in *Friedrichs* is meaningful for millions of families across the country, as it is a rebuke against this well-funded attack on workers' voice and ability to join together,” America Works Together said.

A victory for the petitioners would have empowered public employees to choose whether to pay unions — a freedom already protected by state laws in roughly half the country — and would not

have made it more difficult for any worker to organize, join, or collectively bargain through a union.

But union officials paid with public employees' mandatory union dues echoed America Works Together campaign talking points on Tuesday.

Randi Weingarten, the American Federation of Teachers president paid \$497,118 last year, said Friedrichs and her fellow petitioners "wanted to strip working families of voice on the job."

Lily Eskelsen Garcia, the National Education Association president paid \$416,633 last year, called the *Friedrichs* case "a political ploy to silence public employees who work together to shape their profession."

Service Employees International Union president Mary Kay Henry, who was paid \$276,439 in 2014, warned that "wealthy special interests will continue to push their extreme agenda."

American Federation of State, County and Municipal Employees decried "wealthy special interests" supporting the *Friedrichs* petitioners, too, although AFSCME president Lee Saunders was paid \$348,745 in 2014.

Tuesday's decision does not settle the issue of mandatory union fees in the public sector. After Scalia's death in February, supporters of Friedrichs expected the case might result in a split decision.

Ilya Shapiro, senior fellow in constitutional studies for the libertarian Cato Institute, expressed disappointment in the decision but said it "was essentially foretold by Justice Scalia's untimely passing."

"We're now in a situation where workers in about half the country are free from being forced to support causes with which they disagree, while the rest can still be coerced as a result of corrupt collusion between unions and state governments," Shapiro told Watchdog.org.

"That tension remains, but will hopefully be resolved in a future case," he added.

The Center for Individual Rights, a nonprofit legal firm representing the petitioners, plans to press for a rehearing of the case after Scalia's successor is seated.