

The Pittsburgh Post-Gazette

High Court to weigh in on dispute over labor union dues for politics

Mark Sherman, Associated Press
September 27, 2006

The Supreme Court agreed yesterday to decide whether public employee unions must get special permission to spend some workers' dues on political causes, a case testing limits on labor activism just before the 2008 presidential campaign.

The justices accepted an appeal from the state of Washington that involves fees paid to the Washington Education Association by teachers who declined to join the union. Those workers still can be charged dues by the union to help pay for labor negotiations that affect them. But they can't be forced to pay for the union's political activism, under a string of Supreme Court rulings that reach back nearly 30 years.

At issue is whether the union needs teachers to say "yes" before the fees can be used for political causes or whether teachers must specifically object to having a portion of the fees spent for that purpose.

The amount of money at issue is relatively small, about \$10 a person, said Stefan Gleason, vice president of the National Right to Work Foundation, which is representing teachers who sued the union in a related case the court also will take up early next year.

If the court sides with the unions, its ruling could open the door to labor efforts elsewhere to roll back limits on the use of union dues, said Mr. Gleason, other representatives of anti-union groups and advocates of limits on money in political campaigns.

The nonpartisan Campaign Legal Center in Washington, D.C., urged the court to take the case to clarify that similar restrictions in other states do not violate unions' rights.

Arguing against the appeal, the Washington teachers' union said the case has little implication beyond the state.

The court will hear arguments in the case, as well as a related lawsuit by five teachers to recover their fees, early next year.

Washington voters in 1992 adopted a campaign finance law that requires unions to get the consent of each worker before spending fees on political activity. The law also required the unions to refund the fee to teachers who did not agree with the political activity the union was proposing.

The Washington Supreme Court overturned the requirement that union officials get worker consent, saying the union's twice-yearly offer to reduce fees for any nonmember who registers an objection to the political spending is sufficient.

The state court said forcing the union to seek permission from each worker violated the union's free speech rights. The majority opinion noted there was no evidence that the union was "compelling nonmembers to support political activities or preventing nonmembers from asserting their First Amendment rights."

The three dissenters on the state Supreme Court, however, said the ruling "turned the First Amendment on its head," by valuing the rights of the union above those of individuals.

Washington Attorney General Rob McKenna said the decision conflicted with prior court cases upholding similar laws.

The union is the state's largest teachers union, representing teachers and other employees of public schools and colleges. Less than 5 percent of the 80,000 people the union represents choose not to be members, the union said.

The case stemmed from a complaint filed by the Evergreen Freedom Foundation, a conservative think tank based in Olympia, Wash. The foundation has fought for years with the union over the collection of fees from workers who choose not to join.

The cases are Gary Davenport v. Washington Education Association, and Washington v. Washington Education Association.

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