***Friedrich v California Teachers Association:* The Story Behind the Supreme Court Case on “Fair Share”**

**By**

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*Representatives designated or selected for the purposes of collective bargaining by the majority of the employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment.*  
 National Labor Relations Act (Sec. 9)

The Supreme Court on June 30 decided to take a case, ***Friedrichs v.California Teachers Association****,* whose not-so-hidden goal is to further weaken the American labor movement, specifically public sector unions. The petition argues that “agency fee” laws violate the First Amendment rights of objecting employees. The irony is that the right wing has vociferously fought for “states rights” under the Tenth Amendment and this case focuses exclusively on state laws.

Under American labor law (including state public sector law), unlike many other countries, when a majority of workers in a determined bargaining unit, vote to be represented by a union, that union becomes the exclusive representative of all workers in that unit. The purpose is to provide employees with a single, unified voice in determining their conditions of employment and the opportunity for employers to deal with one entity, instead of many competing ones, to establish the rights and responsibilities of both the employer and employees.

Federal law that governs private sector workers, as well as many state public employee laws, guarantees every worker who is represented by a union equal and nondiscriminatory representation – meaning unions must provide the same services, vigorous advocacy, and contractual rights and benefits. The guarantee applies regardless of whether the employee is a union member or not. All non-dues-paying employees are provided full union representation at no charge.

If you are not a member of the union, you are fully covered by the collective bargaining agreement that was negotiated between the union and your employer including wages, pensions, vacations, health insurance, seniority, discipline and fair dismissal provisions, and working hours.

The statutory right of exclusive representation mandates a “duty of fair representation” on the part of the union. It has the obligation to represent all employees fairly, in good faith, and without discrimination. The right to speak for all employees in the bargaining unit carries with it the corresponding duty to protect them as well.

Federal and state laws also guarantee that no one can be forced to be a member of a union, or to pay any amount of dues or fees to a political or social cause they do not support and places no restriction on employees to voice their personal opinions on political or other matters.

“Right-to-Work” laws make it illegal for employers and unions to mutually agree to require nonunion employees to pay fees to cover the benefits they legally receive under the collective bargaining agreement.

Fees have nothing to do with “forced unionism.”

Organizations such as the Chamber of Commerce, billionaire-funded conservative foundations and their Republican allies, want unions to be the only organizations in America that are required to provide benefits and services to individuals who pay nothing for them. This is the same as enabling some American citizens to opt out of paying taxes while making available all government services or corporations using their profits gleaned from consumers to advance their political ends.

The real reason for the recent wave of state “right-to-work” legislation, and other union weakening laws, has nothing to do with economic competitiveness or the constitutional rights of workers but the weakening of the labor movement and its political influence. That is the same motivation of those supporting the ***Friedrichs*** case. The only institution that stands in the way of the right wing’s domination of our nation’s political and economic system is the American labor movement.

This agenda was unmasked when Wisconsin State Senate Majority Leader Scott Fitzgerald explained that “this battle” is about eliminating unions so that “the money is not there” for the labor movement.

The Michigan director of Americans for Prosperity, chaired nationally by David Koch, said, “We fight these battles on taxes and regulations but really what we would like to see is to take the unions out at the knees so they don’t have the resources to fight these battles.”

In virtually every case, the state legislation is taken straight out of the Koch-funded American Legislative Exchange Council (ALEC) playbook.

One only need look at the organizations that filed briefs in this case to discern their true goals: the National Right to Work Legal Defense Fund, the Mackinac Center for Public Policy, the Goldwater Institute, Constitutional Law Professors, the Cato Institute and others, all of whom promote unfettered capitalism and view workers as a “commodity” and a cost to be controlled, profits are to be maximized and enhancing shareholder value as the only goal of economic activity. Labor unions are viewed as an obstacle since they represent the interest of workers and demand to be treated fairly and with dignity while not opposing the legitimate concern of business for profitability. The ever widening income and wealth gap are a result of the philosophy of maximizing profits at the expense of workers.

Justice Alito has made very clear that he sees “fair-share” through a partisan lens and has been the primary mover for the high court to take the ***Friedrichs*** case as evidenced by his suggestion during the ***Harris v. Quinn*** case.

It was Dr. Martin Luther King Jr. who said, “In our glorious fight for civil rights, we must guard against being fooled by false slogans, such as ‘right-to-work.’ It is a law to rob us of our civil rights and job rights. Its purpose is to destroy labor unions and working conditions for everyone… we demand this fraud be stopped.”

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