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**REPORT OF LEGAL COUNSEL**  
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*The Supreme Court Case That Could Destroy Public Sector Unions*

*What is “fair share”*

When a union and employer agree to an “agency” shop, even nonmembers covered by the contract are required to pay a fee to the union. The idea is that everyone must pay their “fair share” of representation expenses, since the union is required by law to represent those workers, which requires the use of union financial resources. Public sector unions’ right to negotiate agency shops—and collect such fees—was upheld in the Supreme Court’s 1977 decision in *Abood v. Detroit Board of Education*. However, the court held that an individual’s right to belong or not belong to an organization had to be weighed against the threat to labor peace if “free riders” got the benefits of a contract without contributing. In two recent rulings, *Harris v. Quinn* and *Knox v. SEIU*, the court’s conservative majority were willing to chip away at this precedent and indicated they are open to overturning *Abood* with the right case. The Supreme Court has accepted and will be ruling on just such a case.

*Friedrichs v. California Teachers Association*-U.S. Supreme Court Docket No. Docket No. 14-915

In *Friedrichs*, now before the U.S. Supreme Court, 10 non-union California teachers claim that forcing them to pay “fair share fees” to a union- even if only for the purpose of collective bargaining- compels them to support an organization they oppose politically, in violation of their free speech rights. These teachers and other like-minded opponents of “fair share” have continually argued that public sector unions are political in nature, because their employers are the government, and that dues going to politics violates employees’ right to abstain from political activity. As a result, *Friedrichs* aims to overturn a nearly 40-year precedent (*Abood*) which allows the use of “fair share” fees for public sector unions. From its beginnings, this case has been specially crafted for the Supreme Court, and if successful would affect tens of thousands of union contracts and would force millions of public employees into a right-to-work model. In short, the court will determine whether public sector unions can continue to collect “fair share” fees. If the union loses, public employees across the country could opt out of membership and pay nothing for the union protections they enjoy. Union budgets—and strength—would be further diminished. Public sector unions would then need to convince employees to join (or stay in) the union.

Respectfully submitted,  
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