

# In Scalia's Absence, Supreme Court Splits 4-4 in Decision on Union Dues

## Overview of *Friedrichs v. California Teachers Association*

### The Broader Issue

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- The central issue is whether mandatory union fees for public-sector workers violate the first amendment
- While all public employees can opt out a union, in many states they are required to pay a portion of fees that is not allocated for political activity to the union; these charges are called "agency fees"
- Friedrichs and co. argue that all union fees are inherently political, and therefore compulsory agency fees violate free speech

### Why does this matter?

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- If the plaintiff succeeds, many public-sector unions could be crippled; agency fees are set in place to prevent non-members from "free riding" (reaping the benefits of unions with out paying dues) and without them even many who benefit from unions may decline to join
- In the long term, an adverse outcome for unions could weaken the bargaining power and political influence of unions, including the progressive initiatives that unions tend to support

### How the Supreme Court Ruled

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- With only eight people on the court after Scalia's passing, the court deadlocked in a 4-4 tie; a lower court ruling from 2014 stands, upholding California's right to compel non-union workers to pay fees
- Scalia was almost certainly going to rule against union fees; this ruling demonstrates a shift in the dynamics of the Court
- Without a Supreme Court ruling, mandatory union fees are subject to challenge once the Court has nine Justices again

Sources: Garrett Epps, "Will the U.S. Supreme Court Gut Public-Employee Unions," *The Atlantic*, January 12, 2016; Amy Howe, "Union Fees in Jeopardy: In Plain English," *SCOTUS Blog*, January 11, 2016; Cole Stangler, "Supreme Court Tackles Friedrichs v. California Teachers Association: What's At Stake For Public-Sector Unions And Workers?", *IB Times*, January 11, 2016; Lawrence Hurley, "U.S. Court Hands Win to Unions, Splits 4-4 Without Scalia," *Reuters*, March 30, 2016.