

March 16, 2018

Mark Janus Wants You to Have a Choice

For public school employees in [twenty-one states and the District of Columbia](#) the arguments made before the U.S. Supreme Court on February 26 in *Janus v. AFSCME* were of momentous importance. These twenty-one states have laws that allow public employee unions, including teacher unions, to bargain contract provisions that force non-members to pay a fee to the union. *Agency fees* can be as much as 80-90% of full union dues. Attorneys for Mark Janus, a state employee from Illinois, made the case that such fees, in violation of his right to freedom of speech, forced him to financially support the positions of the AFSCME union. In 1977 the Court ruled in *Abood v. Detroit Board of Education* that states could allow unions to negotiate such fees to further labor peace. So, Mark Janus is asking the court to overturn 40 years of precedent.

If you are interested in the one hour oral argument you can read the [transcript](#) or listen to the [audio](#). However, no matter how carefully you listen, one thing you won't hear is any comment or question from the newest member of the Court, Justice Neil Gorsuch. Supreme Court experts were keenly listening and hoping that Gorsuch would make some comment indicating which way he is leaning, because he is very likely to cast the critical tie breaking vote in the case. This is well known because the court heard a similar case two years ago in *Friedrichs v. California*. In that case, involving CEAI-member Rebecca Friedrichs (CEAI was also a co-plaintiff), it appeared like the court would ban agency fees by a five to four vote. However, Justice Scalia died before the ruling came out, resulting in a four-four tie that allowed agency fees to stand. Justice Gorsuch's previous rulings and judicial philosophy lead most court experts to believe that he will vote against agency fees, but we won't know for sure until the ruling comes out, probably at the end of June.

One of the more telling questions in the arguments was posed by Justice Kennedy to the attorney for AFSCME. He asked, "Do you think that this case affects the political influence of the unions?" The attorney for AFSCME, after some evasive responses admitted, "Yes, they will have less political influence." To this Justice Kennedy said, "Isn't that the end of this case?" Kennedy saw the issue clearly. Public employees' unions are much more than just organizations that bargain contracts—everything they do is at its core political. Consequently, agency fee payers are forced in many cases to support a political ideology they disagree with.

The likely outcome of this case is a major concern for unions. They would not just lose income from their agency fee payers, but would also lose union dues from those who join the union because they would have to pay large agency fees even if they were not members. [Mike Antonucci estimates](#) that for every 5% drop in membership the NEA would lose \$42 million in revenues to the national organization alone. He goes on to note that after the legislature repealed the Michigan agency fee law, their membership in that state dropped by 16%. In Wisconsin, after agency fee repeal, there was a 53% plummet in membership (though the Wisconsin law went beyond simple agency fee repeal). So, the total cost to unions could be in the hundreds of millions of dollars.

It is not certain how soon after a likely ruling in support of Mark Janus that teachers will be freed from paying agency fees. It is possible that current union contracts with agency fee provisions will be allowed to stay in force until current contracts expire—typically no more than two years. All future contracts could not contain agency fee provisions.

Public employee unions are not wasting time implementing plans to hold on to as many members as possible. The National Right to Work Legal Defense Foundation (NRTW) [issued a notice](#) warning that the NEA has begun to circulate membership in perpetuity cards, stating in fine print

“This authorization shall remain in effect and shall be automatically renewed from year to year, irrespective of my membership in the union, unless I revoke it by submitting written notice to both my employer and the local union during the seven-day period that begins on September 24 and ends on September 30.”

NRTW recommends that you carefully read and, if necessary, contact them, before signing any forms from your union before the Janus case is decided.

Christians understand that freedom of speech often comes at a very high price. Jesus was crucified for speaking the truth. His disciples followed in his path of suffering along with millions of other Christian martyrs. Nevertheless, if the agency fee laws are ruled unconstitutional, Christians will have reason to rejoice. For no person, Christian or non-Christian, should be compelled to financially support causes that they do not believe in.

The unions in our nation have become part of a broad coalition of interest groups that support political interests such as abortion and gay marriage that many Christians find contrary to scripture. Christian Educators Association International (CEAI) is much different than the unions.

CEAI’s leadership and staff have worked prayerfully and diligently for many years to build an organization that is distinctively Christian. Because we know that thoughtful Christians can come down in different places in how they resolve the toughest political questions of the day, we do not support any political candidates or parties. We do give you information about the political issues of the day in light of Scripture, and we endeavor to provide the advice and prayer you may need when professional difficulties come. Because our agenda is narrowly focused, we do this at a fraction of the cost of union dues.

If the Supreme Court rules agency fees are unconstitutional, we hope that you and many other Christian teachers turn to CEAI as a viable Christian choice for your professional organization. With the significant savings over union dues, you can choose to provide for your family, or perhaps support a missionary or some other cause that you fervently, and with clear conscience, voluntarily support.

This month’s prayer for President Trump is a [prayer for justice](#) based on Proverbs 31, “Open your mouth for the mute, for the rights of all who are destitute. Open your mouth, judge righteously, defend the rights of the poor and needy. “

Training for Christian Leaders Do you know someone who feels called by the Lord to serve in public office? The D. James Kennedy Center for Christian Leadership is starting a new intensive training program to equip Christians to not give into the forces of secularism while serving in the public square. The goal of the center is to “train 300 Leadership Fellows per year—every year for the next ten years.” You can learn about the program at statesman.org.

CEAI is interested in your thoughts. Members are encouraged to enter comments below. Personal comments may be addressed to the author at JMitchell@ceai.org. John Mitchell is the Washington, DC Area Director for the Christian Educators Association.