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## Justices to Decide on Use Of Union Fees for Politics

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The Supreme Court announced yesterday that it will decide whether states may require organized labor to ask some workers for permission to spend their union fees on political activity.

The case addresses the agency fees that some states require workers to pay to labor organizations for representation, even if they chose not to join the unions. The court said it would review a Washington state Supreme Court ruling that struck down a state law barring the use of those fees for political purposes without workers' consent.

The case pits the state of Washington and national right-to-work advocates, backed by campaign finance reformers, against organized labor. At stake, potentially, is much of the money that unions rely on to help fund their state-level political activities.

The law had been adopted by Washington voters as part of a referendum on campaign finance reform. But the state's high court ruled 6 to 3 earlier this year that the law violated unions' First Amendment rights because it presumes workers would object to labor leaders' spending choices.

Washington's state government and a group of five teachers appealed to the U.S. Supreme Court. They argue the real free-speech violation lies in spending teachers' mandatory contributions to their union on candidates or causes they do not necessarily support -- and Washington's law is an appropriate means of preventing that.

The teachers in the case do not belong to the Washington Education Association, but they are represented by the union in collective bargaining and they receive the benefits and pay called for in the union's contract with the state's public schools. For that reason, Washington law requires them to pay the union an "agency fee" in lieu of union dues.

The specific question in the case is what the union must do before it spends those nonmember "agency fees" on politics.

The U.S. Supreme Court has upheld agency fee arrangements in general. But it ruled in 1986 that unions must tell those who pay an agency fee how much of it goes to non-collective-bargaining purposes and offer them a refund for that amount.

Washington's law, though, goes further, in that it places the burden on unions, not individual workers, to make sure that no agency fees are being used contrary to fee-payers' wishes.

That was the feature of the law that the Washington Supreme Court majority found unconstitutional.

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The Washington Education Association, urging the court not to review that decision, said its impact would not extend beyond the state.

But a friend-of-the-court brief filed by the Campaign Legal Center, a D.C.-based nonprofit group that supports campaign-finance regulation, argued that the Washington decision, if left in place and followed by other state courts, could be used "as authority to strike down state law 'opt-in' restrictions on labor union political activity" in 14 other states.

The court will hear two consolidated cases, *Washington v. Washington Education Association*, No. 05-1657, and *Davenport v. Washington Education Association*, No. 05-1589. Oral argument is expected to take place in December, and a decision should come by July.

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