US Supreme Court hears arguments in union agency fees case

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On Monday, the US Supreme Court heard oral arguments in the case of *Janus v. AFSCME* [American Federation of State County and Municipal Employees], which deals with the collection of so-called agency or union security fees from public service employees who opt out of joining a union.

Currently, about 20 states permit contracts involving public employee unions that require those who decline to join the union pay agency fees instead of regular union dues. If the Supreme Court votes to strike down agency fee laws, it could deprive unions of tens of millions of dollars in revenue, a large portion of which is currently funneled behind various campaigns of the Democratic Party.

Mark Janus, a child care specialist with the state of Illinois, brought the case before the court. Janus's attorneys argue that payment of agency fees to AFSCME violates his free speech rights since a large portion of the union's activity is directed toward political activities. The suit asks the Supreme Court to overturn a 1977 decision in which it ruled that it was up to individual states to decide on whether or not to allow agency shop contracts.

In 2016, the Supreme Court split 4-4 in another case challenging agency shop fees brought by a number of California teachers. That vote left the previous decision in place. The justices had been expected to rule against the unions by a 5-4 margin, but the death of Justice Antonin Scalia left a divided court. With the addition of Trump appointee Neil Gorsuch, the high court is expected to rule against the agency shop.

There is nothing democratic or progressive in requiring workers to pay agency fees to the right-wing, pro-capitalist unions. These organizations long ago abandoned any defense of the interests of workers and collaborate openly with employers in driving down the living standards of the working class.

The Supreme Court fight over the collection of agency fees reflects differences within the ruling elite over the best means of policing the working class. One faction, aligned primarily with the Democratic Party, is in favor of working through the labor bureaucracy, seeing the unions as the most efficient mechanism for imposing the dictates of the ruling class. Another faction, aligned primarily with the Republicans, is in favor of eliminating the unions altogether, viewing them as costly and unnecessary middlemen.

Among those backing Janus's challenge are a host of right-wing groups including the Liberty Justice Center and the National Right to Work Committee. A central aim of these forces is to cripple funding for the Democratic Party, which receives substantial donations from the unions, as well as "foot soldiers" to mobilize voters each election cycle.

Those defending the agency shop fees argue that those workers who refuse to join unions are "free riders," enjoying the supposed benefits provided by the unions without paying dues.

In testimony Monday, lawyers for both sides appeared to pitch their arguments to Gorsuch, who for his part remained silent. The opponents of Janus focused much of their arguments on the disruptive impact the overturning of agency shop fees would have on collective bargaining agreements.

Also attending was Illinois Governor Bruce Rauner, a Republican, who sparked the case by filing an executive order banning the collection of agency fees that set up a court challenge. A lower court ruled he did not have standing to challenge the agency shop rules, so another plaintiff, Janus, was found.

In a particularly telling comment, Justice Ruth Bader Ginsburg conceded that workers would likely opt out if

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not compelled to pay dues. “I would rather keep the money in my own pocket,” she noted.

Indeed, the unions, which have long ceased to have any significant attractive power for workers, are dependent on state support to maintain their dues base. In states such as Wisconsin, where the state government ended agency shop fees, union membership has fallen by one third by some counts.

On Saturday, the AFL-CIO held a series of rallies across the US billed as a Working People’s Day of Action. Speaking in Philadelphia, AFL-CIO President Richard Trumka fraudulently evoked the memory of civil rights martyr Dr. Martin Luther King Jr. He declared, “Today, we are fighting for those very same things Dr. King gave his life for: freedom...freedom from want, freedom from hate, and freedom to join together in strong unions.”

It has been decades since the unions waged any serious struggle on behalf of working people. These organizations long ago abandoned any connection, however limited, with the class struggle and embraced a program of corporatism, the identification of the interests of workers and management. The unions work to suppress strikes, and when struggles break out, to isolate and betray the workers, while seeking to line workers up behind the big business Democratic Party. They serve as the vehicle for a privileged apparatus that works systematically with the employers to lower the living standards of workers in the interests of US capitalism.

The role of the unions in suppressing the class struggle was spelled out in an amicus brief against Janus filed by the American Federation of Teachers (AFT). In a statement accompanying the brief, AFT President Randi Weingarten extolled the virtues of agency fees for helping to preserve “labor peace.” She noted the AFT brief shows “how fair share [agency] fees are central to an efficient and effective public sector and describes how labor-management partnerships have thrived under their use.”

Among the most enthusiastic supporters of the unions are a host of pseudo-left organizations oriented to the Democratic Party. They have described the possible revocation of agency fees in near apocalyptic terms.

Sherry Wolf, a member of the pseudo-left International Socialist Organization (ISO) and herself on the payroll of the American Association of University Professors as an organizer, recently contributed to a piece in *Socialist Worker* on the *Janus* case. She called the upcoming Supreme Court ruling the “culmination of the ruling class’s ‘long game’ to destroy workers’ most effective means of asserting some control over pay and conditions, which are unions.”

In fact, the ISO has a direct financial interest in bolstering the unions, with members, like Wolf, directly integrated into the union apparatus. Along with other pseudo-left groups, the ISO works to uphold the authority of the unions, celebrating every rotten betrayal as a victory and insisting that the working class subordinate its struggles to these anti-working class organizations.

Workers need to be organized, but in genuine fighting organs of struggle, not corporatist dues-collecting agencies. The Socialist Equality Party calls for the formation of factory and workplace committees democratically elected and controlled by workers, independent of the unions and the Democratic Party.

These committees would seek to unify the struggles of all workers, in public and private sectors, with their brothers and sisters nationally and internationally. This fight requires a new political leadership and strategy. Workers must not accept their subordination to the parties of big business, the Democrats and Republicans, which means servitude to the interest of Wall Street. What is posed is the necessity for the development of a mass political movement of the working class based on a socialist program aimed at securing guaranteed and decent paying jobs for everyone, and a halt to the endless wars and the assault on democratic rights.

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