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Supreme Court to hear teacher's lawsuit over use of union dues

Donna Gordon Blankinship, Associated Press
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SEATTLE - The man whose name is on a labor-limiting lawsuit the U.S. Supreme Court is to hear this week says politics, not a dislike of unions, kept him from joining up when he got his teaching job in 1998. Former high school social studies teacher Gary Davenport said the principle of standing up for himself and his colleagues, however, is why he agreed to be the lead plaintiff in a case that could set or expand the boundaries of labor activism just before the 2008 presidential campaign.

"This has been going on and will continue to go on to those teachers who don't have a voice," said Davenport, 32. "They really don't have an opportunity to defend themselves or protect their own money. They've kind of been bullied by the unions."

The Evergreen Freedom Foundation, a conservative think tank, sought out Davenport and other nonmember teachers after fighting for years with the Washington Education Association over the union's collection of fees from workers who choose not to join.

Those teachers can be charged a fee for labor negotiations that affect them, but they can't be forced to pay for the union's political activism, under a series of Supreme Court rulings reaching back nearly 30 years.

The money in question is minimal - about \$10 for each of about 3,000 nonmember teachers.

At issue in Wednesday's arguments is whether the union needs teachers to say "yes" before the fees can be used for political causes or whether teachers must specifically object to having a portion of the fees spent for that purpose. Observers say a ruling in the union's favor could open the door to labor efforts elsewhere to roll back limits on the use of dues.

The union maintains it has followed campaign finance laws and claims its reputation has been damaged by the ongoing legal challenge despite winning the case in lower courts.

"It seemed to stick more in the public's mind that we were accused of violating campaign finance laws," union president Charles Hasse said.

The union is the state's largest teachers union, representing teachers and other employees of public schools and colleges. Less than 5 percent of the 80,000 people the union represents choose not to be members, the union said.

This case and another being heard along with it are Gary Davenport v. Washington Education Association, 05-1589, and Washington v. Washington Education Association, 05-1657.

On the Net:

Supreme Court:

www.supremecourtus.gov

Washington Education Association:

www.washingtonea.org

Evergreen Freedom Foundation:

www.ewfa.org

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