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## ICYMI: Supreme Court Agrees to Hear Case Against Compulsory Public-Sector Union Fees

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### Supreme Court Agrees to Hear Case Against Compulsory Public-Sector Union Fees

*SCOTUS will hear Janus v. American Federation of State, County, and Municipal Employees, Council 31 this term.*

Damon Root

[Reason.com](#)

Today the U.S. Supreme Court agreed to hear a case that has the potential of delivering a death blow to the legal privileges enjoyed by public-sector unions.

The case is Janus v. American Federation of State, County, and Municipal Employees, Council 31. At issue is whether it is constitutional for state governments to compel public-sector workers to pay union fees as a condition of employment even when those workers are not union members.

The case was brought by Mark Janus, a state employee in Illinois who objects to paying mandatory fees to a union that he has refused to join. Janus argues that the state's scheme violates his First Amendment rights by forcing him to support political speech and activity that he does not wish to support.

Janus's overarching goal is to overturn the Supreme Court's 1977 precedent in *Abood v. Detroit Board of Education*, in which the Court approved mandatory public-sector union fees on the grounds that non-union "free riders" should have to contribute something toward collective bargaining activities that benefit them too. That ruling provided a massive boon to public-sector unions nationwide.

"The Court should take this case," Janus and his lawyers argued in their petition, "to overrule *Abood* and declare [mandatory public-sector union] fees unconstitutional."

In 2016 the Supreme Court nearly overturned *Abood* in a case called *Friedrichs v. California Teachers Association*. But after the death of Justice Antonin Scalia, the Court could not reach a majority decision and tied 4-4. Most court-watchers believe that if Scalia had not died, *Abood* would have been overturned by a 5-4 margin.

The Supreme Court is now back to its full strength. Will recent appointee Justice Neil Gorsuch provide the fifth vote needed for Janus to prevail and for *Abood* to be overruled? We'll find out later this term.

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