Q&A: Rebecca Friedrichs
California teacher advocate talks unions

In June, the U.S. Supreme Court ruled in Janus v. AFSCME that public-sector unions could no longer collect “agency fees” from employees who choose not to join the union. Two years ago, the court seemed poised to ban this practice before the unexpected death of Justice Antonin Scalia led to a four-four split in Friedrichs v. California Teachers Association. Martin West, editor-in-chief of Education Next, spoke with Rebecca Friedrichs, the lead plaintiff in that case.

Martin West: As a veteran teacher, why did you object to California’s policies on agency fees? In what sense do these fees violate individual rights?

Rebecca Friedrichs: First, it’s forced representation. My union was voted in when I was a little kid. I don’t know one person who has ever had the opportunity to vote on whether they even wanted the union to represent them. Second, the unions take $1,000, $1,200 a year [in fees], and they’re unaccountable; we often don’t know where that money’s going.

MW: By law, teachers have been allowed to opt out of the portion of dues that go to political activities, so, at least in theory, the agency fee only supported the collective bargaining activities from which all teachers stand to benefit—but you argued to the court that even collective bargaining is political, because it involves interacting with government about policies that control how schools operate.

RF: Yes. In fact it was Justice Scalia who stated that collective bargaining in the public sector is always political, because it impacts taxpayer dollars. The State of California’s lawyers even conceded that point during oral arguments. What’s more, the National Education Association’s Representative Assembly determines NEA’s resolutions and business items each year, and all teachers, including fee payers, have been forced to fund their representation and decisions. Yet the NEA stands in solidarity with Planned Parenthood, Southern Poverty Law Center, ACLU, and other one-sided political organizations that promote policies that many boots-on-the-ground teachers don’t support. Through agency fees, unions took our money and pushed their social and political agenda behind our backs. When we asked for accountability, we were bullied, silenced, and labeled “union busters,” “haters,” and “free riders.”

MW: How were you treated by your colleagues as your case moved through the federal court system between 2013 and 2016?

RF: The unions control teachers in a culture of fear, and you’d better not speak out against them. They called me “radical right-winger” and “spawn of Satan.” Most of my colleagues didn’t speak with me openly—that was too scary—but a lot of teachers and administrators would pull me into darkened rooms, they’d hug me, they’d tell me they were praying for me, that they hoped I’d win.

MW: In a case similar to yours, Mark Janus was successful before the Supreme Court. What do you think the consequences will be for teachers unions? Will they be weakened without the power to exact agency fees?

RF: I think that’s up to the unions. If they continue their current behavior, bullying and ignoring those who choose not to join, they will be weakened, because if people are allowed to leave, they’ll leave. But if the unions step it up and start doing what people want and stop getting so involved in divisive politics, I think they could do a lot better.

MW: What do you make of the recent wave of strikes in six states where teachers have walked out to demand better compensation and better funding for schools?

RF: The teachers I know do not want to leave the classroom to strike; they want to serve children, but they’re bullied if they don’t strike. They’re called “scabs,” they’re screamed at, they’re ignored. Unions use teachers and kids to push their agenda. Angry strikes are not how teachers want to stand together.

MW: In what other ways could teachers unite to have more of a voice?

RF: Local teachers can sit together and discuss what’s needed to improve student outcomes in our own communities. There were many years when, more than a raise, I wanted help in the classroom. Students would come to me four grade levels behind in reading, and I was expected to bring them up. I was one teacher with 34 students. I needed a teacher’s aide. I wanted the kids to have a science lab and a music program. We never had any of that. Teachers and parents working together can decide what’s best for students: collective bargaining removed parents from the process. Teachers can leave the bullying state and national unions—decertify them—and create “local only” associations. Our dues would be much lower, and we would have a collective voice in our own schools.

This is an edited excerpt from an Education Next podcast, which can be heard on www.educationnext.org.