

THE FACTS ABOUT THE CASE

Bain v. CTA

Teachers in California face a difficult choice: Pay to support their unions' political activities or lose important benefits and voting rights.

A group of teachers has stepped forward to defend their First Amendment rights and demand fair treatment. The facts of the case are straightforward:

FACT:

The First Amendment protects all Americans from being compelled to support political speech or causes.

FACT:

In California, thousands of teachers face serious consequences for exercising this right to free speech – including the loss of important employment benefits and the ability to have their voices heard in employment-related matters.

FACT:

Every year, California teachers pay up to \$1,500 in dues to their local and state unions. Those dues are broken up into two categories:

- The first category, called “chargeable” fees, covers the cost of unions’ collective bargaining activities on teachers’ behalf. California teachers are required to pay these dues no matter what – even if they are not union members.
- The second category, called “non-chargeable” fees, covers the cost of unions’ political or ideological expenditures. It includes donations to political candidates and ballot measures, as well as lobbying activities.

FACT:

Teachers who don't wish to support these political activities can avoid paying the second category of fees. But to do so, they must opt out of their unions entirely and become nonmembers. As a result, they lose important employment benefits, including maternity leave benefits, disability pay, legal representation, and voting rights. They lose these benefits even though the unions are required to fight for all teachers equally!

FACT:

This puts California teachers in an untenable position – they must either financially support political speech against their wishes or lose important employment-related benefits. Punishing the exercise of First Amendment rights in this manner violates the U.S. Constitution.

FACT:

Bain v. CTA intends to fix this injustice and make certain that teachers aren't punished for exercising their First Amendment rights.

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MEET THE TEACHERS

Bain v. CTA

APRIL BAIN

Growing up, April was that kid who always finished her schoolwork first. She excelled in math, and, as she got closer to college, teachers and other adults guided her toward business, arguing it would be the best use of her math skills. She followed their advice, but after a few years in business and finance April made the decision to follow her original passion into the classroom. She has now been a teacher in Los Angeles for five years.

April is a proud union member, but through some work with a local teacher group, she became aware that a good portion of her union dues wasn't actually going towards collective bargaining activities. Instead it was funding non-education-related political causes. April is happy to pay union dues that improve the lives of teachers and students, but she doesn't want to be forced to choose between union membership and political causes that aren't connected to the classroom. She joined this case to ensure that no teachers face this unfair choice.

BHAVINI BHAKTA

Bhavini has been a California teacher for eleven years. She has won awards for her work in the classroom and has been a leading voice in the effort to improve the education system. In 2014, she delivered powerful testimony in the landmark *Vergara v. California* case, where she described in detail her experience of being laid off at the end of almost every school year during her first 9 years of teaching – a vivid reminder of how California's teacher employment laws deprive students of their constitutional right to education.

Bhavini still believes in her local union and wants to pay her fair share for the benefits it provides. But right now the law prevents her from remaining a local union member unless she helps fund the very policies that are blocking meaningful education reforms. She hopes that the court will protect her rights and ensure that teachers are not forced to support political causes with which they disagree.

KIECHELLE RUSSELL

Kiechelle Russell grew up in Compton, California in a notoriously underperforming school district. Whether it was facing rundown facilities, rotating teachers, or high dropout rates, Kiechelle was stuck in an environment that made it challenging for her to flourish. Fortunately, Kiechelle's family moved and she was able to enroll in a new school district – one without the challenges she had faced in Compton. Through this experience, Kiechelle learned just how important schools are in helping students realize their potential.

Today, Kiechelle is a resource teacher in LAUSD, soon to enter her fourteenth year of teaching. She is actively involved in her union and she values the benefits she receives as a dues-paying member. However, over the years she has watched union political money go to support policies that go against the best interests of her students. This puts Kiechelle in the unfair position of having to support these politics or lose the benefits that she values and that her family counts on. This is an unfair choice and it's why she has joined *Bain v. CTA*.

CLARE SOBETSKI

Clare Sobetski was raised with a commitment to community service and political awareness. She was involved in local politics from a young age, and ended up volunteering for President Obama's 2008 election campaign. After college, she sought out opportunities that allowed her to continue to work in the community. This led her to become a Teach for America teacher and she is excited to start her third year of teaching this coming fall.

Clare serves as her high school's union representative and through that role she knows the value of a strong union. But one of her biggest concerns about the future of her community and country is the entanglement of money in politics. California teachers' unions are the largest special interest group in the state – due, in part, to the large portion of member dues taken for political spending each year. Clare believes that the union should be required to make a case for political contributions, rather than forcing teachers to fund their political work. This conviction is what inspired her to get involved in the case.

FREQUENTLY ASKED QUESTIONS

about the case

Q: Who are the four plaintiffs?

This case was filed by four California teachers who are asking the court to protect their First Amendment rights, including the right to opt out of political contributions without losing their union membership. These four teachers come from diverse backgrounds and viewpoints, but they are all proud union members and appreciate the employment benefits and voting rights that accompany this membership. But in order to receive these benefits, the plaintiffs are forced to support the political spending of their unions. Although the current law allows them to “opt out” of this support, making that choice strips them of their union membership and the important employment-related benefits that come with it. It is simply unfair for these teachers to be denied employment-related benefits as a punishment for refusing to support particular political causes.

Q: Are these teachers just opposed to their unions’ politics?

It is unfair and unconstitutional to force anyone to provide financial support for political causes, even political causes they agree with. All four plaintiffs are proud union members and approve of many – but not all – of their unions’ political causes.

Q: Would they feel differently if their unions supported other political ideologies?

This case is not about political ideology; it’s about fairness. Right now, teachers are being punished for exercising their First Amendment right to opt out of contributing to union political spending by being stripped of valuable employment-related benefits. The fairest approach is one that gives teachers a choice about which political causes and candidates they wish to support. Under that system, teachers would be able to support their unions’ political spending when it aligned with their own beliefs; when it did not, they could make independent political contributions or spend their money on other things.

Q: How did Gibson Dunn get involved in this case?

In 2012 Gibson Dunn began working on *Vergara v. California*, which challenged the constitutionality of five of the state’s teacher employment laws. In speaking with Bhavini Bhakta and other teachers during *Vergara*, Gibson Dunn heard about the frustration teachers experience when they are forced to spend their own money on political causes that they believe weaken California’s schools and classrooms.

Q: What legal precedent supports the theory of this case?

In 1977, the U.S. Supreme Court first held that requiring teachers to pay dues to support unions’ ideological and political activities violates teachers’ First Amendment rights. In addition, the Court cautioned that unions may not punish teachers who exercise their First Amendment rights by treating them differently from other teachers. Many subsequent Supreme Court decisions extended and elaborated on this ruling. The California system, which punishes teachers for choosing not to pay the political portion of their dues by depriving them of important employment-related benefits and voting rights, violates the First Amendment rights of teachers.

Q: Isn’t there already a similar case underway?

There is another case related to union membership currently in progress. In *Friedrichs v. CTA*, California teachers who are not union members sued their unions, arguing that they shouldn’t be obligated to pay any union dues at all. By contrast, plaintiffs in *Bain v. CTA* are, and wish to remain, members of their unions. They value the protections and benefits of union membership, and they wish to continue to pay dues to cover the costs associated with obtaining and expanding these benefits through collective bargaining. However, they do not want to be forced to contribute to the unions’ political activities as a condition of enjoying their employment-related benefits.

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FAQS (CONT'D)

If StudentsFirst is involved, isn't this just an effort to weaken teachers unions?

StudentsFirst believes in doing everything possible to elevate the teaching profession, and there's no better way to accomplish this than to protect teachers' rights. This case is an opportunity to stand up for teachers who are being put in the unfair position of being forced to fund political causes they don't support in exchange for employment-related benefits.

Won't this damage teachers unions' ability to represent their members?

This case doesn't concern unions' collective bargaining abilities. It doesn't challenge the requirement that teachers contribute the non-political portion of their dues, and thus it will have no impact on the collective bargaining revenue that unions collect or their ability to put that money towards vigorous representation of California teachers.

Won't this case be a death blow to unions' political spending power?

The political spending power of teachers' unions should not rely on compelling teachers to support causes with which they disagree. If *Bain v. CTA* is successful, it will shift the burden to unions to convince their members to support their political work. It will give teachers a real choice, instead of the coercion they currently face, when deciding whether to support the unions' political activities.

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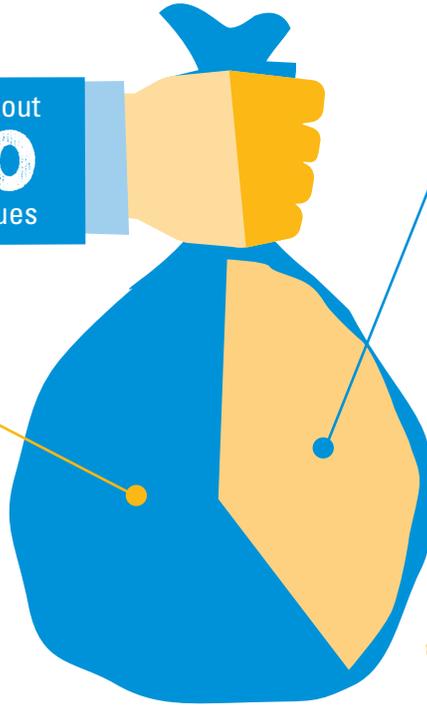
THE MONEY AND WHERE IT GOES

UNION DUES

A California teacher pays about
\$1500
in union dues

2/3 of these dues cover important job protections like...

- Collective bargaining for terms of employment (e.g. wages and hours, job benefits)
- Representation in grievances and arbitration



But more than **1/3** of these dues are spent on political causes – things like...

- Contributions to political candidates and controversial ballot measures
- Lobbying state and federal legislators
- Negative television and newspaper ads

This adds up to over

\$60 MILLION

in California alone and close to

\$500 MILLION
nationally

AND

If teachers opt out of the political spending, they are stripped of important, employment-related benefits such as paid maternity leave, insurance and legal representation.

And the CTA spends this political money in ways teachers might not expect...



NON-EDUCATION ISSUES

The CTA regularly uses member dues on political issues that are completely unrelated to education and that teachers may or may not agree with.



PARTISAN POLITICS

Although almost 1/3 of public school teachers are Republicans, almost 97% of CTA candidate spending has gone to Democrats.



THE WRONG POLICIES

The CTA spends millions each year to protect seniority-based policies that many teachers disagree with and that harm students.

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