



Written by [Bob Adelman](#) on November 25, 2022

## Policewoman Sues to Stop Union From Taking Dues From Her Paycheck

When Melodie DePierro joined the Las Vegas Metropolitan Police Department in 2006, she agreed to let its union, the Las Vegas Police Protective Association, take her dues automatically from her paycheck.

When she resigned from the union in 2020, she informed them that she was quitting and to stop taking the dues from her paycheck. The union refused, claiming that under a newly crafted and approved contract she only had 20 days — from October 1 to October 20 — to order the union to stop. Since she missed “the window,” the union continued deducting its dues from her paycheck.

She sued to get her money back. Lower courts held for the union. The case was picked up by the National Right to Work Legal Defense Foundation, which [filed a request for the Supreme Court](#) — a “petition for writ of certiorari,” in legalese — to consider her case.

Why is this case important? Because DePierro’s claims are based on a Supreme Court ruling from 2018, [Janus v. AFSCME](#) (American Federation of State, County, and Municipal Employees), in which the high court ruled that the taking of such fees without written consent violates a citizen’s First Amendment right to free speech.

Supreme Court Justice Samuel Alito wrote in the majority opinion in *Janus* that such action violates “the free speech rights of nonmembers [of public unions] by compelling them to subsidize private speech on matters of substantial public concern.”

This is a modern-day restatement of the principle voiced by Thomas Jefferson: “To compel a man [or woman] to furnish contributions of money for the propagation of opinions which he [or she] disbelieves and abhors is sinful and tyrannical.”

In *Janus*, the high court referred to the right to free speech as a “fixed star”:

If there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or *force citizens to confess by word or act their faith therein*. [Emphasis in original.]



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DePierro's attorneys built on that idea:

That fixed star shines throughout the year — not only for a few days. [Quoting *Janus*]:  
“Compelling individuals to mouth support for views they find objectionable violates that cardinal constitutional command.”

They maintained that “this case is exceptionally important,” as a decision would affect all public employees, active or retired, represented by unions who are reacting to *Janus* by installing such “window periods” in their contracts.

A favorable decision in this case would add an additional bulwark to the complaints bound to follow passage of the odious “Respect for Marriage Act” expected next week. [Utah Republican Senator Mike Lee makes the case](#) that the way that law is written, it can and will be used to bludgeon into submission any groups (churches, charities, even states) that refuse to recognize same-sex marriage — upon threat of losing their precious federal funding or tax-exempt status.

Those complaints should remind the courts of the statement from *Janus*, above, that “no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, **religion**, or other matters of opinion or force citizens to confess by word or act their faith therein.” (Emphasis added.)

The petition for policewoman Melodie DePierro was filed with the Supreme Court on November 21. A decision to accept it won't be made for at least several months.



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