



San Antonio Alamo Area Local Legislative Updates

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Supreme Court hands victory to labor unions in 4-4 tie

By Lydia Wheeler - 03/29/16 10:24 AM EDT

The Supreme Court on Tuesday issued its first major split decision since the death of Justice Antonin Scalia, delivering a victory to unions and further inflaming the debate over President Obama's nominee.

The court divided 4-4 in a case that threatened to roll back state laws requiring some public sector workers to pay union fees. Before Scalia's death, unions had been expected to lose the case, an outcome that could have dealt a heavy blow to their membership.

Instead, the case ended in a tie, upholding a lower court ruling in favor of the California Teachers Association.

Groups on the left and right quickly highlighted the case to try and rally support in the battle over Judge Merrick Garland, Obama's nominee to replace Scalia.

"The Court's 4-4 decision demonstrates just how much rides on the next justice confirmed to the Supreme Court," Carrie Severino, chief counsel and policy director of the conservative Judicial Crisis Network, said in a statement.

"If the Senate confirms Merrick Garland to the Supreme Court, it will be creating a new liberal majority that will dominate the court's decisions for a generation. The Senate should hold the line on letting the people decide what kind of court they want."

Democrats made a similar argument, albeit in reverse. Presidential hopeful Sen. Bernie Sanders (I-Vt.) said conservatives are just one justice away from being able to dismantle public sector unions.

"Working people in this country need a seat at the bargaining table to fight for higher wages, decent health care, a secure retirement and a safe working environment," he said. "Public sector unions are that voice."

The case — known as *Friedrichs v. California Teachers Association* — centered on a California law that allows school districts to require public school teachers, as a condition of employment, to either join the union representing teachers in their district or pay the equivalent of dues to that union — typically 2 percent of a new teacher's salary.

The justices issued only a short statement Tuesday saying the judgment was affirmed by a divided court. No other explanation was provided.

During oral arguments in January, several justices, including the court's swing voter Anthony Kennedy, seemed skeptical of the California law, leading many to speculate that the majority would rule against the union.

Giving a hypothetical, Kennedy questioned what would stop California from requiring every state employee to donate 1 percent of his or her salary to the governor's election campaign. "No one thinks, realistically, that's a voluntary decision to give money," he said at the time. "There's only one purpose behind that kind of requirement, which is to inflate the governor's political war chest, just like the only purpose behind this is to, through inadvertence and neglect, inflate the union's war chest by people who really have not made a voluntary decision to do so."

A high court ruling against the fee requirement could have sapped the financial power of labor unions by allowing people to "free ride" on union representation without paying fees for it. To rule in favor of the teachers, the court likely would have had to overturn the decision in a 1977 in a case known as *Abood v. Detroit Board of Education*. That ruling upheld in union shop rules in public workplaces.

Overturning long-standing precedent is something the court is typically reluctant to do.

The California Teachers Association (CTA) in a statement called the lawsuit a "political ploy" that aimed to make it harder for working families and the middle class to come together. "California's educators will continue to work together to provide quality, safe and healthy schools as we continue to ensure our students get the quality public education they need and deserve. Now it's time for senators to do their job and appoint a successor justice to the highest court in our land," CTA's president Eric Heins said in a statement.

Even before Tuesday's split decision, the battle lines over Garland's nomination appeared to have hardened in the Senate.

While some GOP senators have said they are open to meeting with Garland (R-Ill.) becoming the first to do so on Tuesday — the party is holding firm on leaving the court vacancy to the next president.

Democrats have assailed that position, creating an election-year showdown over the court that is playing out in ad campaigns nationwide.