

## US Supreme Court to hear Illinois union strong-arm case

By: Ben Yount - October 4, 2013

No one has to pay **Pam Harris** to take care of her disabled son, **Josh**.

Pam pushes Josh in a wheelchair, feeds him, bathes him and tries to manage Josh's rare genetic condition **Rubinstein-Taybi** syndrome because she's his mother, and loves him dearly.

The Harris', like several hundred other families of profoundly disabled children and adults in **Illinois**, receive a small stipend from **Social Security** (about \$2,100 a month) to offset the huge cost of care.

But where Pam Harris sees a trickle of money to help pay for physical therapy or a bigger bathtub, the **Service Employees International Union** sees a pile of cash that the union thinks should be theirs.

In 2009, with the backing of SEIU and Illinois' other massive public employee union the **American Federation of State, County, and Municipal Employees**, Illinois Gov. **Pat Quinn** quietly signed an executive order that gave SEIU and AFSCME a chance to grab some of the Harris' Social Security money.

**Executive order 15** declares that parents like Harris are "public employees," but only for the sake of collective bargaining, and that SEIU and AFSCME can try and organize them.

"The state also provided SEIU and AFSCME our names and our addresses," Harris said. "When they come to your door, and they're cute 25-year-olds from **California** or the **East Coast**, they have no idea about the politics of Illinois. They have no idea about what it is to be a parent of an adult with significant disabilities."

Harris recalls the young SEIU volunteer just asking Harris to sign a card "so my boss knows I spoke to you."

But those cards were authorization for a union vote, and if enough people signed the cards, the families would have to vote on joining a union.

An overwhelming majority, 66 percent of parents, voted against joining the union.

"Gov. Quinn refused to rescind the executive order," Harris said. "It doesn't expire. This means the unions can come every year with those cards and pens and say 'Please just sign,' until they are successful."

The governor's office never told Harris why Quinn wouldn't act. The governor also ignored repeated requests from **Illinois Watchdog** to comment for this story.

Harris eventually sued to stop the union strong-arming. Her case is now headed for the **U.S. Supreme Court**.

“If (a ruling for Harris) is very broad, it could affect all unionization efforts, particularly of public sector employees, everywhere,” said **Trevor Burrus**, a research fellow at the **Cato Institute**.

Cato is one of a handful of groups backing Harris, and who wrote legal briefs supporting her challenge.

“Everybody knows that unions support candidates they feel will support their agenda,” Harris said. “I felt like I was being traded as part of some quid pro quo.”

SEIU didn’t return calls to Illinois Watchdog, but in a statement the union said this case is about “free riders.”

“There is a long legacy of previous Supreme Court decisions finding that “fair share fees” — reduced fees that unions charge to non-members to represent them in collective bargaining — are fully constitutional,” the SEIU statement said.

Burrus said those past decisions have usually dealt with workers who all work in the same factory or office. In those cases, unions negotiate not only pay and benefits, but over work conditions, hours and even perks like the number of coffee makers.

In Harris’ case, SEIU wouldn’t “represent” the caregivers in any other way than taking union dues.

“I believe that the bottom line is the money,” Harris said. “The union dues help (the union) advance their agenda. It’s not particularly an agenda that I support. The bottom line is, (the donations) represent millions of dollars.”

Burrus said SEIU may need that money due to recent troubles.

“They are losing ground in some many other areas for unionization,” Burrus said. “But they said ‘Well, we have another avenue we can go for. We can try to forcibly unionize anyone who takes government money.’ Then, they get the bonus of being able to take money from these people and spend it on political campaigns and other types of propaganda efforts.”

Harris said the Supreme Court is her only hope.

“I hope...they say ‘Hey guys, you better rethink this one’,” Harris said. “Maybe things have just gotten a little too far out of hand. Maybe people are just overstepping and pushing their boundaries.”

The case doesn’t have a hearing date yet, though Burrus expects the high court to listen to arguments this winter.