



Unionization Case Before The Supreme Court Could Have Lasting National Impact

Harris v. Quinn could make all public employees eligible for right-to-work; case is flying under the radar

By Jack Spencer
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The U.S. Supreme Court will hand down a decision by the end of this month that could have significant and lasting effects on organized labor in this country.

In January, when the high court heard oral arguments in the *Harris v Quinn* case, the justices clearly were considering a ruling that would, in effect, give public employees the freedom to choose whether to pay dues or fees to a union without being worried about being fired.

The case before the court involves Pamela Harris and seven other Illinois personal care providers (home-based caregivers), who challenged a forced unionization that was basically the equivalent of Michigan's dues skim, which resulted in the SEIU taking more than \$34 million from the elderly and disabled in Michigan.

During oral arguments in the Harris case, Supreme Court justices repeatedly steered the discussion to the idea of reversing the 1977 ruling in *Abood v. Detroit Board of Education*. That ruling established that a union shop, which is legal in the private sector, was also legal in the public sector.

Reversal of the *Abood* ruling would be expected to have far-reaching ramifications throughout the nation.

Few news stories have addressed the possible outcomes of the case, and even some lawmakers with legal backgrounds who are assigned to legislative judiciary committees are unfamiliar with the intricacies of the case.

"I honestly haven't heard a thing about it," said Rep. Kevin Cotter, R-Mt. Pleasant, chair of the House Judiciary Committee. "That being the case, I obviously haven't looked at it or given it any thought. I'm not even sure whether I'd consider that something that should be determined at the federal level or the state level. If that (reversing *Abood*) were the Court's ruling it wouldn't be likely to have the impact on Michigan and other right-to-work states that it would have on non-right-to-work states."

House Speaker Pro-tem, Rep. John Walsh, R-Livonia, who chaired the House Judiciary Committee in a previous term, said he also was unaware of the case. Rep. Walsh said he preferred to have a chance to look *Harris v. Quinn* over before commenting further.

Sen. Steve Bieda, D-Warren, the ranking Democratic member of the Senate Judiciary Committee, said he has heard about *Harris v. Quinn*.

"Actually, I do remember hearing about it, but it was in an informal conversation," Sen. Bieda said. "Subsequently I never saw anything about it in the press. I can't say that I've followed it and it doesn't appear that the news media has either. The little bit I did hear about it was that some right-wing groups were funding the case and it was a potential time bomb.

"You would think this would be a pretty high profile case," Sen. Bieda continued. "I always considered *Abood* to be more or less a settled issue. So if the Supreme Court were to overturn it, that would be a pretty major decision and come as quite a surprise to many. I sure would have thought it would have generated more interest. However, I've noticed other potentially big court cases don't get much news coverage either. But, you know, in the end the court might issue a ruling that comes down somewhere in the middle and doesn't go so far as to fully overturn *Abood*."

Home-based caregivers have been subjected to forced unionization schemes in Michigan, Illinois and several other states. In Michigan, this happened during the administration of former Gov. Jennifer Granholm and involved a dummy employer and a mail-in election. In Illinois, it was done by executive order and the forced unionization was covered by the news media as it took place. With the exception of Michigan Capitol Confidential covering the dues skim after it was in place, most news outlets in Michigan ignored the story.

Attorneys with the National Right to Work Legal Defense Foundation are representing Harris and the other providers. The Mackinac Center Legal Foundation, along with The Cato Institute and the National Federation of Independent Business filed an amicus brief in the case.