

# US Supreme Court Grants Certiorari In Cedar Point Nursery Versus Hassid

Hannah Brew

November 18, 2020

The case challenges current union power in the nearly \$50 billion dollar California agricultural industry. The case brings to question a regulation allowing union organizers to access agricultural businesses. Union organizers will now be able to solicit support and coordinate with agricultural employees at their workplaces 120 days out of the year, three hours per day. Many feel that's too much time, while some feel it's too little to solicit people, while others don't want anything to do with it.

Cedar Point Nursery argued government-approved easements violate the takings clause of the Fifth Amendment. The clause says that private property cannot be taken for public use without compensation. The US Court of Appeals for the Ninth Circuit ruled that such regulations do not necessarily violate the Fifth Amendment; as union access to workplaces is limited toward a specific frame of time.

In opposition, chairwoman Victoria Hassid chair of California's Agricultural Labor Relations Board outlined restrictions surrounding the easement. She said union organizers must notify businesses of their visits. Organizers are prohibited from disrupting business operations, and can only visit a private property during such specified time periods.

Ms. Hassid echoed the findings of the Ninth Circuit Court's ruling. She stated, "regulation properly restricts union power". Ms. Hassid believes that petitioners failed to cite any examples of business for profit disruption by unions. Union representatives had used the regulation to access only 62 of the 16,000 agricultural employers in California.

Petitioners have contended to the Supreme Court that 62 site visits are far too many, and "there is no reason to think that stampedes of third-party organizers will not return" to the property annually. The petitioners also argued that a ruling against their constituents would threaten private properties across the country. The Cato Institute, a libertarian think tank, recently filed an amicus curiae brief in favor of the petition and petitioners.