

## Court's Harris Ruling Setback For Unions, Bonus For Workers

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**Supreme Court:** Monday's headlines said that the justices delivered a crushing blow to public-sector unions with their Harris ruling. What, then, of private-sector unions? Will this decision also be bad news for them?

By a 5-4 margin, the high court said in *Harris v. Quinn* that Illinois cannot "compel personal care providers to subsidize speech on matters of public concern by a union that they do not wish to join or support."

Illinois is at the center of a nationwide campaign that has been brewing for more than 10 years in which in-home health care workers have been organized — forced, really — into public-sector unions under the tortured reasoning that they are government workers because some are paid by Medicaid.

The movement began in Los Angeles in 1999, when the Service Employees International Union organized 80,000 workers, the Cato Institute's Andrew Grossman wrote Monday.

Then it spread to Oregon and Washington through the Midwest and into the Northeast and Middle Atlantic. Of the roughly 500,000 in-home health care workers in the country, about 400,000 have been organized, according to the Manhattan Institute.

The unions saw these workers as a new source of money to help offset their waning influence in the private sector and the resultant loss of membership.

Writing for the Manhattan Institute, Daniel DiSalvo, assistant professor of political science at City College of New York, called in-home health care workers "a critical area of union growth."

That might be starting to dry up, thanks to Monday's Supreme Court ruling that said they are "partial public employees." "The SEIU," says DiSalvo, "will now lose significant members and money in Illinois."

George Washington University Law School professor Jonathan Turley believes the decision will have a wide impact that goes beyond significant losses in a single state. "These home workers share a lot of attributes of the new emerging workforce, and for unions it's a big blow because that was their growth area," he told CNN.

"And it's going to be very difficult now to extend these contracts to get those types of dues."

The Supreme Court's narrow ruling affects the 20,000 organized workers in Illinois and is not a death blow to organized labor as a whole. But, says DiSalvo, "the case invites challenges in the other 25 states with similar legal situations."

It should also be an invitation for someone to eventually ask the court the rule on the practice of states forcing their employees to join unions and pay dues, a routine that was approved by the Supreme Court in its 1977 *Abood v. Detroit Board of Education* ruling.

That decision — which went against a teacher, D. Louis Abood, who objected to union membership and union politics, and sued because he felt his First Amendment rights were abridged by the forced paying of union dues — stands on "questionable foundations," said Justice Samuel Alito, who wrote for the majority in the Harris case.

In deciding against the unions, the current court has created an atmosphere in which the country can ask if unions should have the power to force workers to join and pay dues as a condition of employment, a standard that has long been unquestioned.

Harris is being categorized as a First Amendment issue.

The court itself says the case posed the "question whether the First Amendment permits a state to compel personal care providers to subsidize speech on matters of public concern by a union that they do not wish to join or support."

If so, isn't every union member, both in the public and private sectors, due the same First Amendment protection?

This is no small matter. Citing a 2012 ruling — *Knox v. Service Employees* — Alito said a high standard is needed "to overcome First Amendment objections" that can occur when a worker is forced to pay union dues that go toward political speech he or she doesn't wish to financially support.

While Congress and the courts have maniacally granted unions special privileges and protections through the decades, those advantages are not constitutionally shielded as free speech and freedom of association are.

It's time to roll back the power given to unions at workers' expense and return a lost liberty to the workers whose freedom to dissent with union positions has been curtailed.

This might be a fortuitous time, in other words, for Mr. Abood to meet Ms. Harris.