



SCOTUS to review forced unionization

Rick Moran

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Does the state have a right to coerce you into joining a union against your will?

The Supreme Court will review a case from Illinois that may end the anti-democratic practice of requiring workers to join a union in order to work.

In this case, the union is the Service Employees International Union (SEIU), who got 2 Illinois governors to sign executive orders forcing home health workers to join their union.

[Wall Street Journal:](#)

Union membership was once seen as a route to the middle class, but today it is too often a way for unions and politicians to coerce money from the middle class. The Supreme Court can end this government compulsion and the damage it does to free speech and association in one of its most significant cases this term.

In March 2003, then Illinois Governor Rod Blagojevich (now in the slammer) signed an executive order making the Service Employees International Union the monopoly bargaining representative for home-care workers. Governor Pat Quinn signed a second order in 2009. Such workers are often self-employed, don't work in state buildings or report to state officials. But Illinois uses Medicaid to subsidize home care for the disabled, which the governors used as the legal excuse to redefine home-care workers as state employees and provide the SEIU with some 20,000 new dues-paying members.

Pamela Harris cares at home for her severely disabled son, and she and seven others are challenging the Illinois rule in *Harris v. Quinn*. Their double-barreled First Amendment claim, which the High Court will hear Tuesday, is that they were first

forced against their will to join a union, which violates their right to free association. Then their right to free speech was violated because the unions used their dues to spend on political causes they didn't support.

The coercion was compounded by the use of "card check," which allowed the union to organize all home-care workers when half of them signed a "card" saying they wanted a union. This made it easier for union organizers to intimidate workers by visiting their homes and denying them the right to a secret ballot.

All of this was for the political benefit of the SEIU, which gets a cut of the Medicaid money that subsidizes home care for the disabled. That's in addition to the \$3.6 million that home-care workers pay each year in mandatory union dues, much of which is used to re-elect the Democrats who coerced Ms. Harris.

How can you possibly argue for forced unionization? By appealing to history:

The Illinois legal defense is that there is a state interest in unionization based on the "labor peace" doctrine that goes back to the earliest days of the union movement. There may have been such a government interest when, say, a railroad strike threatened nationwide commerce in the early 1900s. But the Cato Institute and National Federation of Independent Business argue persuasively in an amicus brief that the "labor peace" rationale does not trump First Amendment rights. And it hardly applies to home-care workers who operate independently or in small groups with no bearing on statewide commerce.

The justices have already questioned the practice of forced unionization in a case last year when they ruled "Mandatory associations are permissible only when they serve a 'compelling state interes[t]' which 'cannot be achieved through means significantly less restrictive of associational freedoms.'" It sounds like the perfect set up to overturn forced unionization.

But "compelling state interest" could mean a lot of things to a lot of people and its hard to say if the conservative majority can hold on this issue.

A decision is expected later this spring.