

Will the U.S. Supreme Court gut public-employee unions?

By Garrett Epps, Atlantic

The most important fact about Monday's oral argument before the U.S. Supreme Court in *Friedrichs v. California Teachers Association* is that this case—one of the most important of the term—will be decided on the basis of no facts at all.

The petitioners in *Friedrichs* are asking the Court to hobble unions that represent more than 9 million public employees in 23 states and the District of Columbia. That decision will have large consequences for those employees, for the states that employ them, and for the political system. But the Court will decide the case without, apparently, serious consideration of those effects.

Representing the challengers, the conservative lawyer Michael Carvin described a public-employee union as a purely political group that “advocates an ideological viewpoint” his clients “do not approve of.” Every single thing a public-employee union does, he said, is a matter of public concern; contract negotiations with teachers' unions, for example, affect class size, teacher promotion policies, and overall state funding—every one of them a hotly contested political issue. In contrast, the union lawyer David Frederick told the Court that many of the union's activities are “mundane matters” without political content.

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