

# It's Not Too Late For Trade Unions to Win Friedrichs vs. California Teachers Association (CTA)

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*If the future of labor unions is in the hands of the Supreme Court, the outlook is bleak. Labor's denial was shattered when Judge Alito signaled that the Court had the votes to decimate union membership nationwide. This specific attack aims at public sector unions, the last high-density stronghold of the labor movement. It also foreshadows that private sector unions will be further attacked, into dust this time.*

The Friedrichs decision now seems inevitable, but nothing is inevitable in politics. The decision will not be announced until June, and this 5 month delay allows unions time to fully express their power. A nationwide series of actions would certainly make the Supreme Court think twice. And the Supreme Court is especially politically sensitive.

A primary yet unofficial duty of the Supreme Court is to gauge and express public opinion, by codifying it into law. The biggest decisions in Supreme Court history were the expressions of mass movements, organized social demands that forced themselves onto the pages of the constitution and other landmark precedents that deeply affected millions of people.

The winning of civil rights, ending segregation, a woman's right to choose, and laws that allow for the formation of strong labor unions were not granted by the Supreme Court, but foisted upon it through sustained collective action. The recent victory of the LGBTQ movement was won through years of militant organizing, not cheerfully bestowed by the conservative Supreme Court.

The landmark labor law that Friedrichs seeks to destroy was itself won through mass struggle. In 1977 the labor movement won a resounding victory in "Abood vs Detroit." In discussing the Abood decision, the Supreme Court acknowledged — and continues to discuss — the "social peace" motive that was at the core of the Abood decision.

In 1977 "social peace" referred to the nationwide strike waves in the public sector that raged from the late 60's and 70's. The teacher unions were especially active, with a thousand strikes that involved hundreds of thousands of teachers.

The main demand of these public sector unions — strong unions — became legal rights recognized by the Supreme Court. This Abood victory was, like other social movement victories, a power forced onto the Supreme Court, not freely given.

Unions are under attack now because their prior strength appears zapped. Union membership has shrunk for decades and the power that won Abood seems vulnerable to a thrashing. Unions are backed into a corner, and they can either fight for dear life or be

steamrolled while frozen in the headlights.

Unions have five months to fight back. The public's mind is not made up. Social media can influence millions of minds in days. In fact, unions have already successfully transformed opinion about unions in recent years. The ongoing success of the "fight for 15" and high publicity actions like the Chicago Teachers Union strike have deeply resonated with the public.

According to the most recent Gallop poll, union support [continues to rise](#), with a 5% increase in the last year. Now 66% of young people support unions. These are powerful statistics that can and must be transformed into action. Immediately.

If the Supreme Court sees millions of feet in the street, it would take notice. If the Court saw the coordinated occupation of state capitols across the country, à la Wisconsin 2011, the Court wouldn't dare rule against unions, since the judges know better than to ignite social fires. Their sworn but unspoken duty is to put them out.

The Supreme Court is the arbitrator of social forces in the country, and for unions to get the best possible ruling they must apply the maximum of social force. Unions cannot temper their demands now, they must maximize them.

For example, the unions in California that filed a ballot measure for a \$15 minimum wage are boldly riding the tsunami of the "fight for 15," while an opposite example can be found in Washington state, where unions bargained against themselves by filing a ballot measure for \$13.50 instead. Now is the time to shoot for the stars; there is nothing to lose and everything to gain.

Millennials are dying for living wages, stable jobs, and the dignity that comes with the job protections that unions offer. They understand their situation would improve with a strong union. They are waiting to be organized and brought into the labor movement.

The South is likewise very pro-union, and like millennials most people in the South have no union. The basic math here favors unionization strongly, but only a strong and dedicated union movement can take advantage of this.

A nationwide coordinated day of action that promises something like '50 Wisconsin's in 50 States' would certainly grab the Supreme Court's attention, by the throat. Unions have the power to do something incredible like this, and desperate times demand desperate measures.

Union members must insist that their leaders work with other unions in organizing mass rallies while pouring resources into educating and mobilizing the public behind demands like \$15, rent control, and the creation of public sector jobs through taxing the rich. Unions should also link up with the Black Lives Matter movement and demand that Democratic nominees for president become champions for a pro-union Friedrichs decision.

Unions cannot wish Friedrichs away. Not organizing powerfully and broadly will empower the Supreme Court to rule against us, striking a blow that can't be simply shaken off. It won't be a mild concussion either, but a coma; one that unions might not wake from for another 30 years.

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