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Court: Idaho can stop union political deductions

WASHINGTON — The Supreme Court on Tuesday upheld a state law banning local governments from letting workers use payroll deductions to fund their union's political activities, a decision that could strike at organized labor's ability to raise funds at local levels.

Five labor unions and the Idaho state AFL-CIO successfully argued in lower federal courts that a 2003 Idaho law forcing cities, counties and school districts to eliminate a payroll deduction funding union political action committees violated the First Amendment. "Idaho's law does not restrict political speech, but rather declines to promote that speech by allowing public employee checkoff for political activities," Chief Justice John Roberts said as the court voted 6-3 to overturn those rulings.

John Rumel, lawyer for the Idaho Education Association, said the decision could prompt anti-labor state legislatures to eliminate payroll checkoff for political activity in hopes it would hurt unions. But Rumel also said that they have moved away from payroll deductions and to electronic funds transfer after people get their paychecks for political contributions just in case the court did not rule their way. "While we're certainly disappointed in the outcome, we've moved on," Rumel said.

Before 2003, Idaho employers could authorize both a payroll deduction for union dues and one for union political activities through a political action committee. But the state legislature in 2003 passed the Voluntary Contributions Act, which prohibits payroll deductions for political activities.

The unions did not appeal the elimination of the payroll deduction for state-level employees, and "we are aware of no case suggesting that a different analysis applies under the First Amendment depending on the level of government affected," said Roberts, who was joined in his opinion by Justices Antonin Scalia, Clarence Thomas, Anthony M. Kennedy and Samuel A. Alito.

"The ban on political payroll deductions furthers Idaho's interest in separating the operations of government from partisan politics," the chief justice said. "That interest extends to all public employers at whatever level of government."

Justice Ruth Bader Ginsburg, in a separate opinion, agreed with the majority, but for a different reason writing "that, in the context here, the Constitution compels no distinction between state and local governmental entities."

A federal judge and the 9th U.S. Circuit Court of Appeals in San Francisco concluded that local units of government and school districts could choose to stop making the payroll deductions, but that the state could not force them to do so. "Payroll deduction should not be a constitutionally protected right," said Stefan Gleason, vice president of the National Right To Work Legal Defense Foundation, which filed court papers in the case. "We feel it's bad public policy to have government bodies essentially be bagmen for union political monies."

Justices John Paul Stevens and David H. Souter dissented, saying the law was clearly aimed at stopping the political speech of unions.