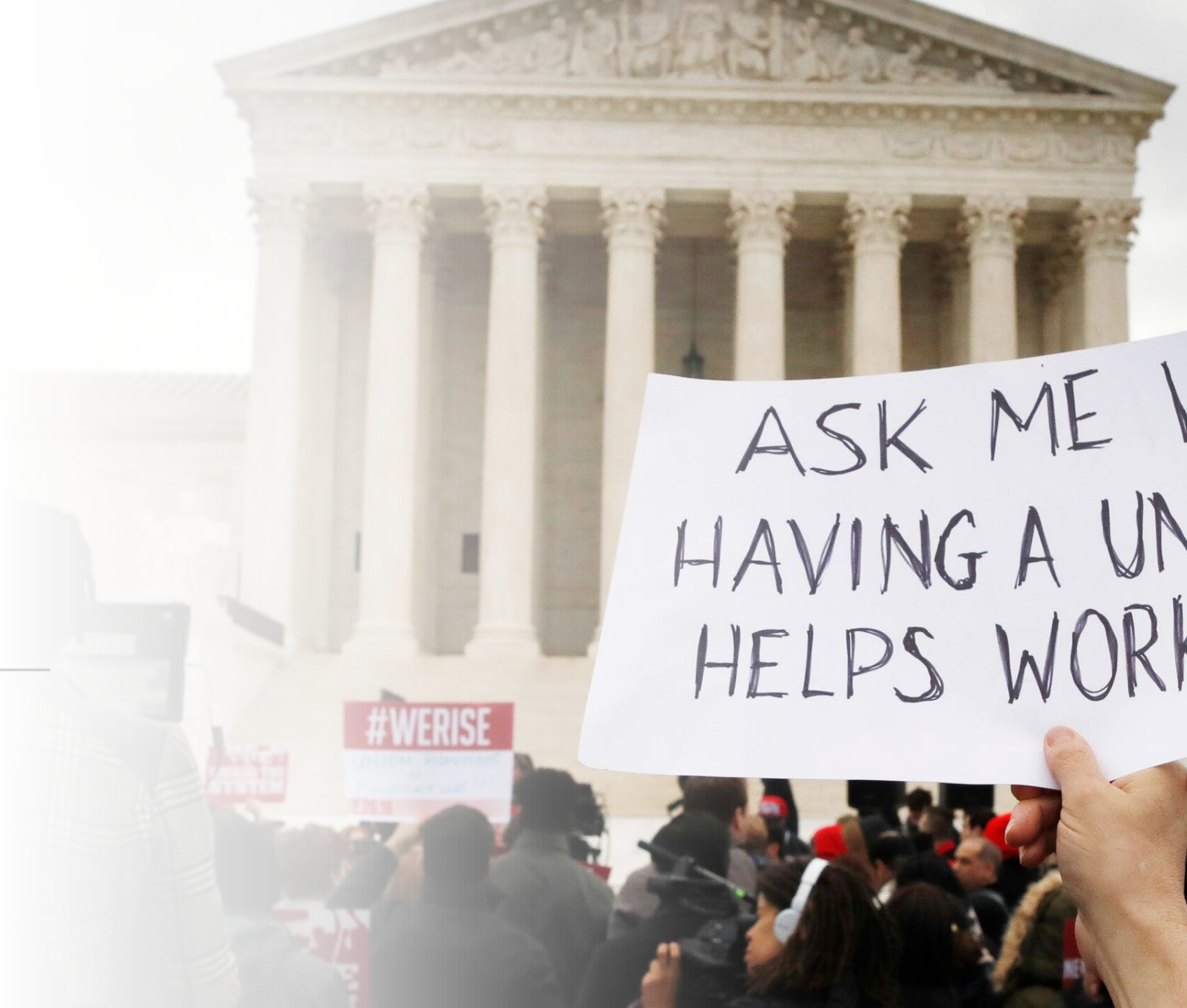




Unions & the Democratic First Amendment

Charlotte Garden



Unions strengthen American democracy

- By helping reduce economic inequality
- By increasing workers' abilities to have their voices heard and their preferred policies enacted





But the current Supreme Court is skeptical

- Campaign finance cases & labor law cases recognizes political advocacy as an important union function
- But in a recent line of cases, the Court seems to view public sector unions' political activities as a corrupting influence
- As a result: First Amendment doctrine now protects workers who object to union representation, but to the detriment of workers' collective power

RESPECTING AN ESTABLISHMENT OF
RELIGION, OR PROHIBITING THE FREE
EXERCISE THEREOF; OR ABRIDGING
THE FREEDOM OF SPEECH, OR OF THE PRESS;
OR THE RIGHT OF THE PEOPLE

The Democratic First Amendment & Unions

- There is broad acceptance that a significant purpose of the First Amendment is to promote effective democracy
 - Often this line of reasoning focuses on institutions like the media, universities, and churches – but it overlooks unions
 - The Supreme Court has at times adopted similar reasoning, but the current Court's approach is more formalistic
- Bottom line: This project brings unions into the conversation about the institutional First Amendment