



Written by [Bruce Walker](#) on May 26, 2011

Arizona Unions Sue to Block Two New State Laws

Across the nation, states that have conservative Republicans running the government are tackling the entrenched power of unions. The Arizona State Legislature recently passed two bills which limit the activities of labor unions, both of which have been signed into law by Governor Jan Brewer (picture at left).



S.B. 1363, which took effect last month, makes it illegal to falsely accuse an employer of misbehavior, to block access to a place of employment, or to protest without invitation on the private property of an employer or other person. S.B. 1365 prohibits employers from automatically deducting from an employee's paycheck money as union dues that would be used for political purposes unless the employee provided, on an annual basis, written or electronic approval for the deduction.

Several local unions have joined in filing a lawsuit in federal court contesting the constitutionality of the laws — the Arizona Education Association, and local branches of both the American Federation of State, County and Municipal Employees (AFSCME) and Services Employees International Union (SEIU). Arizona Education Association Andrew Morrill complained that the two laws “smack of retaliation and discrimination.” He insisted that the AEA opposes S.B. 1365 because the union would have to tell its members in advance how much it planned to spend for political purposes. He claimed that the bill was retaliatory — based on his organization's position on state legislation in recent years.

Court documents filed by the unions call the two laws “part of a comprehensive legislative campaign to quash speech in Arizona by labor organizations ... and groups representing employees.”

State Senator Frank Antenori of Tucson, the sponsor of both bills, says of the measures, “There is nothing here that infringes on their [union members'] rights of free speech. You just have to do it within the confines of the law.” Antenori explained the reason for S.B. 1363:

You cannot defame businesses, just for the fact that you want to bully them into agreeing with your political point of view or collective bargaining demands. And there is no First Amendment protection that says you have the right to stand in front of a business and block that business.

S.B. 1363 also requires that the automatic deduction of union dues for an employee cease when the employee resigns from the union.

[Arizona Chamber of Commerce President and CEO](#) Glenn Hamer applauded S.B. 1363:

Governor Brewer, Senator Antenori and the rest of this Legislature are working hard to win back the jobs we've lost in this recession. A state's labor environment is critical to determining whether



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it's friendly or hostile to job creation. By passing this bill and signing it into law, the Legislature and Governor are sending a message that Arizona stands with the job creators.

The *Arizona Capital Times* has also listed Antenori's S.B. 1363 as one of the top 10 victories for small businesses in the state in 2011.

Ohio, Indiana, Tennessee, Oklahoma, and Idaho are among other states which are limiting, in one way or another, the power and privileges of public-sector unions. Often, as in Indiana, the issue revolves around the skyrocketing costs of massive benefit packages for public-employee unions. Other times the issue may be ending any requirement either that labor unions be given preference in construction projects or that new teachers receive automatic tenure.

In many parts of the country Republican state governments seem to be taking the position that organized labor has done everything it could to keep them out of power and so there is very little that these unions, particularly public-employee unions, can really do to punish Republican politicians. In some cases — such as requiring that union dues for purposes of political activity can only be withheld from an employee's wages if the employee consents — these Republicans are attempting to implement what the Supreme Court ordered a generation ago when it ruled that an employee could not be forced to contribute to political activities he/she opposed.

Surely also in the background of these stands against public-employee unions is the awareness that Americans are growing increasingly angry over the "we-elect-our-bosses" reality of public-employee unions which has resulted into outrageous salaries and even more egregious pension and benefits plans, many of which are completely unsupportable.

What will happen next? Well, in both Wisconsin and Arizona, the laws regulating union activities are headed for state and federal court. The smash-mouth politics of these battles led Wisconsin unions to array their forces in a strong drive to defeat Judge David Prosser in what would otherwise have been a ho-hum retention election. However, voters — tired of the overweening practices of public-employee unions — turned out in droves to vote him back in. Politico reports:

Wisconsin's elections board on Monday certified judge David Prosser as the winner of the hotly contested race for the state Supreme Court, handing a victory to conservative activists who flocked to the race as a referendum on Gov. Scott Walker's law restricting collective bargaining for public sector unions.

To anyone who has followed labor relations in America for a while, one thing is clear: The more politicians stand up to public-employees unions around the country, the more difficult it is for unions to "make an example" of a single brave Governor or legislator. The reining-in of these unions in Wisconsin, Arizona, and a growing number of other states very likely signals a major shift in American politics.



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