

The Supreme Court, Working Families and the 2016 Election

THE 2016 election could shape up to be one of the most important elections in terms of shaping the U.S. Supreme Court in American history.

After Justice Antonin Scalia's death earlier this year, Republicans in the U.S. Congress swore to prevent a replacement from being chosen until after the election and have stalled President Barack Obama's nomination of Merrick Garland.

As of the beginning of the next president's term, three of the nine justices will be older than 80. Another will be 78. It's not outside the realm of possibility the next president could appoint a majority to the court.

Over time, replacing Scalia with a justice that is less of a right-wing ideologue has the potential to reshape many areas of American law—and, in particular, much of the law surrounding the rights and lives of working people.

Key Issues for Workers

Here are six reasons that Supreme Court nominations are one of the most important issues in the 2016 elections:

1. Gerrymandering: Ever wonder why the country keeps voting for Democrats for president but Republicans control Congress? A key reason is gerrymandering, the process of drawing the district lines for congressional seats for partisan advantage.

Currently, 55 percent of congressional districts were created to favor Republicans, compared to 10 percent drawn in favor of Democrats. That's why, in 2012, when Barack Obama won re-election and a majority of votes for congressional seats went to Democrats (50.59 percent), Republicans managed to get a significant majority of House seats (53.79 percent).

A court appointed by Hillary Clinton would likely frown heavily on this manipulation of the electorate.

2. Voting Rights: In 2013, the conservative majority on the court gutted the enforcement mechanism for the Voting Rights Act. This was almost immediately

followed by states that were previously required, based on a history of discrimination, to get Dept. of Justice approval for changes to voting laws, passing a series of laws that made it harder for many, particularly African Americans, to vote. Many of these laws have been rejected by courts, and it's likely that the future Supreme Court would look very negatively on them.

3. Citizens United: The court ruled that corporations can spend as much as they want to influence elections, as long as they spend it independently of campaigns. This led to tons of money flowing into elections and the creation of super PACs. Clinton wants this ruling overturned.

4. Corporate Influence in Supreme Court Cases: A recent study found that between 2009 and 2012, the one entity most likely to get a hearing at the Supreme Court was the Chamber of Commerce. The court was not only more likely to hear cases championed by the chamber, it was more likely to decide in favor of the corporate interests the chamber supported. The Court has made it harder for ordinary people and customers to sue corporations, like Comcast and Walmart, in class action lawsuits. The Court has also made it easier for some corporations to claim a religious exemption, enabling them not to provide insurance coverage for contraception for employees.

5. Workplace Fairness: A series of 5-4 decisions during the Roberts Court era have come down against working people and their rights on the job. These cases have involved the right to sue for pay and age discrimination, as well as a weakening of overtime protections. These rulings will be ripe for challenges once Scalia's seat on the court is filled.

6. Deportations: Earlier this year, the court effectively killed an executive order from Obama that would have shielded as many as 4 million undocumented immigrants from deportation. It will likely be considered again under a new court.

This flyer was adapted from "Why Supreme Court Nominations Are One of the Most Important Issues for Working People," a story by Kenneth Quinnell on the AFL-CIO Now Blog.

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