

Supreme Court at the Crossroads

The prospect of more than one Antonin Scalia or Clarence Thomas on the Supreme Court is scary enough, but a combination of age and illness among the justices could give President Bush the chance to nominate up to three high court judges before he leaves office in 2008.

Justice Sandra Day O'Connor's retirement and Chief Justice William Rehnquist's health problems triggered intense speculation over the future direction of the Supreme Court. And at age 85, Justice John Paul Stevens is among the longest serving members of the court.

The President has repeatedly declared he will appoint judges in the mold of the scathingly acerbic Scalia and the equally extreme Thomas, two of the most partisan and conservative Supreme Court judges in recent history.

Union members have ample reason to be alarmed. The Supreme Court is the last of three branches of government that is not firmly in the hands of a Republican Party dominated by big business.

While the Supreme Court occasionally hears cases that rivet the nation's attention, such as the *Bush v. Gore* case that decided the 2000 presidential election or the highly politicized *Terry Schiavo*



With Sandra Day O'Connor's retirement, the Supreme Court could shift radically right. Front row from left: Associate Justices Antonin Scalia, John Paul Stevens, Chief Justice William H. Rehnquist, Associate Justices Sandra Day O'Connor and Anthony M. Kennedy. Back row, from left: Associate Justices Ruth Bader Ginsburg, David Souter, Clarence Thomas and Stephen Breyer.

appeal, most issues before the court involve business-related matters with the potential to impact workers' pay, pensions or workplace safety.

For example, one of Justice Thomas' first majority opinions in 1999 said that workers had no rights to surplus funds in company pension plans, even if part of the funding came from their paychecks. In his decision, Thomas said retirees "proceed on the erroneous assumption that they had an interest in the plan's surplus."

Business and conservative groups are preparing to bankroll major public rela-

tions campaigns to influence public support for President Bush's nominees. While not always in agreement, both groups rarely find common cause with working families on labor issues.

Union members and working families need to be involved in this debate at the grassroots level. The impact of millions of working Americans demanding that their elected representatives stop the Supreme Court from becoming a breeding ground for radical conservative legal dogma may be the last chance to preserve an independent judiciary.