

Report of the Office of General Counsel, Alice O'Brien, at the September, 2020 NEA Board Meeting.

Julie Horwin

Alice mentioned that post Janus, there have been nothing but wins for NEA regarding the claims that have been heard in the 3rd, 6th, and 9th Courts of Appeal. Most of them attempts to extend the reach of Janus, all unsuccessfully. There have been so many successes, too numerous to detail



here, so I have included [a link that does detail all of the work](#) including the winning suit against Secretary DeVos's unlawful diversion of over a billion dollars in CARES Act funds from public to private schools.

The Office of General Counsel (OGC) has also been working to inform, educate, and provide resources for educators regarding returning safely to in-person instruction. Those resources are found in the "[Know Your Rights](#)" tab on the educatingthroughcrisis.org website.

Alice highlighted the Janus/Mooney/Danielson/Casanova Cert Petition. These are a slew of cases that strike at the very right to have a union or maintain a union. This will likely be docketed in the Supreme Court in October. This is one of the most important reasons, in my opinion (Julie), for opposing Trump's nominee for the Supreme Court. Losing this case may topple unions. We would go back to 1950's America with regards to workers' rights.

Alice O'Brien's [slideshow](#) clearly explains why Trump's nomination would endanger the Affordable Care Act, protections for voting rights, remove DACA, and Marriage Equality, and a woman's "Right to Choose."

Alice ended her report by saying,

"They are ramming through a Supreme Court nominee

because they know they can never do through the legislative process what a 9-member Supreme Court can do. If they capture this court for conservative views ... that is their last defense against *we the people*."

She continued,

"...as John Lewis reminded us, democracy is not a state, it is an action... I need you to become an Educator for Biden. I need you to make a plan for voting and take everybody with you and encourage your friends and family and your neighbors and your grocery stores and frontline workers - make a plan to vote and be with us on a phone bank; there's all kinds of activities that you can take part in we make it easy. Trust me, make a plan, dig in. It takes all of us to turn this around, but, I know we can win..."