

Notes for Oral Testimony before Labor Committee re: *Janus* bills March 21, 2019:

- *Janus* establishes a First Amendment Free Speech based civil right on behalf of government employees. States are not permitted either to contradict federally established civil rights, or to make it difficult or dangerous to exercise them. Instead, states have to support and facilitate the safe enjoyment of federally established civil rights.
- The *Janus* decision requires that government employees only be subject to union obligations upon the granting of their informed, affirmative consent. Consent given – as by withdrawal authorizations signed before the *Janus* decision are invalid, as are authorizations made afterward in the absence of *informed, uncoerced* affirmative consent.
- Bills like those before this committee that increase the opportunities for harassment or intimidation of government workers must be narrowly tailored to serve a legitimate, independent government purpose. These do not do that.