

Union officials affirm Sotomayor for High Court

WASHINGTON, D.C. (PAI) — The AFL-CIO and Change to Win labor federations are giving strong backing to federal appellate judge Sonia Sotomayor, President Barack Obama's nominee for the first U.S. Supreme Court vacancy during his White House term.

Sotomayor, 54, now a judge on the 2nd U.S. Circuit Court of Appeals in New York City, was nominated by Obama to succeed Associate Justice David Souter, who intends to retire at the end of June.

Retiring AFL-CIO President John Sweeney called Sotomayor, the first Hispanic-American Supreme Court nominee, "a brilliant jurist" who "would bring a direct and personal understanding of the struggles workers face every day."

Anna Burger, chair of Change to Win, said there are few people with Sotomayor's legal acumen and accumulated wisdom. "But beyond her brilliance, her three-decade career in the law and her distinguished record, Judge Sotomayor's personal story of achievement has given her a rare insight into

the lives of people who get up and go to work each day to make a better life for their families."

Sotomayor was raised in a South Bronx public housing project by parents who moved from Puerto Rico. Her mother was a nurse and her late father worked in a factory. She graduated from Princeton University summa cum laude, edited the Yale Law Journal, served as a New York City prosecutor and corporate lawyer before being appointed to the bench by President George H. W. Bush in 1992.

Sweeney added that Sotomayor has consistently interpreted U.S. labor laws in the manner in which they were intended. "She has enforced the rights of all workers to be free of all types of discrimination at work, to be paid the correct wages, and to receive health benefits to which they are entitled. She has recognized that persecution for union activity can be a basis for granting asylum in the U. S.," he said.

A database search turned up three notable Sotomayor rulings on labor issues, including one high-profile decision four years after she became a U.S.

District Judge in 1991. Her injunction against the baseball team owners ended their 1995 intransigence that forced the unionized players to strike. The strike lasted a few days and her court order made clear the owners had to bargain in good faith and reach a contract.

A second Sotomayor case is pending before the current Supreme Court, but that decision will occur before she joins the bench, assuming the Democratic-run Senate confirms her nomination.

That case, argued earlier this year, involves the city of New Haven's years-old exam for its firefighters. When New Haven gave the exam for the promotions, the whites and one Hispanic-American passed, and all the blacks did not. The city threw out the test as racially biased in its effect. Those who passed the test sued.

The federal district court in Connecticut ruled for the city, and a three-

judge 2nd Circuit panel, including Sotomayor, agreed. But other Republican-appointed 2nd Circuit judges who were not on the panel were upset enough to file their own dissent, urging the Supreme Court to take the case, which it did.

The third Sotomayor ruling involved a health benefits case. In 2005, the administrator of Empire Health Choice Assurance, Inc., a health plan for New York-based federal workers, sued the estate of a dead worker trying to recover benefits the plan had paid before the worker died. Sotomayor wrote for a three-judge appellate panel, which ruled 2-1 for the worker's heirs.

Sotomayor said there was no federal jurisdiction. She ruled "it was not enough" that the health care plan was created by federal law, since the plan "was not an instrumentality of the federal government, but merely the result of federal legislation."

...Wyden health bill is sick

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with quality, affordable health insurance for every American," he said.

In addition to taxing benefits, union officials are protesting two other aspects of the bill: Union members would be forced to give up their negotiated health care plans whether they liked them or not; and the bill doesn't include a public option for workers to choose from.

Asked by a reporter why labor wasn't pursuing a single-payer plan to eliminate all the wrangling over health care reform, Tom Chamberlain, president of the Oregon AFL-CIO, said a single-payer plan isn't going to happen.

"I don't know if we ever get to single-payer in this country," he responded. "What you're talking about is tearing completely down the existing

system and starting from scratch. I just don't see how that's going to happen."

Wyden introduced SB 391 in February. The bill has a dozen co-sponsors, including Jeff Merkley (D-Ore.), Daniel Inouye (D-Hawaii), Arlen Specter (R-Penn), Joe Lieberman (I-Conn.), Mary Landrieu (D-La), Mike Crapo (R-Idaho), Bill Nelson (D-Fla.), Debbie Stabenow (D-Mich.), Maria Cantwell (D-Wash.), Lamar Alexander (R-Tenn.), Lindsey Graham (R-S.C.), and Bob Bennett (R-Utah).

"We're deeply disappointed that Wyden won't commit to a public option," Allen said.

The three unions are sharing the cost of the \$60,000 radio ad buy on stations airing in Portland and Eugene.

The group also has a Web site: www.stopwydenshealthtax.com.

Paying the price for health insurance

- Health insurance premiums for Oregon working families have skyrocketed, increasing 85 percent from 2000 to 2007.

- For family health coverage in Oregon during this time, the average annual combined premium for employers and employees rose from \$6,654 to \$12,321.

- For family health coverage in Oregon from 2000 to 2007, the average employer's portion of annual premiums rose 77 percent, while the average worker's share grew by 111 percent.

- From 2000 to 2007, the median earnings of Oregon workers increased 18 percent, from \$22,401 to \$26,444. During that time health insurance premiums for Oregon working families rose 4.7 times faster than median earnings.

- Profits at 10 of the country's largest publicly-traded health insurance companies — Aetna, Amerigroup Corp., Centene Corp., CIGNA Corp., Coventry Health Care Inc., Health Net Inc., Humana Inc., UnitedHealth Group Inc., Universal American Corp., and WellPoint — rose 428 percent from 2000 to 2007, from \$2.4 billion to \$12.9 billion, according to U.S. Securities and exchange Commission filings.

- In 2007 alone the chief executive officers at these companies collected combined total compensation of \$118.6 million — an average of \$11.9 million each. That is 468 times more than the \$25,434 an average American worker made that year.

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