

1 have an effect upon the public fisc.

2 Now, in terms of expressive activity,  
3 a grievance is, by definition, the union is  
4 trying to influence what the government is --  
5 wants to do and, if it's a grievance, it is  
6 something the government is resistant to  
7 actually doing.

8 And advocacy to enforce a policy is  
9 tied into advocacy to adopt that process.

10 JUSTICE SOTOMAYOR: You're basically  
11 arguing do away with unions, because you are  
12 really taking, in essence, and saying every  
13 single employee decision is really a public  
14 policy decision.

15 I have an individual person I want to  
16 fire or discipline. You just said it's a  
17 public policy question.

18 MR. MESSENGER: No, where I was going  
19 with that, Your Honor, is that grievance as a  
20 whole is a public -- a matter of public  
21 concern.

22 JUSTICE SOTOMAYOR: But grievances  
23 don't deal with one issue. Every grievance has  
24 a different issue. Some people are disciplined  
25 for being late. Some people are disciplined

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