



HEADS UP

Specter Speaks on the Employee Free Choice Act/Card Check

March 25, 2009

The news that Senator Arlen Specter (R-PA) would not vote for cloture to cut off a filibuster on the Employee Free Choice Act (EFCA) was met with a huge sigh of relief from the business community. This may have been premature. Yesterday, the Senator's office released a statement (attached) where he rationalizes his position. The appendix specifies what he envisions in lieu of EFCA as acceptable revisions to the National Labor Relations Act. While some of the suggestions appear reasonable, the entire package would be analogous to trading cyanide for arsenic. His implicit threat to reverse his position on voting for cloture, if the NLRA is not amended, is hanging out there and inextricably tied to the 2010 elections when quite possibly his vote will no longer matter.

Bottom Line: There will be a lot of horse-trading on the current bill, and it may be a lot easier for labor and its sycophants to sacrifice card check for mandated contracts than it would be to add a whole new set of sections to the Act. In the meantime, we have seen a lot and heard about even more organizing. This could be preparatory to the passage of some version of EFCA and reflective of unions harvesting cards for a quick drop after its enactment, or it could be indicative that unions realize help may be awhile, and they will rely in the interim on the incoming NLRB members and a new General Counsel to facilitate them.

President Obama's consistent and conspicuous silence about the EFCA or unions in general in his many public appearances should worry us all that the fix is in and we just don't know it. Otherwise, why have we not heard the clamor from labor's big mouths like Andy Stern and John Sweeney whining that Obama has forsaken them?

Best regards,

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