

February 4, 2009

The Honorable Mary Landrieu  
United States Senate  
724 Hart Senate Office Building  
Washington, DC 20515

We continue to be extremely concerned about the efforts of organized labor to push through **HR 800/SR1401** in this session of Congress. We, the undersigned members of the New Orleans Business Council, are in strong opposition to this legislation and we urge you to vote **NO** if and when it comes up for consideration.

This bill is clearly contrary to the interest of America's efforts to dig out of a crippling recession—but especially harmful to American workers buffeted by plant closures, layoffs and production cutbacks. Three of its provisions are particularly harmful:

- Ø **The Elimination of the Secret Ballot:** This is far and away the most egregious section of the bill. The precious right to a private and secret vote—universally respected in the election of public officials, is equally sacred to the process of determining whether or not workers wish to organize themselves and join a union. A free and fair election requires the absence of employer OR union coercion. The best and most simple guarantee of that is the secret ballot. Moreover, the National Labor Relations Board has strict and well-developed procedures, tested over time, to ensure fair and taint-free elections via secret ballot.
- Ø **First Contract Mediation and Arbitration:** This provision is both an improper intrusion of government into private business affairs and harmful to competitiveness and innovation. With no right of appeal by either employers or employees, it would simply lock in a government decision and establish a certain pathway to lawsuits by both sides if there is unhappiness with the decision.
- Ø **Civil penalties and Increased Back Pay:** Increasing the amounts of back pay that an employer would have to pay as “liquidated damages” and levying civil fines on employers found to have willfully or repeatedly violated employees’ rights—with no corresponding penalties for unions or union organizers, is unreasonable and one-sided on its face.

The Business Council of New Orleans is an organization comprised of more than 70 of the largest businesses in metropolitan New Orleans and the River Region. Its mission is to speak with one principled voice to promote and enhance the economic climate, foster effective government and improve the quality of life for all citizens in the city, region and State.

We urge you to oppose this measure in order to maintain the balance and fairness of the collective bargaining process.

Please contact Bob Brown ([504-569-0607](tel:504-569-0607)/[bbrown@bcno.org](mailto:bbrown@bcno.org)) or Chris Johnsen ([202-203-1000](tel:202-203-1000)/[cjohnsen@joneswalker.com](mailto:cjohnsen@joneswalker.com)) if you need more information.

Sincerely,

Gregory R. Rusovich  
Chairman

Robert W. Brown  
Managing Director