



WSLC

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Legislative Update

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A weekly report from the Washington State Labor Council, AFL-CIO



We ask for a moment of truth

Gregoire, Chopp and Brown: Allow a vote on the Worker Privacy Act

Last week, Gov. Chris Gregoire, House Speaker Frank Chopp and Senate Majority Leader Lisa Brown made a choice.

The state's three most powerful Democratic lawmakers decided to suspend consideration of the Worker Privacy Act (SB 5446 and HB 1528), organized labor's top priority legislation for 2009. Their decision prevented the people of Washington from knowing where their elected representatives stand on this important workers' rights legislation.

Special Report

Now, Gregoire, Chopp and Brown have another decision to make. Given the events of this past week—and given that it is still well within their power to do so—will they reconsider and allow a fair vote on this legislation?

It is a question that labor leaders intend to ask directly at a proposed meeting next week with the three lawmakers, and it is a question that all union members and supporters of the Worker Privacy Act should ask of their State Representatives and Senators.

Gregoire, Chopp and Brown have received thousands of emails, phone calls and letters in support of the Worker Privacy Act. The bill has very strong support among state legislators, with 47 sponsors in the House and 21 sponsors in the Senate. According to vote counts by both its supporters *and its opponents*, the Worker Privacy Act has plenty of votes to pass.

But the three Democrats were also under pressure from Boeing and various business lobbying groups that oppose the workers' rights bill to block a vote. The business lobbyists know the votes are there, so they want to prevent a vote.

On March 11, Gregoire, Chopp and Brown issued a joint statement claiming that allowing a vote on the Worker Privacy Act was "no longer an option" because of an email someone showed them that "raises serious legal and ethical questions." They referred the matter to the Washington State Patrol to investigate whether criminal charges should be filed.

That day, the Capitol was abuzz with rumors as bits of information were gradually leaked out that the email came from the Washington State Labor Council and that it made some kind of "threat" involving campaign contributions. Late in the afternoon, the email itself was leaked to a reporter who posted it online, but with the names and email addresses of recipients redacted and its context not reported.

Yesterday, the Washington State Patrol concluded that no charges were merited in this case.

Here's what really happened.

On Friday, March 6, with a scheduled deadline for floor votes looming, there was still no commitment from either Chopp or Brown to allow a vote on the Worker Privacy Act. The Washington State Labor Council decided to convene a strategy meeting of labor leaders supporting the bill to discuss their efforts during this critical cutoff week. So that Friday, a WSLC staff member sent an email to a group of union leaders notifying them of this meeting to be held the following Monday, March 9.

After the meeting, the staff member did a "reply all" of the original email invitation and typed a report summarizing what was discussed at the meeting. But the email report was inadvertently copied (or "CCed") to another group of email addresses that included all WSLC staff and some other supporters of the Worker Privacy Act. This

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latter group included four state legislators, all of whom are strong supporters of the Worker Privacy Act as prime sponsors or co-sponsors.

This email report—which began with the salutation "Brothers and Sisters"—included several bulleted items updating on those efforts, including the number of emails and phone calls that Gregoire, Chopp and Brown had received from their constituents in support of the Worker Privacy Act and that a meeting with Chopp was scheduled for Tuesday afternoon.

One of the email's bullets reported: "Union leaders would send a message to the State Democratic party and to the Truman and Roosevelt funds from the House and Senate that 'not another dime from labor' until the Governor signs the Worker Privacy Act."

The Truman and Roosevelt funds collect money to help further the goals of the Senate and House Democratic caucuses, including support for candidates in campaigns. In Monday's strategy meeting, it had been suggested that refusing to contribute to those party and caucus funds would send a message to the Democratic Party about the importance of this legislation to organized labor. This was reported in the email.

This email—obviously intended to be an internal strategic report among labor leaders—was forwarded by one of its legislative recipients to Brown, who shared it with Chopp and Gregoire. The three of them decided that, although the email was not sent to any of them or to any legislators opposed to or neutral on the Worker Privacy Act, it could be construed as a "threat" and it warranted a criminal investigation. In other words, the suggestion that labor unions *might* withhold contributions to a political party whose leaders blocked a vote on labor's priority legislation—a suggestion made in what was clearly an internal email between labor leaders—was considered a potential crime.

As the State Patrol investigation commenced, many news and blog reports pointed out that this email had turned out to be a convenient and well-timed way to avoid taking a vote on the controversial Worker Privacy Act. Not only was consideration suspended on the bill, legislators had been instructed "on advice from counsel" not to

discuss the whole matter due to the criminal investigation under way. That effectively stifled any criticism of the decision by Gregoire, Chopp and Brown to suspend consideration of the bill.

When asked about the Worker Privacy Act at a town hall meeting in his district over the weekend, Chopp reportedly told his constituents that he supported the bill and that perhaps it can be passed in 2010, but an unethical and possibly criminal email had killed it for this year.

No, Mr. Chopp, the bill is NOT dead. It is well within your power as House Speaker, and it is well within the power of Senate Majority Leader Lisa Brown and Gov. Chris Gregoire to allow a vote now that the State Patrol investigation has concluded there was no criminal wrongdoing. The three of you have extraordinary powers to bring bills to a vote of the legislature. It is a power you have exercised before, including on one memorable occasion in 2003 when you ordered a 2 a.m. vote on a Boeing-supported bill that hadn't even had a public hearing but dramatically changed our state's Unemployment Insurance system.

It no longer passes the straight-face test to blame what was clearly an internal email among labor leaders—one that had inadvertently been forwarded, not to you, but to a handful of legislators who already supported the bill—for denying a vote on the Worker Privacy Act.

It is time to take a principled stand. All we ask is for a fair vote. If it fails, so be it. Our elected representatives are adults. They can explain why they voted "yes" or why they voted "no."

At this point, maintaining what is already being criticized as a political effort to "shield" legislators from taking a tough vote only exacerbates the embarrassment to the institution of the State Legislature.

It is time for a moment of truth.

The Washington State Labor Council and its hundreds of affiliated unions who unanimously support the Worker Privacy Act urge you to allow a vote on this bill. We look forward to your response.

The regular edition of the WSLC's Legislative Update newsletter will be published this Friday, as always.