

Will Union Payback Make Harry Reid Take The Senate Nuclear?

July 10, 2013 | [Unions And Union Membership, Labor Relations](#)

For nearly a decade, Congressional gridlock has fueled calls for the elimination of the Senate's unique procedural accommodation of minority rights, the filibuster. Senate rules have long required that three-fifths of the Senators vote to end debate on most matters. As a practical matter, this limits the ability of the Senate to act, but it also serves as an important mechanism for moderating extreme proposals on either side of the political spectrum.

Now Senate Majority Leader Harry Reid is threatening to use the "Nuclear Option" and vote to eliminate the 60 percent requirement as it would apply to President Obama's nominee's to the NLRB – mostly the same people who were placed on the Board through the questioned recess appointments which are the subject of the *Noel Canning* case now pending before the Supreme Court. While Senate Leaders on both sides of the aisle have rattled this saber before, there is real concern that Senator Reid will follow through this time as payback for the [much needed union support](#) that helped him win reelection in 2010 by a mere 41,000 votes.

That this drastic step is being contemplated at this time over nominations to a small governmental agency rather than the Supreme Court or a cabinet agency, is truly revealing as to the driving force in party politics today. It should come as little surprise that AFL-CIO President Richard Trumпка is leading the charge for this [revolutionary change in how the Senate operates](#) . Organized labor is attempting to prevent the rollback of the plethora of changes to federal labor law that the recess appointees have pushed through in the last nearly two years – and perhaps more.

Of course, the ramifications of a major change in Senate procedure will have spillover effects far beyond the area of labor law. The moderating influence of the filibuster helps shape most legislation that passes through Congress, and without it, we are far more likely to see wild swings in policy every time control of the Senate changes hands.

RELATED PRACTICE AREAS

Collective Bargaining
Labor and Employment
Labor Relations
Union Avoidance

RELATED TOPICS

Labor Unions