

“POLITICO GOT IT WRONG,” SAYS ACU CHAIR DAVID A KEENE

ACU Chairman David A Keene rejected last week’s Politico charge that ACU was guilty of made a “pay to play” proposal to Federal Express “absurd.” “ACU is not, never has been and never will be for sale. The charge that ACU took a position to raise money is untrue. The charge that we changed that position to “punish” a potential supporter for not funding our efforts is untrue. Neither ACU nor I changed our position which was based on principle and we never got a nickel from anyone on either side of the issue.”

Last Friday, Politico carried a story alleging that as Chairman of the American Conservative Union I had approached Federal Express seeking a major contribution in return for ACU’s support for the company’s position in a fight with UPS and that when FedEx refused the requested contribution, I reversed my position on the issue and, in effect, threw in with UPS.

Politico’s reporter got his facts and his timing wrong and, as a result, reached conclusions that were wrong. My first inclination was to ignore what I considered an absurd story, but I cannot let such a vicious attack on my integrity and on the organization I chair go unanswered.

I’ve been around and know full well that “politics ain’t beanbag,” but I must say I was disappointed by the readiness of so many people including some who have known me for years to accept the Politico charges as true. Perhaps it’s the cynicism about everything and everyone political, but I have to admit that it took me by surprise.

The issue in question is an amendment to The Federal Aviation Authority Reauthorization Act of 2009 which would, by bringing FedEx under the jurisdiction of the National Labor Relations Board, essentially deliver the company and its employees into the hands of The Teamsters.

The substantive reasons ACU believes conservatives should support FedEx on this were outlined as articulately and succinctly in a recent column by George Will who concluded quite accurately that “What UPS is doing is called rent-seeking — bending public power for private advantage by hindering a competitor.”

First, let me say that ACU did approach FedEx for support to assist in a just fight; we agreed with the corporation’s opposition to the amendment that would subject them to NLRB jurisdiction of the and wanted to do all we could to see that it is defeated.

ACU raises funds from individuals, foundations and, yes, corporations that agree with our positions on the issues and strongly believes that in this particular fight, FedEx is right and that UPS is trying to get Congress to take an objectively unjustifiable action simply to

disadvantage a competitor. What ACU does not do is tailor its positions to attract contributors. ACU support is not now and never has been “for sale.”

ACU staff had been working to defeat the amendment even before preparing a funding request after learning that such a request might well be favorably received. That proposal was prepared by the ACU staff and sent to FedEx on June 30, 2009. While I knew a proposal was being prepared, I wasn't personally familiar with its contents and didn't even know until recently when or even if it had actually gone to FedEx.

At roughly the same time I was approached by a representative of Frontiers of Freedom, an organization founded and chaired by former Wyoming Senator Malcolm Wallop to see if I would be willing to sign on to a letter to FedEx objecting not to the corporation's position on the NLRB question, but to characterizing the fight as a fight over a UPS effort to obtain a federal bailout. This was, of course, a mischaracterization of the fight which had nothing to do with a bailout and everything to do with a labor regulation.

Since words have precise meanings and since the letter I was asked to agree to was explicitly agnostic as to the amendment we oppose, I agreed to sign on. This nevertheless apparently upset someone at FedEx who contacted reporters to charge that I had sought FedEx financial support and when it was not forthcoming, switched sides ... probably in return for funding from its competitor.

The timeline alone demonstrates the absurdity of the charges. Although the Frontiers of Freedom letter is dated July 15, 2009, the organization sought and received the ok from me to add my name to its letter on July 1, 2009. That is just a day after ACU fundraisers submitted its proposal to FedEx. I don't know of anyone who believes that any corporation or funding institution would be willing or even capable of turning such a proposal around in a day. One would have to be incredibly naïve to expect an answer of any kind this quickly and we hadn't gotten one. We certainly hadn't been turned down.

Had I been interested only in raising money, I would not have signed on to the Frontiers of Freedom letter because by doing so, I was at the very least making it less rather than more likely that they would contribute to our efforts. I signed on, however, because I thought the letter was correct on the merits and because, quite frankly, I was not relating it to the substance of the NLRB issue.

Politico charges that that by signing the Frontiers of Freedom letter, I reversed my position on the amendment ACU had until then opposed. This is simply untrue. Anyone who reads the Frontiers of Freedom letter will discover that it states explicitly that one can agree with the substance of the letter regardless of one's position on the NLRB issue. I can only conclude that the author of the Politico article never even bothered to read it.

Let me be clear on this. I continue to agree with Senator Wallop's objection to the mischaracterization of the issue and I also I continue to oppose extending NLRB jurisdiction to FedEx. Neither I nor ACU has changed our position on this and won't, though I must admit that I am less than impressed with the manner in which FedEx has treated me and ACU in this matter.

Given the nature of the allegations, I guess I should also say for the record that we have neither asked for nor received any support from UPS as a result of our position on this issue. This should surprise no one since we think UPS's position on the NLRB question is flat wrong and we continue to believe conservatives should oppose that corporation's attempt to use its influence in Congress to disadvantage its competition.

Years ago when Lyn Nofziger was unjustly charged with wrongdoing, I wrote him a letter in which I told him that the only good thing about the experience was that before it ended he would know who your real friends were and who would walk away from you at the first sign of trouble.

Lyn thanked me for the letter and the thought, but said that on reflection thought he'd rather not to have had to find out.

He had a point.