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Chief ERISA Architect Dies

Michael S. Gordon, chief architect of the Employee Retirement Income Security Act of 1974, died Feb. 1 in Bethesda, Md., at the age of 70. Until just before his death, he was still actively helping retiree groups find ways to protect their pensions and preserve their retiree health care benefits.

Mr. Gordon became the "quarterback" who worked tirelessly to muster the political and public support needed to pass ERISA, a bill that had powerful constituencies opposed to many of its key provisions, says Frank Cummings, former chief of staff to former Sen. Jacob K. Javits, R-N.Y., and who is now of counsel at Le Boeuf Lamb Greene & MacRae in Washington.

"Mike had the intelligence, patience, determination, endurance, and ideological commitment to get the job done. Without him, it would have fallen apart," Cummings says.

There was significant opposition, for example, to ERISA's vesting requirements from both employers and some labor unions, he recalls. It was "a long, bitter struggle" that did not end until Labor Day 1974, when President Ford signed the bill into law.

It was Mr. Gordon who provided the key talents that led to ERISA's enactment, says Steve J. Sacher, a partner at Kilpatrick Stockton in Washington, who worked for Mr. Gordon at the Department of Labor and who delivered a eulogy at his funeral.

"Mike was the Senate strategist and the tactician and . . . he was the rare kind of intellectual who could mix it up in the raw politics of the Congress," Sacher says.

A 1955 University of Chicago Law graduate, Mr. Gordon began his work on crafting pension legislation in 1965, when he became the Department of Labor's legal adviser to the President's Cabinet Committee on Corporate Pension Funds. The cabinet group was created after many employees of the Studebaker Corp. lost their pensions when the South Bend, Inc., automaker declared bankruptcy.

In 1968, the presidential committee issued a report recommending sweeping reforms in private pension plans and Mr. Gordon began to craft a federal pension law that would establish strong fiduciary protections and set standards for vesting and funding private pension plans.

In 1970, Mr. Gordon went to work for Sen. Javits, then ranking minority member on the Senate Labor Committee. Javits had introduced a pension bill in 1967 similar to the one Mr. Gordon had crafted. Mr. Gordon merged ideas from both his plan and Javits' plan into a blueprint that eventually became ERISA, says Cummings, who had hired Mr. Gordon for Javits' staff.

After leaving Congress in 1976, Mr. Gordon went into private practice, where he served as an arbitrator in pension disputes. He also represented the interests of retirees as general counsel to the National Retiree Legislative Network, whose causes he pursued by lobbying, offering expert testimony and crafting legislation. He also served as a member of the board of directors at the

Pension Rights Center in Washington, as well as a member of the Pension Research Council of the Wharton School of the University of Pennsylvania.

Last year, he crafted a bill sponsored by Rep. John Tierney, D-Mass., that would prohibit group health plans from reducing retiree health benefits after covered participants retire. Under the provisions of the bill, employers could seek an exemption for business hardship from the bill's mandate and companies could obtain federal guarantees for loans to help cover the costs of benefits. Gordon "made a tremendous contribution" to advancing the bill by lining up 70 co-sponsors, according to Tierney.

Some of Mr. Gordon's retiree group clients say they fear the loss of an able champion could make it more difficult to protect their retiree benefits.

"Nobody can replace Michael Gordon--he spent his whole life devoted to the protection of retirement benefits," says Jim Norby, National Retiree Legislative Network President and former marketing director at Northwestern Bell Telephone in Omaha.

--Robert Stowe England