

# **AN UNDEMOCRATIC AGENDA**

**DEFEAT THE EMPLOYEE FREE CHOICE ACT**

Research and Analysis Provided by:  
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# AN UNDEMOCRATIC AGENDA

## The Employee Free Choice Act

### *Provisions Of The Employee Free Choice Act*

**Employers Would No Longer Be Able To Insist On A Secret-Ballot Election Once Organizers Gathered Enough Signatures In Favor Of The Union.** “Under the legislation, sponsored by Democrat George Miller of California, chairman of the House Education and Labor Committee, employers no longer would be able to insist on a secret-ballot election once organizers gathered more than a majority of signatures in favor of the union.” (Michael Sandler, “House Passes Labor Organizing Bill,” *CQ Weekly*, 3/5/07)

✓ **“The National Labor Relations Board (NLRB) Would Investigate The Petition And, If The Signatures Are Found To Be Valid, Certify The Union.”** (Rebecca Kimitch and Michael Sandler, “HR 800,” *CQ BillAnalysis*, 6/26/07)

**“The Bill Also Would Establish Steps To Push Employers And Unions Toward Agreement On An Initial Contract And Create Penalties For Intimidation Of Employees.”** (Michael Sandler, “House Passes Labor Organizing Bill,” *CQ Weekly*, 3/5/07)

✓ **Both Parties Would Be Required To Meet And Begin Negotiations Within 10 Days Of A Written Request By The Labor Organization.** “After a union is formed, it would facilitate collective bargaining to establish an initial contract by requiring the parties to meet and begin negotiations within 10 days of a written request by the labor organization.” (Rebecca Kimitch and Michael Sandler, “HR 800,” *CQ BillAnalysis*, 6/26/07)

✓ **If An Agreement Is Not Reached In A Specified Time Period, The Parties May Request Federal Mediation And Eventually Arbitration – Which Would Be Binding For Two Years.** “If an agreement is not reached within 90 days, either party may refer the dispute to the Federal Mediation and Conciliation Service for mediation. If 30 days of mediation does not produce results, the dispute would be referred to an arbitration board, whose decision would be binding for two years.” (Rebecca Kimitch and Michael Sandler, “HR 800,” *CQ BillAnalysis*, 6/26/07)

**The Legislation Changes Current Law By Doing Away With Provisions For A Secret Ballot Before The Union Is Certified.** “Current law allows an employer to insist on a vote by secret ballot after a majority of employees have signed cards supporting representation by a union. The vote then must be taken before a union can be certified as a bargaining agent. The House bill would do away with the second step, which could make it easier for unions to organize employees.” (Michael Sandler, “House Passes Labor Organizing Bill,” *CQ Weekly*, 3/5/07)

**Large Labor Groups Heavily Favor The Legislation; Businesses “Vehemently” Oppose It.** “The measure is heavily favored by the AFL-CIO and other large labor groups, but vehemently opposed by business interests who criticize the provision that would remove the ability of employers to demand a secret ballot election before a union could be certified.” (Michael Sandler, “House Passes Labor Organizing Bill,” *CQ Weekly*, 3/5/07)

## *In Political Act Of Irony, Democrats To Push Through Undemocratic Labor Reform*

“. . . [T]he proposed legislation is called the Employee Free Choice Act. Whoever draws up the titles of these bills loves irony.” (Op/Ed, “Sign Here, Bub,” *Arkansas Democrat-Gazette*, 11/13/08)

Once President Barack Obama and the Democrats are finished with an economic stimulus package, work will commence on passing the Employee Free Choice Act (EFCA). EFCA, also known as “Card Check,” is a deceptively titled bill pushed by Big Labor that will eliminate the right of workers to vote by way of secret ballot on whether to unionize or not.

***San Antonio Express-News:*** “If there were a prize for misrepresenting the purpose of a piece of legislation, it would surely go to the authors of the Employee Free Choice Act.” (Op/Ed, “Secret Ballots Are The Real Free Choice,” *San Antonio Express-News* [Texas], 12/24/08)

***The Grand Rapids Press:*** “. . . a fundamentally anti-democratic step for a supposedly democratic country.” (Op/Ed, “Keep Secret Union Ballots,” *The Grand Rapids Press* [Michigan], 8/24/08)

As a number of newspaper editorials across the country have pointed out, EFCA is anything but free, is devoid of choice, and is downright undemocratic.

***Arkansas Democrat-Gazette:*** “It’d be a free choice like paying taxes and dying are free choices.” (Op/Ed, “Sign Here, Bub,” *Arkansas Democrat-Gazette*, 11/13/08)

***New Hampshire Union Leader:*** “This is no choice. It’s the loss of a right.” (Op/Ed, “No Privacy For Workers,” *New Hampshire Union Leader*, 10/8/08)

***Contra Costa Times:*** “An egregiously undemocratic piece of legislation continues to float about in Congress. It has the appealing title of Employee Free Choice Act. It is anything but.” (Op/Ed, “Kill Unfair Labor Bill,” *Contra Costa Times* [California], 8/12/08)

In fact, by most accounts EFCA is unbecoming of a Congress, an Administration, and a country that preaches to the world about fair elections, including the right to vote without coercion or reprisals. The ability to vote in a free society is guaranteed by the right to vote by way of secret ballot.

***Buffalo News:*** “More than most people, members of Congress should be publicly devoted to the concept of the secret ballot. That is that democratic act upon which this country is predicated. Without it, everything else dies.” (Op/Ed, “Pay-Back Time In Congress,” *Buffalo News* [New York], 3/2/07)

***Las Vegas Review-Journal:*** “And it’s even more puzzling based on their January introduction of a bill that outlined U.S. government support for building democracies abroad through ‘the right to free, fair, and open elections, secret balloting, and universal suffrage.” (Op/Ed, “‘Card Check’ Bill,” *Las Vegas Review-Journal*, 6/27/07)

There is palpable irony that Democrats want to strip away the right to a secret ballot for working families (who they claim to represent), when they themselves often hide behind a secret ballot within the cushy confines of the Capitol.

***Las Vegas Review-Journal:*** “Democrats’ opposition to secret ballots in union elections is curious considering the party used just such a process to select its leaders at the beginning of this year’s session.” (Op/Ed, “‘Card Check’ Bill,” *Las Vegas Review-Journal*, 6/27/07)

Just recently Senate Democrats voted whether to strip Senator Joe Lieberman (I-CT) of his Chairmanship of the Homeland Security Committee by secret ballot.

***Salon.com:*** “Tuesday morning, Senate Democrats will gather for a meeting that will decide the fate of their estranged colleague, Connecticut’s Joe Lieberman. . . . The vote [to strip him of his chairmanship of the Homeland Security Committee] will happen by secret ballot, and most of the senators have kept mum about their intentions. . . .” (Alex Koppelman, “Senate Dems Set To Vote On Lieberman,” *Salon.com*, 11/18/08)

Ironic, or isn’t it hypocritical, that Democrats in the Senate are so concerned about offending members of their own party that they choose to vote in secret, but will not protect that very same right for employees who may be coerced and intimidated by Union Bosses looking over their shoulder?

***The Pueblo Chieftain:*** “It’s a bill that, if it were to become law, would make it easy for Big Labor to muscle its way into the private work force of many companies across the nation.” (Op/Ed, “Wrong Choice,” *The Pueblo Chieftain* [Pueblo, Colorado], 11/23/08)

***Charleston Daily Mail:*** “[EFCA] would expose workers to pressure and intimidation from union organizers and co-workers. No worker wants or deserves that.” (Op/Ed, “Unions Do Want Change In D.C.,” *Charleston Daily Mail* [West Virginia], 12/23/08)

***The Columbian:*** “[EFCA] opens up workers to an extra dose of union harassment and intimidation and denies employees the free, secret elections that are at the heart of our democracy.” (Op/Ed, “In Our View: Free Choice? Hardly!” *The Columbian* [Washington], 8/25/08)

EFCA should be an embarrassment to the new Obama Administration and for Congressional Democrats who sailed through the 2006 and 2008 elections on themes of “hope” and “change.” As *The Boston Herald* noted, “Does ‘the politics of hope’ mean scrapping the right of American workers to cast a ballot in private?” (Op/Ed, “Labor’s Aim Off Target,” *The Boston Herald*, 9/3/08)

## *Democrats To Subject Working Families To Intimidation And Violence*

“[EFCA] opens up workers to an extra dose of union harassment and intimidation and denies employees the free, secret elections that are at the heart of our democracy.” (Op/Ed, “In Our View: Free Choice? Hardly!” *The Columbian* [Washington], 8/25/08)

Big Labor’s dwindling membership – and power – is what’s ultimately at stake with Card Check legislation.

***Investor’s Business Daily***: “Unions, which represent only 7.5% of the private sector labor force, down from more than one-third in the 1950s, are so desperate to regain their lost power that they would abandon the very people they say they want to protect — struggling American families.” (Editorial, “Union Revival Act,” *Investor’s Business Daily*, 1/6/09)

Labor’s membership has nosedived, and it has more to do with Big Labor than it does anything else. Statistics show that by a large majority, the working class does not want to join a union and that when workers actually do sign “cards” do so only under “undue duress.”

***Investor’s Business Daily***: “And it’s not as if nonunion workers are clamoring to join a union but are afraid of management reprisals if they do. By more than a 3-to-1 margin, polls show, workers say don’t want to be part of organized labor.” (Op/Ed, “Union Revival Act,” *Investor’s Business Daily*, 1/6/09)

***Richmond Times-Dispatch***: “Material from the unions’ own archives shows that many employees who would vote against unionizing in private sign such cards under duress, simply to ‘get the union off my back.’” (Op/Ed, “Where’s Warner?” *Richmond Times-Dispatch*, 1/7/09)

Facing deteriorating rolls, Big Labor has enlisted the Democrat Party to assist. Appalling, given the fact Democrats are more than willing to subject their constituents, those whom they claim to look out for, to fear and intimidation.

***The Augusta Chronicle***: “Peer pressure. Fear. A mob mentality. That’s the climate that could descend on American workers if the Democratic Congress is able to eliminate the secret ballot in unionization votes.” (Op/Ed, “Goodbye To Worker Privacy?” *The Augusta Chronicle* [Georgia], 3/5/07)

Newspaper editorials across the country and across the spectrum agree: EFCA will subject workers to harassment and intimidation.

***Telegram & Gazette***: “. . . replacing the elections with a card-check system that would open workers to intimidation and harassment and whereby a union could install itself as the designated bargaining unit with as little as 30 percent support.” (Op/Ed, “A Step Backward,” *Telegram & Gazette* [Worcester, Massachusetts], 11/23/08)

**Hartford Courant:** “[I]here’s a high potential for unduly coercive tactics as unions try to get workers to sign the cards.” (Op/Ed, “An Unfair Way To Organize,” *Hartford Courant* [Connecticut], 3/7/07)

**Richmond Times-Dispatch:** “Although it does not technically forbid secret ballots outright, in practice it would permit union organizers to browbeat co-workers into signing authorization cards.” (Op/Ed, “Where’s Warner?” *Richmond Times-Dispatch*, 1/7/09)

Worse, Democrats may expose working men and women to a greater threat level of violence from Union Bosses and their thugs as they try to coerce and force employees to sign cards.

**Investor’s Business Daily:** “Unions — and their protectors in Washington — conveniently ignore organized labor’s nasty history of readily resorting to savage, and sometimes deadly, violence against workers who didn’t want to be a part of a gang or crossed a picket line to keep the family fed.” (Op/Ed, “Forced To Join,” *Investor’s Business Daily*, 3/1/07)

Indeed, since 1975 more than 9,000 reports of union violence have been reported.

**National Institute For Labor Relations Research:** “Since 1975, the National Institute for Labor Relations Research has collected more than 9,000 reports of union violence. These incidents are recorded and electronically maintained in the Institute’s Violent Event Data File.” (National Institute for Labor Relations Research Website, [www.nilrr.org](http://www.nilrr.org), Accessed 1/16/09)

More disturbing, as the National Institute for Labor Relations Research points out, local law enforcement and federal authorities are unable to do much about union violence due to the U.S. Supreme Court’s ruling in *United States v. Enmons*, 410 U.S. 396 (1973). (National Institute for Labor Relations Research Website, [www.nilrr.org](http://www.nilrr.org), Accessed 1/16/09)

**The 1973 Supreme Court Decision Justified The Use Of Violence And Ruled Violence Did Not Constitute Extortion When Pursuing “Legitimate Union Objectives.”** “The Hobbs Act, which makes it a federal crime to obstruct interstate commerce by robbery or extortion, does not reach the use of violence (which is readily punishable under state law) to achieve legitimate union objectives, such as higher wages in return for genuine services that the employer seeks.” (<http://supreme.justia.com/us/410/396/case.html>)

- ✓ “Five specific acts of violence were charged to have been committed in furtherance of the conspiracy -- firing high-powered rifles at three Company transformers, draining the oil from a Company transformer, and blowing up a transformer substation owned by the Company. In short, the indictment charged that the appellees had conspired to use and did in fact use violence to obtain for the striking employees higher wages and other employment benefits from the Company.” (<http://supreme.justia.com/us/410/396/case.html>)

## ***During Economic Crisis, Giveaway To Big Labor Is Recipe For Disaster***

“American businesses and workers will suffer if one of the most fundamental rights in a free-enterprise democracy is destroyed to please union bosses frustrated by their declining clout.” (Op/Ed, “McGovern’s Right!” *Richmond Times-Dispatch* [Virginia], 8/19/08)

The provisions of EFCA, including stripping a worker’s right to secret ballot and empowering the government to set the terms of a contract, will make it easier for Big Labor to unionize employees. The ability of Labor Bosses to go knock on doors of local businesses brandishing EFCA will have a calamitous effect on a busted or booming economy.

***The Pueblo Chieftain:*** “At a time when the nation’s business climate has soured, this is no time to be inserting the interests of labor bosses ahead of the good of the nation’s economy.” (Op/Ed, “Wrong Choice,” *The Pueblo Chieftain* [Pueblo, Colorado], 11/23/08)

***The Birmingham News:*** “But even if the economy were smoking, the card-check bill is bad legislation.” (Op/Ed, “Obama, Congress Shouldn’t Give Unions Unfair Advantage,” *The Birmingham News* [Alabama], 12/30/08)

Big Labor would set their sights on long-coveted retailers like Wal-Mart, who function with a low-operating budget to keep costs low for consumers and remain competitive in the marketplace. Retailers like Wal-Mart would be forced to cut jobs and increase prices, destroying the business model that makes those businesses successful.

But Big Labor wouldn’t just stop with successful businesses like Wal-Mart. Unions would expand their reach over public employees, further crippling the economy. As *The Tampa Tribune* noted in November 2008, the costs of Big Labor organizing public employees and “forcing excessive wage hikes,” would “force price hikes or job losses.” Neither price hikes nor job losses benefit the economy.

***The Tampa Tribune:*** “If unions organize and force excessive wage hikes - as Tampa’s public-employee unions have so successfully achieved - the costs could force price hikes or job losses. And in today’s economy, the nation cannot afford to lose more jobs.” (Op/Ed, “Unions Seek New Clout With Strong-Arm Tactics,” *The Tampa Tribune* [Florida], 11/7/08)

Higher prices for consumers and job losses wouldn’t be the only concern. The ability of U.S. companies to hire new employees, even after the economy recovers, would be hampered.

***Lancaster New Era:*** “[T]he Employee Free Choice Act - would mean ‘helping’ workers by badly undermining U.S. companies’ ability to hire them.” (Op/Ed, “Choice Isn’t Free Or Fair In This Bill,” *Lancaster New Era* [Pennsylvania], 1/5/09)

The country has already seen the devastating effect that labor unions can have on an entire industry. Look no further than the auto industry for evidence. The Big Three – Ford, Chrysler and GM – teeter on the verge of collapse. While poor business models, an economic downturn and a credit crisis were all contributing factors, the fact remains that Big Labor drove up the cost of doing

business so high that it became impossible to compete against foreign manufacturers. What would an increase in labor's power mean for other industries?

**Lancaster New Era:** “. . . with unionized U.S. automakers getting federal handouts to avoid bankruptcy, it's time to think again about strengthening unions' hands. Powerful unions bid up the very perks that have helped push Detroit to the brink of insolvency. Empowering their advocates could well push other companies in that direction. And the federal Treasury, while vast, is still limited in the number of bailouts it can perform.” (Op/Ed, “Choice Isn't Free Or Fair In This Bill,” *Lancaster New Era* [Pennsylvania], 1/5/09)

What about the effects of recruiting businesses to the U.S.? In Right to Work states (RTW) like South Carolina, Mississippi and Alabama, local economies boomed when foreign manufacturers came to town.

For example, the BMW plant in Spartanburg, South Carolina has paid huge dividends. BMW employs more than 5,400 people and has invested over \$3.5 billion in South Carolina. BMW is expanding at the very same time the Big Three face an abyss and need American taxpayers to bail them out.

**BMW To Invest \$750 Million, Create 500 New Jobs.** “South Carolina Gov. Mark Sanford and the South Carolina Department of Commerce today joined BMW in announcing it will invest an additional \$750 million in its Upstate South Carolina factory to add 1.5 million square feet and 500 new jobs on site to produce three models and to increase production capacity to 240,000 units by 2012.” (South Carolina Department Of Commerce, Press Release, “BMW Announces Plant Expansion In South Carolina,” 3/10/08)

Bottom line, the union organizing bill pushed by Democrats and the new Obama Administration “is a threat both to workplace democracy and to job creation. It ought to be permanently abandoned.” (Op/Ed, “Secret Ballots For Congress, But Not For Workers,” *The Examiner* [Washington, D.C.], 11/14/08)

**The Birmingham News:** “What's vital is that, in this economy, Obama and Congress keep this card-check bill from ever becoming law.” (Op/Ed, “Obama, Congress Shouldn't Give Unions Unfair Advantage,” *The Birmingham News* [Alabama], 12/30/08)

**Orange County Register:** “[EFCA] is hardly likely to spark much economic recovery.” (Op/Ed, “A Voice For Unionism,” *Orange County Register* [California], 12/26/08)

**Pittsburgh Tribune-Review:** “The ‘renaissance’ that unions envision to stem three decades of declining membership is a recipe for certain economic disaster.” (Op/Ed, “Costly ‘Free Choice,’” *Pittsburgh Tribune-Review* [Pennsylvania], 1/4/09)

## *Payback To Big Labor*

“Beneath the lipstick, this pig is a clear payoff to the unions from congressional Democrats.” (Op/Ed, “Forced To Join,” *Investor’s Business Daily*, 3/1/07)

The act of subverting the democratic election process by removing a basic right to secret ballot is nothing short of a despicable scheme to payback Big Labor.

***Investor’s Business Daily:*** “Democrats, whose party exists largely because of union donations in time and money, are willing accomplices, even if it means violating workers’ right to vote in secret, free of coercion.” (Op/Ed, “Forced To Join,” *Investor’s Business Daily*, 3/1/07)

Unions have contributed over \$600 million to Democrats since 1990 and have spent hundreds of millions more on get-out-the-vote operations and “voter education.”

Election Cycle	Total Contributions	Contributions to DEMs	% to DEMs
2008	\$ 68,150,419	\$ 62,289,508	91%
2006	\$ 66,414,243	\$ 57,648,488	87%
2004	\$ 61,543,645	\$ 53,687,907	87%
2002	\$ 96,769,151	\$ 90,074,649	93%
2000	\$ 90,196,781	\$ 84,908,862	94%
1998	\$ 60,883,465	\$ 55,884,263	92%
1996	\$ 64,969,161	\$ 60,607,618	93%
1994	\$ 51,077,099	\$ 48,916,221	96%
1992	\$ 52,948,438	\$ 49,987,579	94%
1990	\$ 41,417,917	\$ 38,319,688	93%
<b>Total</b>	<b>\$ 654,370,319</b>	<b>\$ 602,324,783</b>	<b>92%</b>

(Center For Responsive Politics Website, [www.opensecrets.org](http://www.opensecrets.org), Accessed 1/12/09)

Note: Numbers do not reflect end-of-the-year reporting with the Federal Election Commission for 2008.

Big Labor expects to be well compensated and demands passage of EFCA by Democrats.

***Investor’s Business Daily:*** “Unions spent as much as \$400 million in the 2008 election cycle to get labor-friendly candidates elected. They succeeded and now have made passage of the Employee Free Choice Act a priority.” (Op/Ed, “Union Revival Act,” *Investor’s Business Daily*, 1/6/09)

***Daily News Record:*** “It’s no secret that Big Labor is demanding somewhat more than the standard pound of flesh after throwing its heft behind not only President-elect Obama but most Democratic candidates this past election. And the ‘pound’

they desire is specifically titled the Employee Free Choice Act, the noxiously ill-named measure that would remove the secret ballot from the process of union organization.” (Op/Ed, “‘Wobbly’ On Card Check?” *Daily News Record* [Harrisburg, Pennsylvania], 1/8/09)

And what if Democrats don’t deliver on EFCA? Big Labor will paint a target on the back of any politician who votes against EFCA, especially those who had previously agreed or voted to support the legislation.

***The New York Sun:*** “Labor leaders have already put the Democratic candidates on notice that supporting EFCA will be a litmus test for campaign contributions and election manpower that labor unions provide.” (Bryan O’Keefe, Op-Ed, “A Haunting For Democrats,” *The New York Sun*, 6/26/07)

***The Boston Herald:*** “And heaven help the politician who ends up on the wrong side of this issue. At least one union has resorted to thuggish threats. At the Democratic National Convention last week, the head of the Service Employees International Union told The Associated Press that any Democrat or Republican who reneged on support for ‘free choice’ would ‘paint a target’ on their backs this election season.” (Op/Ed, “Labor’s Aim Off Target,” *The Boston Herald*, 9/3/08)

Beyond payback, EFCA is a nefarious scheme that puts working families in jeopardy and the nation’s economy at greater risk all in the name of expanding power for Big Labor and the Democrat Party. The easier it is for Big Labor to force employees into unionizing, the more dues the unions collect, the more money unions have to contribute to Democrats, making more elections competitive, and the more races Democrats could win.

***Orange County Register:*** “If card-check passes . . . a few more union leaders will have more dues-paying members and more money available for political activities.” (Op/Ed, “A Voice For Unionism,” *Orange County Register* [California], 12/26/08)

# DEFEAT EFCA

## Brace For A Long Battle Against Resourceful Opponent

### *Multifaceted Campaign Begins Against U.S. House Democrats*

Defeating the Employee Free Choice Act will be a long, hard-fought campaign against an opponent with virtually unlimited resources. Big Labor has billions of dollars at its disposal thanks to dues-paying members. Unions have contributed over \$600 million to Democrats since 1990 and have spent hundreds of millions more on get-out-the-vote operations and “voter education.”

Big Labor’s investment to elect a Democrat, anti-worker Congress was only the beginning. Over a week ago they launched a multi-million dollar ad campaign to promote EFCA and target “wavering lawmakers.”

**Big Labor Launched \$3 Million Ad Campaign.** “With victory almost in reach, Big Labor is turning up the heat on wavering lawmakers to pass the controversial ‘card check’ bill. Unions on Thursday will launch a \$3 million TV ad to promote the Employee Free Choice Act.” (Sean Higgins, “Labor Plans Air Assault In Card Check War,” *Investor’s Business Daily*, 1/13/09)

- ✓ “American Rights at Work, a worker advocacy group, said it had made a \$3 million ad buy to begin Thursday, to lobby for passage of the Employee Free Choice Act. The ads will run nationwide for the next two weeks and feature workers imploring lawmakers to pass the bill in order to improve their economic situation.” (Kevin Bogardus, “Labor’s Big Push,” *The Hill*, 1/13/09)

Big Labor is pulling out all of the stops to pass EFCA. The Service Employees International Union (SEIU) has already committed \$10 million and “could spend as much as \$50 million.”

**SEIU Prepared To Spend \$10-50 Million.** “The Service Employees International Union has set aside \$10 million -- and could spend as much as \$50 million -- for a campaign this year to push for legislation championed by the organization, including an economic-recovery package, a revamped health-care system and a controversial union-organizing bill.” (Kris Maher, “SEIU Plans To Spend Big On Its Agenda,” *The Wall Street Journal*, 1/7/09)

Combating Big Labor’s offensive against the working men and women of this country will require a comprehensive campaign which targets the U.S. House of Representatives, the U.S. Senate, State Constitutions and everything in between.

Indeed, work has already begun on targeted grassroots and ad campaigns around the country from concerned citizens to trade associations to enshrine the right to vote by way of secret ballot in State Constitutions. Vulnerable Democrats have been targeted for supporting EFCA. However, there is much still to do.

In short order, the U.S. House will vote on EFCA; stopping the legislation in the House is the first order of business.

## Target Red District Democrats

### *Turn Pro-EFCA Democrats In Otherwise Republican Districts With Three Part Strategy*

Preventing EFCA from passing the U.S. House of Representatives will be no easy task, especially now that Democrats enjoy such an overwhelming majority. To defeat EFCA in the House, Democrats will have to vote against the bill. Top targets to vote against Card Check include over 40 Democrats in the House that will vote on EFCA in the 111<sup>th</sup> Congress that won a Republican district in 2006 or 2008 and that President Bush won with 50% or more of the vote in 2004.

Targeting Red District Democrats is a three part strategy: 1. Democrats that won Republican districts in 2006 that Bush won with 50% or more of the vote and that have a proven track record of support for EFCA; 2. Democrats that won Republican districts in 2008 that Bush won with 50% or more of the vote; and 3. Democrats who won a Republican district in 2006 or 2008, but that Bush did not carry in his 2004 reelection campaign.

So-called Democrats supporting decidedly undemocratic legislation should be made famous. Red District Democrats should have their name in bright shiny lights throughout their districts for supporting Card Check.

### Part I

#### *Start With Red District Democrats Who Won In 2006*

Democrats who won their seats in 2006 that Bush won with 56% or more of the vote in 2004 and should be vulnerable on this issue include Reps. Carney (PA-10), Donnelly (IN-2), Ellsworth (IN-8), Hill (IN-9), Rodriguez (TX-23), Shuler (NC-11), and Space (OH-18). Reps. Altmire (PA-4), Kagen (WI-8), McNerney (CA-11), and Mitchell (AZ-5) hold districts that Bush won with comfortable margins of 54-55% in 2004.

Democrat	State	District	Cycle Won	Vote %	Bush % 2004
Altmire, Jason	PA	4	2006	51.9	54
Arcuri, Mike	NY	24	2006	53.8	52
Carney, Chris	PA	10	2006	52.9	60
Donnelly, Joe	IN	2	2006	53.9	56
Ellsworth, Brad	IN	8	2006	61.0	62
Giffords, Gabrielle	AZ	8	2006	54.1	53
Hall, John	NY	19	2006	51.2	53
Hill, Baron	IN	9	2006	49.9	59
Kagen, Steve	WI	8	2006	50.9	55
McNerney, Jerry	CA	11	2006	53.2	54
Mitchell, Harry	AZ	5	2006	50.4	54
Rodriguez, Ciro	TX	23	2006	54.3	64
Shea-Porter, Carol	NH	1	2006	51.5	51
Shuler, Heath	NC	11	2006	53.8	57

Democrat	State	District	Cycle Won	Vote %	Bush % 2004
Space, Zack	OH	18	2006	62.0	57
Walz, Tim	MN	1	2006	52.8	51

(Congressional Quarterly's Website, [www.cq.com](http://www.cq.com), Accessed 1/12/09)

## ***2006 Cycle Red District Democrats Support Card Check, Oppose Reasonable Amendments***

The track record of Red District Democrats on EFCA is clear: each and every one supports Card Check and nearly all oppose reasonable amendments offered by Republicans. Their record on EFCA in 2007 should be a focal point to use in grassroots, direct mail, and ad war campaigns.

### **Red District Democrats Voted AGAINST Four Reasonable Amendments Offered By Republicans, All Of Which Were Defeated:**

- ✓ **Vote 1: Employee Union Card Check – Union Organization.** “King, R-Iowa, amendment that would provide that employers are not required to hire individuals who are seeking employment with a particular company with the intent to organize employees into a union, a practice known as ‘salting.’” (H.R. 800, CQ Vote #114: Rejected in Committee of the Whole 164-264: R 162-34; D 2-230, 3/1/07)
- ✓ **Vote 2: Employee Union Card Check – Union Solicitation.** “Foxx, R-N.C., amendment that would require the National Labor Relations Board to promulgate standards and a model notice so that an employee can request to be on a ‘do not call or contact’ list to avoid solicitation by a union.” (H.R. 800, CQ Vote # 115: Rejected in Committee of the Whole 173-256: R 171-26; D 2-230, 3/1/07)
- ✓ **Vote 3: Employee Union Card Check – Republican Substitute.** “McKeon, R-Calif., substitute amendment that would prohibit the recognition of a union by the card check method, in which a majority of employees form a union by signing cards authorizing it. It also would require that a union be recognized and certified only after a secret ballot election conducted by the National Labor Relations Board.” (H.R. 800, CQ Vote #116: Rejected in Committee of the Whole 173-256: R 172-26; D 1-230, 3/1/07)
- ✓ **Vote 4: Employee Union Card Check – Recommit.** “McKeon, R-Calif., motion to recommit the bill to the House Education and Labor Committee with instructions to include language that would require an employee to attest to being a U.S. citizen or legal resident when returning an authorization card. Documentary evidence supporting the statement would be required.” (H.R. 800, CQ Vote #117: Motion rejected 202-225: R 189-8; D 13-217, 3/1/07)
  - Only 5 Red District Democrats – Reps. Joe Donnelly (IN-2), Brad Ellsworth (IN-8), Baron Hill (IN-9), Harry Mitchell (AZ-5), and Heath Shuler (NC-11) – Voted In Favor Of Amendment. (H.R. 800, CQ Vote #116: Rejected in Committee of the Whole 173-256: R 172-26; D 1-230, 3/1/07)

### **Red District Democrats Voted IN FAVOR Of Passage Of The Employee Union Card Check:**

- ✓ **Vote 5: Employee Union Card Check – Passage.** Passage of the bill that would allow union organizers to bypass secret-ballot elections if a majority of eligible employees sign a petition in

support of union formation. It would establish a system of mediation and arbitration that would apply when an employer and union are unable to agree on their first contract. Employers would be required to pay three times the amount of back pay that an employee is due if the employee is illegally fired or discriminated against during an organizational or first contract drive.” (H.R. 800, CQ Vote #118: Passed 241-185: R 13-183; D 228-2, 3/1/07)

### ***EFCA House Votes In 2007***

<b>Democrat</b>	<b>State</b>	<b>District</b>	<b>Vote 1</b>	<b>Vote 2</b>	<b>Vote 3</b>	<b>Vote 4</b>	<b>Vote 5</b>
Altmire, Jason	PA	4	Nay	Nay	Nay	Nay	Yea
Arcuri, Mike	NY	24	Nay	Nay	Nay	Nay	Yea
Carney, Chris	PA	10	Nay	Nay	Nay	Nay	Yea
Donnelly, Joe	IN	2	Nay	Nay	Nay	Yea	Yea
Ellsworth, Brad	IN	8	Nay	Nay	Nay	Yea	Yea
Giffords, Gabrielle	AZ	8	Nay	Nay	Nay	Nay	Yea
Hall, John	NY	19	Nay	Nay	Nay	Nay	Yea
Hill, Baron	IN	9	Nay	Nay	Nay	Yea	Yea
Kagen, Steve	WI	8	Nay	Nay	Nay	Nay	Yea
McNerney, Jerry	CA	11	Nay	Nay	Nay	Nay	Yea
Mitchell, Harry	AZ	5	Nay	Nay	Nay	Yea	Yea
Rodriguez, Ciro	TX	23	Nay	Nay	Nay	Nay	Yea
Shea-Porter, Carol	NH	1	Nay	Nay	Nay	Nay	Yea
Shuler, Heath	NC	11	Nay	Nay	Nay	Yea	Yea
Space, Zack	OH	18	Nay	Nay	Nay	Nay	Yea
Walz, Tim	MN	1	Nay	Nay	Nay	Nay	Yea

(H.R. 800, CQ Vote #114: Rejected in Committee of the Whole 164-264: R 162-34; D 2-230, 3/1/07; H.R. 800, CQ Vote # 115: Rejected in Committee of the Whole 173-256: R 171-26; D 2-230, 3/1/07; H.R. 800, CQ Vote #116: Rejected in Committee of the Whole 173-256: R 172-26; D 1-230, 3/1/07; H.R. 800, CQ Vote #117: Motion rejected 202-225: R 189-8; D 13-217, 3/1/07; and H.R. 800, CQ Vote #118: Passed 241-185: R 13-183; D 228-2, 3/1/07)

### ***2006 Red District Democrats Received Nearly \$8 Million From Big Labor***

Even though Red District Democrats who won in 2006 are top targets, they have collectively stashed away nearly \$8 million in Big Labor largesse and will be pushed to honor their commitment to Union Bosses and uphold their previous support for EFCA.

<b>Democrat</b>	<b>State</b>	<b>District</b>	<b>Cycle Won</b>	<b>Big Labor \$</b>
Altmire, Jason	PA	4	2006	\$ 484,250
Arcuri, Mike	NY	24	2006	\$ 503,100
Carney, Chris	PA	10	2006	\$ 494,519
Donnelly, Joe	IN	2	2006	\$ 554,900
Ellsworth, Brad	IN	8	2006	\$ 541,100
Giffords, Gabrielle	AZ	8	2006	\$ 453,750
Hall, John	NY	19	2006	\$ 342,000
Hill, Baron	IN	9	2006	\$ 503,550
Kagen, Steve	WI	8	2006	\$ 453,250
McNerney, Jerry	CA	11	2006	\$ 507,346
Mitchell, Harry	AZ	5	2006	\$ 450,900

Democrat	State	District	Cycle Won	Big Labor \$
Rodriguez, Ciro	TX	23	2006	\$ 565,500
Shea-Porter, Carol	NH	1	2006	\$ 234,750
Shuler, Heath	NC	11	2006	\$ 483,000
Space, Zack	OH	18	2006	\$ 498,400
Walz, Tim	MN	1	2006	\$ 485,400
<b>Total</b>				<b>\$ 7,994,715</b>

(Center For Responsive Politics Website, [www.opensecrets.org](http://www.opensecrets.org), Accessed 1/12/09)

Note: Numbers do not reflect end-of-the-year reporting with the Federal Election Commission for 2008.

## Part II

### *Next, Target Red District Democrats Who Won In 2008*

Red District Democrats who won in 2008 do not have a proven track record on EFCA, which makes it more difficult to know exactly how they will ultimately vote on passage in the House.

Four Reps. (Bright, Childers, Kratovil, and Minnick) hold districts that Bush won with 60% or more and Reps. Boccieri (OH-16), Foster (IL-14), Grayson (FL-8), Kirkpatrick (AZ-1), Kissell (NC-8), and McMahon (NY-13) hold districts that Bush won with comfortable margins of 54-55% in 2004.

Democrat	State	District	Cycle Won	Vote %	Bush % 2004
Adler, John	NJ	3	2008	51.6	51
Boccieri, John	OH	16	2008	55.3	54
Bright, Bobby	AL	2	2008	50.2	66
Childers, Travis	MS	1	2008	54.4	62
Connolly, Gerry	VA	11	2008	53.0	50
Dahlkemper, Kathy	PA	3	2008	51.5	53
Driehaus, Steve	OH	1	2008	51.5	50
Foster, Bill	IL	14	2008	57.7	55
Grayson, Alan	FL	8	2008	52.0	55
Halvorson, Debbie	IL	11	2008	58.4	53
Kilroy, Mary Jo	OH	15	2008	45.9	50
Kirkpatrick, Ann	AZ	1	2008	55.9	54
Kissell, Larry	NC	8	2008	55.4	54
Kosmas, Suzanne	FL	24	2008	57.2	56
Kratovil, Frank	MD	1	2008	49.2	62
Markey, Betsy	CO	4	2008	56.2	58
Massa, Eric	NY	29	2008	50.8	56
McMahon, Mike	NY	13	2008	60.8	55
Minnick, Walt	ID	1	2008	50.6	69
Nye, Glenn	VA	2	2008	51.6	58
Perriello, Tom	VA	5	2008	50.1	56
Peters, Gary	MI	9	2008	52.1	51
Schauer, Mark	MI	7	2008	48.8	54

Democrat	State	District	Cycle Won	Vote %	Bush % 2004
Teague, Harry	NM	2	2008	55.8	58
Titus, Dina	NV	3	2008	47.4	50

(Congressional Quarterly's Website, [www.cq.com](http://www.cq.com), Accessed 1/12/09)

### ***2008 Red District Democrats Received Nearly \$5.3 Million From Big Labor***

Red District Democrats who won in 2008 have collectively amassed nearly \$5.3 million in Big Labor largesse. Union Bosses expect a return on their investment, helping these Democrats win their first term in Congress.

Democrat	State	District	Cycle Won	Big Labor \$
Adler, John	NJ	3	2008	\$ 247,125
Bocieri, John	OH	16	2008	\$ 285,995
Bright, Bobby	AL	2	2008	\$ 84,500
Childers, Travis	MS	1	2008	\$ 253,000
Connolly, Gerry	VA	11	2008	\$ 160,700
Dahlkemper, Kathy	PA	3	2008	\$ 97,725
Driehaus, Steve	OH	1	2008	\$ 255,600
Foster, Bill	IL	14	2008	\$ 278,800
Grayson, Alan	FL	8	2008	\$ 72,500
Halvorson, Debbie	IL	11	2008	\$ 241,025
Kilroy, Mary Jo	OH	15	2008	\$ 501,500
Kirkpatrick, Ann	AZ	1	2008	\$ 212,000
Kissell, Larry	NC	8	2008	\$ 347,500
Kosmas, Suzanne	FL	24	2008	\$ 220,750
Kratovil, Frank	MD	1	2008	\$ 169,550
Markey, Betsy	CO	4	2008	\$ 218,000
Massa, Eric	NY	29	2008	\$ 228,625
McMahon, Mike	NY	13	2008	\$ 189,460
Minnick, Walt	ID	1	2008	\$ 109,500
Nye, Glenn	VA	2	2008	\$ 102,250
Perriello, Tom	VA	5	2008	\$ 46,750
Peters, Gary	MI	9	2008	\$ 304,550
Schauer, Mark	MI	7	2008	\$ 324,661
Teague, Harry	NM	2	2008	\$ 114,500
Titus, Dina	NV	3	2008	\$ 226,125
<b>Total</b>				<b>\$ 5,292,691</b>

(Center For Responsive Politics Website, [www.opensecrets.org](http://www.opensecrets.org), Accessed 1/12/09)

Note: Numbers do not reflect end-of-the-year reporting with the Federal Election Commission for 2008.

## Part III

### *Last, Gamble On Wild Card Red District Democrats*

Democrats who won a Republican district in 2006 or 2008, but that Bush did not carry in his 2004 reelection campaign, should not be overlooked in the campaign to turn anti-worker Democrats against EFCA.

- ✓ Wild Card Red District Democrats have received nearly \$5.1 million from Big Labor. Union Bosses will expect continued support for EFCA from Democrats they helped elect.

Democrat	State	District	Big Labor \$
Braley, Bruce	IA	1	\$ 530,018
Courtney, Joe	CT	2	\$ 431,700
Heinrich, Martin	NM	1	\$ 222,100
Himes, Jim	CT	4	\$ 83,500
Hodes, Paul	NH	2	\$ 450,100
Klein, Ron	FL	22	\$ 472,250
Loebsask, David	IA	2	\$ 333,114
Maffei, Dan	NY	25	\$ 262,000
Murphy, Chris	CT	5	\$ 438,250
Murphy, Patrick	PA	8	\$ 449,850
Perlmutter, Ed	CO	7	\$ 533,300
Sestak, Joe	PA	7	\$ 487,150
Yarmuth, John	KY	3	\$ 404,950
<b>Total</b>			<b>\$ 5,098,282</b>

(Center For Responsive Politics Website, [www.opensecrets.org](http://www.opensecrets.org), Accessed 1/12/09)

Note: Numbers do not reflect end-of-the-year reporting with the Federal Election Commission for 2008.

- ✓ Every single Wild Card Red District Democrat that won in the 2006 elections voted in favor of passage of the Card Check legislation in 2007 and against every meaningful Republican amendment.

Democrat	State	District	Vote 1	Vote 2	Vote 3	Vote 4	Vote 5
Braley, Bruce	IA	1	Nay	Nay	Nay	Nay	Yea
Courtney, Joe	CT	2	Nay	Nay	Nay	Nay	Yea
Hodes, Paul	NH	2	Nay	Nay	Nay	Nay	Yea
Klein, Ron	FL	22	Nay	Nay	Nay	Nay	Yea
Loebsask, David	IA	2	Nay	Nay	Nay	Nay	Yea
Murphy, Chris	CT	5	Nay	Nay	Nay	Nay	Yea
Murphy, Patrick	PA	8	Nay	Nay	Nay	Nay	Yea
Perlmutter, Ed	CO	7	Nay	Nay	Nay	Nay	Yea
Sestak, Joe	PA	7	Nay	Nay	Nay	Nay	Yea
Yarmuth, John	KY	3	Nay	Nay	Nay	Nay	Yea

(H.R. 800, CQ Vote #114: Rejected in Committee of the Whole 164-264: R 162-34; D 2-230, 3/1/07; H.R. 800, CQ Vote # 115: Rejected in Committee of the Whole 173-256: R 171-26; D 2-230, 3/1/07; H.R. 800, CQ Vote #116: Rejected in Committee of the Whole 173-256: R 172-26; D 1-230, 3/1/07; H.R. 800, CQ Vote #117: Motion rejected 202-225: R 189-8; D 13-217, 3/1/07; and H.R. 800, CQ Vote #118: Passed 241-185: R 13-183; D 228-2, 3/1/07)