

Say 'No,' Loudly, to Card Check

by M. Robert Weidner, III, publisher

"To fail to ensure the right to vote free of intimidation and coercion from all sides would be a betrayal. ... We cannot be a party that strips working Americans of the right to a secret-ballot election."

—George McGovern, Former U.S. Senator and 1972 Democratic Presidential Nominee

If there is any practice that ensures free and fair elections in a democratic society, it is the right to vote secretly, away from the scrutiny of anyone who might attempt to coerce your choice. Yet today we have the looming specter of federal legislation that would do away with secret balloting in union certification elections. It's an un-American idea (for that matter, un-Canadian, as well), and it must be fought by anyone who, like

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George McGovern, understands how precious our freedoms really are.

This scheme is deliberately misnamed to fool the unsuspecting. The so-called Employee Free Choice Act would permit certification of a union solely on the basis of signatures on petition cards, which are used by the National Labor Relations Board (NLRB) to determine whether a sufficient number of employees support a certification election. Secure signatures from a majority of workers, and under

the union plan known as "card check," the union would be certified—no carefully conducted election required.

The courts have repeatedly found that this sort of card check process is intrinsically unfair and unreliable. "It would be difficult to imagine a more unreliable method of ascertaining the real wishes of employees than a card check, unless it were an employer's request for an open show of hands," the 4th Circuit Court of Appeals has said. "Freedom of choice is a matter at the very center of our national labor relations policy ... and a secret election is the preferred method of gauging choice," says the Washington, D.C., federal circuit court.

Labor claims that NLRB certification elections are unfair and favor employers. The evidence suggests the opposite. NLRB elections are authorized if just 30% of employees want one. Almost all such elections occur within the subsequent two months, and ballots are cast secretly. Unions win nearly 60% of certification elections.

So why push for this legislation? Unions today represent only about 7% of the private-sector workforce, about half as much as 20 years ago. Card check makes it much easier to certify a new union. More unionized workers means more dues, larger political contributions and more clout.

And certainly the unions have paid their Congressional dues. The list of the top 15 campaign contributors of all time includes nine labor unions. The largest single donor, the American

Federation of State, County Municipal Employees, contributed \$39.6 million from 1990 through mid-2008 (\$1.5 million for the 2008 election alone), with 99% going to Democrats. Others on the fat cats list include the electrical workers, teachers and laborers.

It's no wonder that unions expect Democrats to respond by approving their No. 1 legislative priority, card check. Card check, sponsored by Rep. George Miller (D-California), chairman of the House Education and Labor Committee, passed the House 241-185 in March 2007. Sponsored in the Senate by Ted Kennedy, the bill died in June 2007 when a cloture motion fell short of the required 60% to close debate. Sen. Arlen Specter of Pennsylvania was the only Republican to move the bill to a vote. No Democrat voted against the measure.

With the elections looming, the question is whether we, the people, retain the political will to oppose attacks on long-held freedoms. Or do we, in the rush for change, return to Congress politicians who have demonstrated their vote can be bought? George McGovern, an honorable man, points the way.



Bob Weidner