

**STATEMENT: AMENDMENT IN THE NATURE OF A SUBSTITUTE,  
"THE SECRET BALLOT PROTECTION ACT"  
DURING FULL COMMITTEE MARKUP OF  
"THE EMPLOYEE FREE CHOICE ACT"  
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SENIOR REPUBLICAN MEMBER  
EDUCATION AND LABOR COMMITTEE  
FEBRUARY 14, 2007**

Mr. Chairman, I offer this amendment in the nature of a substitute. While serving on this Committee, Charlie Norwood was a tireless advocate for the right to vote through a private ballot, and he introduced this legislative language last week as the Secret Ballot Protection Act.

This amendment would ensure that an employee has the right to a private ballot, free from intimidation and coercion. By contrast, the so-called Employee Free Choice Act would take away that right and make every employee's vote completely and utterly public.

A private ballot ensures that no one knows how you voted: not your colleagues, not your employer, and not the union organizer. This fundamental democratic right our constituents enjoyed last November, and it's a fundamental democratic right that Americans have come to expect. That right should never be

taken away from them, whether at a polling place in a congressional election or in the workplace.

Polls of union members confirm that they agree that the fairest way to decide to unionize is through a secret ballot election. A 2004 Zogby poll shows that 53 percent of union members support a secret ballot to keep workers' decision private.

And today, the Coalition for a Democratic Workplace released a poll demonstrating the same type of strong support for secret ballot elections.

- 87 percent of those polled agree that “every worker should continue to have the right to a federally supervised secret ballot election when deciding whether to organize a union”;
- 79 percent oppose the so-called Employee Free Choice Act; and
- 89 percent believe that a worker's vote should remain private.

The Courts also agree that secret ballot is the best way to determine support for a union in the work place. The *Gissel Packing* decision states a secret ballot election is the “most satisfactory – indeed preferred – method of ascertaining whether a union has majority support.”

And Unions also have passionately insisted on a secret ballot election. In decertification elections, they called the vote a “solemn” occasion, imperative to preserving “privacy and independence.”

This amendment is offered in exactly that spirit. It ensures that one of our most fundamental democratic rights is not stripped from workers – the very people the so-called Employee Free Choice Act purports to protect.

I urge my colleagues to vote aye.

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