

**OPENING STATEMENT: FULL COMMITTEE MARKUP ON
“THE EMPLOYEE FREE CHOICE ACT”
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Mr. Chairman, we are about to vote on the most substantial changes to U.S. labor law in at least a generation, and we've held all of one subcommittee hearing on the legislation and bypassed a subcommittee markup. That's unfair, unhealthy, and unprecedented. But given the utterly flawed nature of the so-called "Employee Free Choice Act," I can't help but think that perhaps the utterly flawed process under which we are considering it is – in fact – perfectly appropriate.

Brought before this Committee under the guise of strengthening the middle class, this legislation will do nothing of the sort. If anyone wants to make the case that stripping away a fundamental democratic right from those we represent on this Committee and in this Congress somehow will make them stronger, then be my guest – because I won't...and I can't.

Rather, I can only point out the glaringly, blatantly, and unabashedly undemocratic and, yes, hypocritical nature of this legislation. Supporters of this bill see the card check as a silver bullet through which organized labor will reverse their recently sagging fortunes – because relying on the time-honored private votes of workers hasn't given them the results they've sought to maintain their power.

And supporters of this bill will claim that the card check is the sole vehicle through which workers' "free choice" can be preserved. If they were consistent in making this point, however, we'd take it more seriously. In reality, they only support the card check some of the time.

Indeed, in making the case for requiring secret ballot elections – as opposed to a card check – in union decertification elections during which workers can break ties with a union, some of our nation's most prominent labor unions argued to the National Labor Relations Board:

- That a secret ballot election is, quote – “a solemn...occasion, conducted under safeguards to voluntary choice”;
- That other means of decision-making are, quote – “not comparable to the privacy and independence of the voting booth”; and
- That the secret ballot election provides the surest means of avoiding decisions which are, quote – “the result of group pressures and not individual decision[s].”

I couldn't have said it better myself.

Supporters of this legislation also have gone on the record in support of secret ballot elections for Mexican workers faced with a choice between two competing labor unions. Specifically, they explained their secret ballot support to Mexican officials like this:

- Quote – “We feel that the secret ballot is absolutely necessary in order to ensure workers are not intimidated into voting for a union they may otherwise not choose.”

Once again, I couldn't have said it better myself.

So, let's put this into perspective: on one side of their mouths, supporters of this legislation have argued passionately for a secret ballot in union decertification elections and in a contest between two unions. And they noted that, in these cases, the card check is inherently prone to intimidation and pressure. But, out of the other side of their mouths, they romanticize the card check as a silver bullet to safeguard workers' free choice. In other words, they're trying to have it both ways and hope no one notices. But fortunately, people are noticing.

Today, the Bush Administration indicated its intent to veto this flawed bill, should it ever get that far. And though I have no illusions about the outcome of today's Committee vote, or the House vote for that matter, I'm confident that as this debate advances, the more likely it will be exposed for what it is – and the more likely it will run out of steam here in the halls of Congress. Mr. Chairman, I will cast a no vote on this bill today as strongly as I have in all my years in Congress. And I urge my colleagues to do likewise.

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