

CONGRESSIONAL CANDIDATE QUESTIONNAIRE

A Model Questionnaire for use by State and Local Lodges

The following model questionnaire is being provided to all State and local Lodges to aid them in evaluating candidates for Congress. The questions are drawn from issues being lobbied by the Grand Lodge on Capitol Hill.

It is particularly important for the State and local Lodges to endorse candidates who support our top priority items and oppose those candidates who do not. The success of the National Legislative Program depends on having an active grassroots base and on electing lawmakers who support our pro-law enforcement agenda.

- ***Social Security issues: Support H.R. 235/S. 484, the “Social Security Fairness Act,” and Oppose Mandatory Participation in Social Security:*** The FOP strongly supports the repeal of both the “Windfall Elimination Provision” (WEP) and the “Government Pension Offset” (GPO). The FOP vehemently opposes legislation which would mandate participation in Social Security for public employees or new hires who are currently outside the Social Security system.
- ***Support H.R. 413/S. 1611/S. 3194, the “Public Safety Employer-Employee Cooperation Act”:*** The FOP strongly supports legislation guaranteeing the right of public employees to bargain collectively with their employers over hours, wages and conditions of employment. The legislation guarantees the right of public safety employees to form and join unions, but leaves most decisions to the State legislatures. States with collective bargaining laws will be exempt from the Federal statute.
- ***Support H.R. 1972, the “Law Enforcement Officers’ Procedural Bill of Rights Act”:*** The FOP strongly supports a “bill of rights” for law enforcement officers who are, in a number of jurisdictions, denied their due process rights by police administrators and management in non-criminal proceedings. There is a need for a minimum level of procedural protections for law enforcement officers accused of administrative wrongdoing because of the gravity of potential harm to officers created by this lack of uniform safeguards.
- ***Support H.R. 673, the “Law Enforcement Officers’ Equity Act”:*** The FOP strongly supports legislation expanding the definition of “law enforcement officer” for salary and retirement benefits to include all Federal law enforcement officers.

Section One:

Employees' Rights Issues

1. The Fraternal Order of Police strongly supports *H.R. 235/S. 484, the "Social Security Fairness Act,"* which would repeal both the "Windfall Elimination Provision" (WEP) and the "Government Pension Offset" (GPO) in current law. The WEP penalizes certain public employees who also worked in the private sector and paid into the Social Security system, through a substantial reduction in their benefits, because they also collect a government pension. The GPO provision in current law causes the reduction or elimination of the spouse's or widow(er)'s benefit from Social Security by two-thirds of the monthly amount received from the government pension. What is your position with respect to the GPO and WEP, and will you support legislation like *H.R. 235* and *S. 484*?
2. In 2001, the Commission to Strengthen Social Security (CSSS) issued a report which rejected a scheme to mandate participation in Social Security for newly hired State and local government employees currently outside the Social Security system. Will you pledge to oppose any plan which includes a provision mandating participation in the Social Security system for either current or newly hired State and local government employees that do not currently participate in Social Security?
3. The Fraternal Order of Police strongly supports legislation which provides minimal collective bargaining rights for public safety employees (i.e., law enforcement officers and firefighters). What is your position on public employee collective bargaining and will you support passage of legislation like *H.R. 413/S. 1611, the "Public Safety Employer-Employee Cooperation Act,"* that guarantees basic rights for public safety employees? Would you also support similar provisions that would allow uniform and non-uniform Federal law enforcement officers to unionize and engage in collective bargaining?
4. If you were a Member of the U.S. House of Representatives in the 111th Congress, how did you vote on 1 July 2010 on the second amendment considered under H. Res. 1500 (Roll Call Vote #430)?
5. If you were a Member of the U.S. House of Representatives in the 110th Congress, how did you vote on H.R.980 (Roll Call Vote #633)?
6. If you were a Member of the Senate in the 107th Congress, how did you vote on invoking cloture to end debate on S. Amdt. 2044 (Recorded Vote #323)?
7. The Fraternal Order of Police strongly supports legislation which would articulate the rights of law enforcement officers who are, in a number of jurisdictions, denied their due process rights by police administrators and management. Will you actively and publicly support legislation, such as *H.R. 1972, the "Law Enforcement Officers' Procedural Bill of Rights Act,"* protecting the due process rights of law enforcement officers in non-criminal, administrative proceedings?

8. The Fraternal Order of Police strongly supports *H.R. 673, the “Law Enforcement Officers’ Equity Act,”* which would expand the definition of “law enforcement officer” under the Civil Service Retirement System and the Federal Employees Retirement System to include all Federal police officers, as well as Customs and Immigration Inspectors. What is your position regarding the current disparity in the pay and benefits provided to law enforcement officers across the Federal government, and what measures will you support to ensure parity among the Federal government’s first responders? Are you currently a cosponsor of, or will you pledge to support legislation such as *H.R. 673*?
9. The Fraternal Order of Police strongly supports the use of Defined Benefit (DB) pension plans for public employees and is concerned that these plans are under fire at the State and local level in favor of Defined Contribution plans, which do not have guaranteed benefits for retirees. Many State lawmakers have proposed legislation which would replace existing Defined Benefit plans with Defined Contribution plans, thereby reducing retirement benefits for employees. What is your position in respect to Defined Benefit and Defined Contribution plans and how might this issue be addressed by Congress?
10. Since the Fraternal Order of Police is the largest labor organization representing this country’s law enforcement professionals, how will you involve and consult with our leadership concerning any legislation, hearings, or other Congressional activity relating to labor issues?

Section Two: **Criminal Justice Issues**

1. The Fraternal Order of Police was the chief advocate for the passage of *H.R. 218/S. 253, the “Law Enforcement Officers’ Safety Act,”* which was signed into law in July 2004. The law exempts qualified active and retired law enforcement officers from State and local prohibitions on the carrying of concealed firearms. If you were a Member of the 108th Congress, were you a cosponsor of either of these bills and did you support the measure when it was put to a vote? (**REFERENCES:** *House Roll Call Vote #237, 106th Congress, 18 June 1999; House Committee vote, 108th Congress, 16 June 2004; and Senate Recorded Vote #26, 108th Congress, 2 March 2004*)
2. The FOP supports *H.R. 3257/S. 1132, the “Law Enforcement Officers’ Safety Act Improvements Act,”* which would make minor changes to 18 USC 926B and 926C—the Federal law of the same name. The FOP supports this amendment package to ensure that retired officers are treated fairly by their States with respect to implementing the Federal law and to clarify the authority of Federal law enforcement officers under 18 USC 926B and 926C. Are you a cosponsor of these bills? What is your position on this legislation?
3. The FOP supports legislation which would increase the penalties for threats and violence against law enforcement officers, judges, and courtroom personnel—including making the murder or attempted murder of a law enforcement officer employed by an agency that

receives Federal funds a capital offense. The legislation also imposes time and other substantive limits on Federal courts' review of *habeas corpus* petitions challenging a State court conviction for killing a law enforcement officer, judge, or other public safety officer and incorporates an existing provision of the Federal *habeas* statute that is used to determine whether a defendant may file a successive petition or seek a new evidentiary hearing in Federal court. If you were a Member of the Senate in the 110th Congress, were you a cosponsor of *S. 1235, the "Daniel Faulkner Law Enforcement Officers' and Judges' Protection Act,"* and would you agree to cosponsor such a bill if elected?

4. The Fraternal Order of Police supports legislation that would limit the amount of damages that a criminal defendant could recover as a result of injuries that the criminal incurred in the course of committing or being apprehended for a felony or a crime of violence. Would you support such legislation if it were introduced?
5. For what crimes do you believe that the death penalty is appropriate?
6. In December 2006, as the FOP marked the 25th anniversary of the murder of Philadelphia Police Officer Daniel Faulkner by Wesley Cook, who is better known by his alias, Mumia Abu-Jamal, a small town in the suburbs of Paris decided to name a street after this killer. Similarly, a Chicago alderman proposed several years ago to name a street in honor of a Black Panther thug named Fred Hampton, who advocated the killing of police officers. If you were a Member of the House in the 109th Congress, how did you vote on final passage for H. Res. 1082, which condemned the actions of St.-Denis, France in honoring a murderer (*Roll Call Vote #527*), and, as a Member of Congress, what actions will you take to deter or condemn efforts by local, State, Federal or foreign governments to honor those who kill or urge the killing of our nation's police officers. What actions will you take to curb politically-motivated attacks on law enforcement officers and what steps will you take to reinforce the public confidence in police?
7. The FOP has long been concerned about foreign governments providing shelter for criminals who committed murder or other serious violent crimes in this country, and subsequently fled to another. The FOP strongly opposes normalization of relations with Cuba until this issue is resolved, and we have been critical of other governments, including France, Israel, and Mexico, on this same point. At the FOP's Biennial National Conference in 2007, our membership adopted a resolution urging the President of the United States and the Congress to take any and all measures necessary to enforce the 1978 Extradition Treaty made between the United Mexican States and the United States of America, "including, but not limited to the cancellation or renegotiation of the Extradition Treaty" and imposition of sanctions "including but not limited to rescinding all financial aid and support to that Government and any and all benefits afforded to that Government under the North American Free Trade Agreement" to ensure that those who commit crimes of violence in the United States are extradited and prosecuted under the laws of the United States. As a Member of Congress, what steps will you take to place pressure on Mexico and other foreign governments that provide safe harbor for those who commit crimes of violence in the U.S.? Will you work to ensure that the issue of extradition of existing and future fugitives is addressed when handling or reviewing our relationships with foreign governments?

8. If a Member of the 111th Congress, are you a cosponsor of *H.R. 872/S. 428, the “Freedom to Travel to Cuba Act,”* or *H.R. 4645, the “Travel Restriction Reform and Export Enhancement Act”*?
9. If a Member of the House Committee on Agriculture in the 111th Congress, how did you vote on 30 June 2010 on *H.R. 4645*?
10. “Racial profiling,” once a political buzzword and a favorite topic of the media, disappeared from the headlines following the attacks on the United States on 11 September 2001. The FOP has condemned the practice and asserted that it is not the policy of any U.S. law enforcement agency to base enforcement decisions solely on race. However, legislation which would prohibit this practice continues to be introduced in Congress. If a Member of the 110th Congress, were you a cosponsor of *H.R. 4611/S. 2481, the “End Racial Profiling Act,”*? How do you define “racial profiling”? Do you believe that Federal legislation is necessary to address this issue and if so, what would the legislation do?
11. The FOP has expressed concern that critics of the enactment of the recent State statute in Arizona, *Senate Bill 1070, the Support Our Law Enforcement and Safe Neighborhoods Act*, state that law enforcement officers will engage in racial profiling despite the fact that this practice is illegal. Law enforcement officers know the meanings of the terms “reasonable suspicion” and “probable cause.” What is your position on local and State enforcement of immigration law, be it State or Federal?
12. True immigration reform requires action by the Federal government. The FOP believes that any legislation reforming our nation’s immigration system must provide for greater security at our nation’s borders, aggressive enforcement of immigration law internally, and enhanced penalties against businesses and individuals that exploit and traffic in illegal laborers. Do you agree? What elements do you see as most important for a comprehensive immigration reform bill?
13. In October 2009, Congress passed and the President signed into law the *Local Law Enforcement Hate Crimes Prevention Act*, which expanded the definition of “hate crimes.” If a Member of the 111th Congress, how did you vote on passage of *H.R. 913* (Roll Call Vote #223) or on cloture for *S. Amdt. 1511* (Recorded Vote #233)? What is your position on this issue generally and would you consider making the murder or other crimes of violence that targeted law enforcement officers a crime of hate?
14. In 1996 Congress passed the “Domestic Violence Offender Gun Ban,” or “Lautenberg Law,” as it is popularly known. The language was a small part of the huge “Omnibus Consolidated Appropriations Act,” a must-pass bill enacted on the final day of the 104th Congress. There were no hearings and very little debate on the measure which, for the first time in the history of federal gun control, affected law enforcement officers and members of the military. The law provides a Federal firearms disability for any person convicted, regardless of the date of conviction, for a misdemeanor offense in which domestic violence is an actual or statutory element. The law has had no demonstrable impact in the fight against domestic violence to date, is not being properly enforced on military personnel, and is aimed only at active duty

law enforcement officers under the current enforcement strategy. Because of liability concerns, good police officers are losing their jobs for minor offenses committed long before the law passed. What is your position with respect to this law, and would you support legislation to amend it by making its application prospective from the date of original enactment for all persons?

15. Federal funding for State and local law enforcement is vital, especially given the increased homeland security responsibilities of State and local agencies. How will you work to ensure continued Federal funding for traditional law enforcement programs and activities?
16. The FOP has consistently maintained, throughout the several debates on homeland security funding legislation, that the first priority of the homeland security effort is preventing a terrorist attack and that the “all hazards” approach of the U.S. Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) compromises this priority. The FOP believes that Federal funding does not sufficiently reflect the prevention goal and is geared instead towards purchasing equipment and training to respond to the aftermath of a critical incident. What is your view on the “all hazards” approach and how do you think it impacts law enforcement’s role in the war on terror in terms of access to Federal funds?
17. The FOP strongly supported the REAL ID Act because law enforcement officers need to have confidence that the documents presented to them to establish the identity of a given individual are accurate. Officers rely on these documents during traffic stops and other law enforcement actions to access information related to that individual’s criminal history. Did you support the REAL ID Act and will you continue to support it and adequate funding to States for its implementation?
18. Congress is considering repealing REAL ID by enacting *H.R. 3471/S. 1261, the “Providing for Additional Security in States’ Identification (PASS ID) Act.”* If a Member of the 111th Congress, are you a cosponsor of this legislation?
19. Because of the increased politicization of firearms issues and the lack of any meaningful public safety component in many legislative proposals, the membership of the FOP adopted a resolution stating that it would not support additional “gun control” legislation beyond our support for the measures signed into law in 1994. Will you seek to push any additional “gun control” measures? If so, what public safety benefit do you expect to achieve and why should the FOP overturn its resolution on this issue?
20. Since the Fraternal Order of Police is the largest labor organization representing this country’s law enforcement professionals, how will you involve and consult with our leadership concerning any legislation, hearings, or other Congressional activity relating to criminal justice issues?