

# **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. 82/S. 206, 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. 980/S. 2123, 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. 688/S. 449, the “Law Enforcement Discipline, Accountability and Due Process 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.

**Section One:**  
**Employees' Rights Issues**

1. The Fraternal Order of Police strongly supports *H.R. 82/S. 206, 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. 82* and *S. 206*?
2. In 2001, President Bush's 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. 980/S. 2123, 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 110<sup>th</sup> Congress, how did you vote on H.R.980 (Roll Call Vote #633)?
5. If you were a Member of the Senate in the 107<sup>th</sup> Congress, how did you vote on invoking cloture to end debate on S. Amdt. 2044 (Recorded Vote #323)?
6. 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. 688/S. 449, the "State and Local Law Enforcement Discipline, Accountability and Due Process Act,"* protecting the due process rights of law enforcement officers in non-criminal, administrative proceedings?
7. The Fraternal Order of Police strongly supports *H.R. 1073/S. 1354, 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. 1073/S. 1354***?

8. In August 2004, new rules governing the exemptions from overtime under the Fair Labor Standards Act (FLSA)—also known as the Part 541 or “white collar” exemptions—went into effect. The new rules, which the FOP strongly supports, make several important changes for public safety employees. For the first time ever, the regulations clarify that neither the regulations contained in 29 CFR nor the Section 13(a)(1) exemptions apply to police officers, firefighters, EMTs and other first responders who perform public safety work. The regulations go on to clarify why these employees, regardless of their rank or pay level, cannot be classified as executive, administrative or professional employees, and thus be exempted from receiving overtime pay. Will you pledge to support these regulations and oppose any Congressional or interest group effort to alter or otherwise weaken these exclusions for public safety officers?
9. In 2006, the Majority staff of the House Subcommittee on Federal Workforce and Agency Organization and the Senate Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia released a concept paper for a Federal Law Enforcement Personnel System. The proposal would include a pay-for-performance system and pay banding. What is your view of the concept paper and would you support legislation derived from the paper's proposals?
10. If you were a Member of the U.S. House of Representatives in the 110<sup>th</sup> Congress, how did you vote on ***H.R. 1585/H.R. 4986, the “National Defense Authorization Act for Fiscal Year 2008,”*** specifically Roll Call Votes #373 and 1151 in the First Session, and Roll Call Vote #11 in the Second Session?
11. If you were a Member of the U.S. Senate in the 110<sup>th</sup> Congress, how did you vote on ***H.R. 1585/H.R. 4986, the “National Defense Authorization Act for Fiscal Year 2008,”*** specifically Recorded Votes #359 and 433 in the First Session, and Recorded Vote #1 in the Second Session?
12. 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?
13. 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. Were you a cosponsor of either of these bills in the 108th Congress and did you support the measure when it was put to a vote? (**REFERENCES:** *House Roll Call Vote #237, 106<sup>th</sup> Congress, 18 June 1999; House Committee vote, 108<sup>th</sup> Congress, 16 June 2004; and Senate Recorded Vote #26, 108<sup>th</sup> Congress, 2 March 2004*)
2. The FOP supports *H.R. 2627/S. 376, the “Law Enforcement Officers’ Safety 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 like *S. 1235, the “Daniel Faulkner Law Enforcement Officers’ and Judges’ Protection Act,”* 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. The legislation also includes language identical to *H.R. 2627/S. 376* as described above. Are you a cosponsor of this legislation, or 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 25<sup>th</sup> 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 109<sup>th</sup> 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. "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 like *H.R. 4611/S. 2481, the "End Racial Profiling Act,"* continues to be introduced in Congress. Are you a cosponsor of this legislation? 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?
9. In the past several Congresses, numerous pieces of legislation have been introduced which attempt to expand the definition of "hate crimes." What is your position on this issue—is Federal legislation necessary and how should such crimes be defined? Would you consider making the murder of a law enforcement officer a crime of hate?
10. 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?

11. Federal funding for State and local law enforcement is a very real concern, especially given the increased homeland security responsibilities of State and local agencies. The law enforcement and wider criminal justice community were severely impacted by the tremendous last minute cuts to our largest programs. With crime trending upward for the first time in more than a decade, how will you work to ensure continued Federal funding for traditional law enforcement programs and activities?
12. 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?
13. 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?
14. The Fraternal Order of Police and others in the law enforcement community have raised concerns about the standards for Personal Protective Equipment (PPE), specifically with the creation of consensus-based standards and changes in the State Homeland Security Grant Program and its Authorized Equipment List. Because of recent changes to the grant guidelines, law enforcement agencies are now unable to purchase personal protective equipment which they had been able to buy as recently as FY2003 because they do not conform to the National Fire Protective Association (NFPA) Standard 1994. Prior to FY2003, the NFPA Standard was only a recommendation and not a requirement, as it was recognized that fire protective association was not well-suited to evaluate the PPE needs of law enforcement officers facing tactical situations. How will you as a Member of Congress work with the FOP to give them a meaningful voice in the creation of consensus-based standards for law enforcement PPE and access to the equipment that they depend on to do their jobs safely? Would you support the use of military specification standards for PPE as acceptable for civilian law enforcement use?
15. 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?

16. 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?