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. Are you a co-sponsor of this legislation? If elected, will your Administration actively support its enactment and will you sign the bill if it is passed by Congress?

I would be willing to consider a repeal of both the “Windfall Elimination Provision” and the “Government Pension Offset” as part of any comprehensive effort to modernize and strengthen our nation’s social security system.

2. In 1999, 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 and veto any legislation which includes a provision mandating participating in the Social Security system for either current or newly hired State and local government employees that do not currently participate in Social Security?

I am generally opposed to most mandates, but believe it is important to put all options on the table. As part of any effort, the bi-partisan recommendations made in the report of the President’s Commission to Strengthen Social Security, as well as the views of workers, retirees and the disabled would be considered.

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? The FOP strongly supports H.R. 980/S. 2123, the “Public Safety Employer-Employee Cooperation Act.” What activities have you undertaken or what commitments have you given with respect to the consideration of this bill? If elected, will your Administration actively support its enactment and will you sign the bill if it is passed by Congress? Would you also support similar provisions that would allow uniformed and non-uniformed Federal law enforcement officers to unionize and engage in collective bargaining?

While I respect the ability of all workers to collectively bargain, I do not believe the Federal government should be issuing collective bargaining procedures for states that do not provide for such rights and responsibilities. For example, my home state of Arizona is a “right to work” state, and if this bill was enacted Arizona legislators would be forced to write entirely new state laws that
would remove the rights of Arizona’s state, county and local police, firefighters and emergency medical technicians to negotiate directly with their employers on their own behalf.

For this and other reasons, I am unable to support this bill. If elected President, I pledge to work with all interested parties to ensure we are able to recruit the finest members of our society to defend and protect our country.

4. 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. Are you a cosponsor of H.R. 688/S. 449, the “State and Local Law Enforcement Discipline, Accountability and Due Process Act,” which protects the due process rights of law enforcement officers in non-criminal administrative proceedings? If elected, will your Administration actively support its enactment and will you sign the bill if it is passed by Congress?

I believe that Congress should allow local and state police administrators and management the ability to establish discipline procedures and processes. As a proponent of Federalism, I generally believe that the Federal government should not intervene in the employee-employer relationship between States and localities and their employees. As President, I would urge all employers, including local municipalities and states, to provide employees due process rights, but leave the specifics of these processes up to the individual employer.

5. 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 measure will you support to ensure parity among the Federal government’s first responders? Are you a cosponsor of H.R. 1073/S. 1354 and, if elected, will your Administration actively support its enactment? Will you sign the bill if it is passed by Congress?

As President, I would work to ensure that all law enforcement officers serving in the Federal government are provided the pay and benefits they deserve. I will work to address this issue and other workplace related issues that have been raised by Federal law enforcement officers to ensure that the Federal government is able to recruit top candidates to serve the Federal government.

6. 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? Will you pledge to veto any bill that would overturn or reduce these protections?
I believe the Department of Labor struck an appropriate balance with these regulations. If elected, I would be skeptical of any bill to overturn these regulations.

7. 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?

Congress must move forward on reforming the present archaic pay and performance system that does not meet the needs of the federal law enforcement officers who are committed to serving and protecting America in today’s post-9/11 environment.

8. The Fraternal Order of Police is very critical of many aspects of the National Security Personnel System (NSPS) at the U.S. Department of Defense because it does not take into consideration the unique nature of law enforcement work. For this reason, the FOP has supported efforts by Members of Congress to end funding for its implementation. The FOP did win some reforms to the NSPS with the enactment of H.R. 7986, the “National Defense Authorization Act for Fiscal Year 2008.” This bill included many far-reaching reforms to the NSPS, including modifications to the pay-for-performance system, protection of the collective bargaining rights of our officers and a new appeal process using the Merit Systems Protection Board (MSPB). Did you support these reforms and would your Administration be willing to further reform the NSPS, if not defund it completely?

As the Ranking Member of the Senate Armed Services Committee, I worked with other members to negotiate these reforms for the National Security Personnel System (NSPS). The phased implementation of NSPS has been difficult, but the reforms Congress enacted last year were a good response to the concerns raised by many members of the Fraternal Order of Police and others in the Department of Defense. I hope that the Department continues to implement NSPS, but does so in a measured way that provides the Department the flexible hiring authority it has requested to allow it the ability to recruit and retain employees to succeed in the fight against terrorism.

9. The Fraternal Order of Police strongly supports the use of Defined Benefit (DB) pension plans for public employees and are 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 your Administration address the issue at the Federal level?

I believe this is an issue for States and municipalities to decide for their own employees.

10. The Fraternal Order of Police is the largest labor organization representing this country’s law enforcement professionals and, as such, we have been involved with the Administration on a wide range of labor issues, including serving as a member of the Labor Advisory Council for Trade Negotiations and Trade Policy. We were also involved in an effort to evaluate a law enforcement
training program in Iraq. As President, how will you involve and consult with our leadership relating to labor issues?

As I have always done, I will continue to consult with numerous advocacy groups and other interested parties, including the Fraternal Order of Police, when forming policy opinions as President.

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? How did you vote on Senate Roll Call Vote #26? (108th Congress, 2 March 2004)

I was pleased to vote for passage of S. 253 in March 2004. I believe active and retired law enforcement officers that have the necessary training and service should be permitted to carry concealed weapons.

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 this legislation? If elected, will your Administration actively support its enactment and will you sign the bill if it is passed by Congress?

I support S. 376 and hope Congress will consider this bill and the President will sign it into law this year.

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? If elected, will your Administration actively support its enactment and will you sign the bill if it is passed by Congress?

I support expanding penalties for assaults against federal law enforcement officers and judges, and authorizing federal judges, U.S. attorneys, and Justice Department employees to carry firearms. I was proud to support passage of the Court Security Improvement Act of 2007 last December and look forward to continuing to work to protect all law enforcement personnel and judges who have dedicated their life to public service despite the risks associated with such service to our country.
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 your Administration support such legislation if it were introduced? Will you pledge to sign such a bill if it is passed by Congress?

I have always supported public policies that would attempt to reign in excessive liability judgments and would consider any legislation presented to me on this issue.

5. For what crimes do you believe that the death penalty is appropriate?

I support the federal death penalty and the right of the individual states to enact and enforce the death penalty according to the dictates of their respective laws.

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 would you have voted on final passage for H. Res. 1082, which condemned the actions of St.-Denis, France in honoring Danny Faulkner’s killer (Roll Call Vote #527)? As President, what actions would you and your Administration take to deter or condemn efforts by local, State, Federal or foreign governments to honor those who kill or urge the killing our nation’s police officers? What actions will you and your Administration take to curb politically motivated attacks on law enforcement officers and what steps will you and your Administration take to reinforce the public confidence in police?

Absolutely, if I were a member of the House in 2006, I would have voted to condemn the decision of St. Denis, France, to name a street in honor of Mumia Abu-Jamal, the convicted murder of Philadelphia Police Office Danny Faulkner. I would continue to condemn any efforts by anyone or any government to honor those who kill our nation’s finest.

I believe any politically motivated attacks on law enforcement officers should be investigated as a crime and should be prosecuted to the fullest extent of the law. In 1994, I championed legislation that would have expanded the Federal law that prohibited violent criminals and spies from profiting from their crimes to all Federal felons. It is absolutely unconscionable that any felon should profit from his crime or be celebrated for his actions, such as Wesley Cook.

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 the 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. What steps will you and your Administration 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. and will you pledge to make sure that your Administration fully addresses the issue of extradition of existing and future fugitives when considering agreements with foreign governments?

The United States has a strong interest in seeing all those who have committed violent crimes in this country brought to justice. When these individuals flee to foreign countries, there is an array of options available for insisting on their extradition to the United States. I support meaningful and workable extradition treaties with foreign countries and as President would insist that these treaties be implemented when fugitives flee our country. As President, when fugitives are granted safe harbor in another country, I would consider the various options at our disposal to insist that they are brought to justice in the United States, ranging from diplomatic efforts to the imposition of sanctions.

To speak of these issues, of course, is to raise the issue of Cuba, a repressive dictatorship that has long harbored fugitives from U.S. justice. As President, I would not passively await the day when the Cuban government seeks cooperation with the United States. Instead, a McCain Administration Justice Department would vigorously prosecute Cuban officials implicated in the murder of Americans, drug trafficking and other crimes.

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 bill? 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 and how would it affect law enforcement activity at the State and local level?

Our legal system is based on identifying, capturing, and punishing criminals, and not requiring police officers to make decisions based solely on an individual’s race. As you assert and to the best of my knowledge, it is not the policy of any U.S. law enforcement group to make enforcement decisions based solely on race, so Federal legislation is unnecessary.

9. Would your Administration impose race-collection criteria on Federal law enforcement officers during enforcement actions?

No, a McCain Administration would not impose race-collection criteria on Federal law enforcement officers during law enforcement activities.

10. 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?
I do not believe Federal legislation is necessary on this issue and have voted against the Local Law Enforcement Hate Crimes Prevention Act. I do not believe an expansion of the Federal criminal code is necessary to cover a class of protected citizens from hate crimes because they are already protected under existing criminal statutes. If such legislation was signed into law, it would force police and prosecutors to treat identical crimes differently depending on the police officer or prosecutor’s determination of the political, philosophical, or even religious beliefs of the offender.

Crimes motivated by “hate” deserve vigorous prosecution, but so do crimes motivated by absolute wanton disregard for life of any kind. It is important to ensure that any federal intervention does not restrict the jurisdiction of state laws, police forces, and judicial systems in their efforts to combat and prosecute unlawful behavior.

11. 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? Would you sign such a bill if passed by Congress?

I would consider any legislation presented to amend the “Lautenberg Law” because of the concerns you stated.

12. 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?

Over the past several years, the Administration has sought to consolidate the Byrne grants and other justice programs into one competitive program. While I recognize that the Byrne grants, COPS funding and other programs have been widely used by many states and localities to combat drugs and violent crime, I remain concerned whether the Byrne grant program and other Department of Justice programs are the most effective method to fund state and local law enforcement’s fight against crime.

The Byrne grants are not awarded on a competitive basis and have often been earmarked by lawmakers for his or her favorite state justice program. This past year, more Byrne grant funding went to earmarked projects than to formula funding to States. This is unacceptable. Additionally,
the Office of Management and Budget, often referred to as “government’s own watchdog,” has rated Byrne grants a 13% out of 100% for results and accountability.

As President, I would continue to support states and localities in their fight against crime, but would look to do so through funding a competitive grant program in order to fight crime in the most effective way and where taxpayer’s hard earned money could do the most good. I have a long history of supporting police officers, fire fighters and other law enforcement authorities and as President I would continue to ensure that first responders have the funding necessary to do their job effectively.

13. 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 and on access to Federal funds? As President, would DHS continue to function as if its top priority were to respond to an “all hazards” event, or would the Department’s priority be preventing terrorist acts on our soil?

I believe the agency must work to prepare for both “all hazards” events and terrorists acts against our homeland. For example, ten years ago, while serving as Chairman of the Senate Commerce Committee, I introduced the Law Enforcement and Public Safety Telecommunications Empowerment Act, which would have provided public safety with 24 MHz in the 700 MHz band and authorized 10 percent of proceeds from an auction of spectrum to commercial companies to be used to fund State and local law enforcement communications. Although the bill did not pass, I continue to believe spectrum auctions to commercial entities may be an appropriate funding mechanism for equipping for first responders.

14. 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 it and ensure adequate funding to States for its implementation?

Upon the release of the 9/11 Commission, I introduced legislation with Senator Lieberman to implement all of the Commission’s recommendations, including its recommendation that the federal government set standards for the issuance of driver’s licenses and other sources of identification. I also voted for the legislation that enacted the Real ID Act in 2005.

15. The Fraternal Order of Police and others in the law enforcement community have raised concerns about the standards for Personal Protective Equipment (PEE), 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 a fire protective association was not well-suited to evaluate the PPE needs of law enforcement officers facing tactical situations. As President, how will you 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 your Administration support the use of military specification standards for PEE as acceptable for civilian law enforcement use?

As President, I would welcome the opinions of all law enforcement groups in building consensus-based standards for many of the programs at the Department of Homeland Security.

16. 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 your Administration 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?

I believe the right of law abiding citizens to keep and bear arms is a fundamental, individual Constitutional right that must be protected. We have seen the record of gun control, and it is a record of crime fighting failure. Assuming that criminals will abide by gun restrictions is dangerously naive. Gun bans, waiting periods, ammunition bans, registration and licensing of gun owners – each of these has a common theme: they only affect law-abiding citizens. And they have another common theme: they don’t work as crime fighting tools. The way to reduce crime is to prosecute criminals to the fullest extent of existing laws – which, if elected President, gun owners can count on my Administration to do.

17. In 1995, Police Officer Stephanie Mohr, a canine officer with the Prince George’s County Maryland Police Department, responded to a call in an area which had seen a tremendous increase in burglaries and drug trafficking. With other officers, she responded, and while subduing the suspects, released her partner who bit and injured a suspect who was illegally present in the U.S. She was charged with several violations of Federal civil rights law and, after a second trial, was convicted and sentenced to ten years. More recently, U.S. Border Patrol Agents Jose Alonso Compean and Ignacio Ramos, who are serving sentences of 11 and 12 years, respectively, were convicted of several Federal civil rights offenses on the strength of a single eyewitness account. The eyewitness was the victim—a drug dealer who had illegally crossed the border into the United States with more than seven hundred pounds of marijuana. The drug dealer was shot and injured after aiming a gun at the officers while fleeing back across the border. If elected President, will you pledge to review these cases carefully and seriously consider commutation of the sentences received by these law enforcement officers, who were unfairly prosecuted for actions they took in the line of duty?

Absolutely. My administration would review criminal cases involving actions of law enforcement officers taken in the line of duty.

18. Law enforcement is an exceedingly dangerous profession, with an average of one hundred and fifty (150) officers who die in the line of duty every year. Since 1962, the Federal government has
recognized the sacrifices of law enforcement officers killed in the line of duty by designating 15 May as “National Peace Officers Memorial Day.” Nearly thirty years ago, the National FOP began holding a Memorial Service on this day to honor the memories of the fallen officers and their loved ones. This event is held on the West Front of the U.S. Capitol and is attended by the families of the officers, as well as thousands of fellow officers and friends. For the last fifteen years, the keynote speaker for this event has been the President of the United States. Will you pledge to attend the May 15th Memorial Service event honoring the families and memory of our nation’s slain heroes?

If I am elected President, I would welcome an invitation to attend the 2009 Memorial Service. Our country needs to not only honor law enforcement officers who die in the line of duty, but those who serve day in and day out to protect all Americans.

Additionally, we must continue to honor and care for those that are injured in the line of duty. Last year, as co-chairman of the Congressional Fire Services Caucus I wrote the Department of Justice to express my frustration over the protracted implementation of the Hometown Heroes Survivors Benefit Act. With the Department having made only two positive determinations out of approximately 250 claims under the Hometown Heroes provisions of the Public Safety Officers’ Benefits program at that time, I felt the need to act. Thankfully, the Department since that time has revised their guidelines and acted on the hundreds of claims that were left without a response. As President, I will work to make sure the Department misinterpreting the intent of Congress as directed in the Hometown Heroes Act does not happen, and ensure claims are acted on swiftly.

19. 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?

I have always strived to take into account the views and recommendations of interested parties, both those in support and in opposition to an issue, before acting and will continue to do so as President. I recognize the importance of consulting members of the Fraternal Order of Police and would do so as President when considering issues facing the law enforcement community.