Perhaps the most important state-wide election this November is for two seats on the West Virginia Supreme Court of Appeals.

Labor has endorsed Menis Ketchum and Margaret Workman for the twelve year terms.

Recent negative decisions about the state bidding and prevailing wage law make the importance abundantly clear for construction workers.

When tax dollars are in use, projects costing more than $25,000 must be bid. This allows open competition and results in a valuable protection to tax payers.

Likewise the prevailing wage law is meant to provide communities, contractors and workers a level playing field when competing on tax funded construction projects.

The Supreme Court, in a 3-2 decision, stopped the Division of Labor from an enforcement action in Tucker County.

The County had hired temporary workers to avoid the bidding requirement. Once the bidding requirement was violated they in turn ignored the prevailing wage laws.

According to three members of the Court, Robin Davis, Brent Benjamin and Elliot ‘Spike’ Maynard, the County didn’t have to follow the law.

Justices Joe Albright and Larry Starcher disagreed.

With a five person court it only takes three votes to get a majority.


Since then voters learned Blankenship enjoyed a very close relationship with Justice Elliot ‘Spike’ Maynard.

Pictures of them vacationing together on the French Riviera helped voters decide not to re-elect Maynard last Spring.

Attorney General Darrell McGraw, who has long been a friend to working families in West Virginia, is under assault by business groups this election.

The attacks are most likely generated because of McGraw’s effective protection of ordinary citizens from predatory corporations.

McGraw has a long list of successful law suits aimed at mostly out-of-state corporations like predatory lenders, big tobacco, pharmacy corporations, mobile home dealers, and collection agencies.

The suits have resulted in settlements for thousands of citizens as well as billions of dollars for the state.

During McGraw’s tenure the Attorney Generals office has recovered almost $2 billion for West Virginia and its citizens.

The funds have made huge strides in stabilizing teachers pension funds and the state budget.

One group called The Center for Individual Freedom, “CFIS” based in Alexandria Virginia, has targeted McGraw with ads and direct mail.

According to the groups website the Center is “a non-partisan, non-profit organization with the mission to protect and defend individual freedoms and individual rights guaranteed by the U.S. Constitution.”

But a closer examination reveals more questions than answers.

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**Presidential Election Tops Ballot**

**John McCain**

McCain has tried repeatedly to undermine Davis-Bacon Prevailing Wages. McCain voted to prohibit application of Davis-Bacon laws in federal disaster areas, repeatedly supported exceptions to Davis-Bacon prevailing wage rules and even opposed a “sense of the Senate” resolution that would have expressed support for Davis-Bacon and opposition to its repeal. (S. 1650, Vote 320, 10/7/99; S. 2019, Vote 119, 5/18/94; H.R. 5132, Vote 105, 5/21/92; H.R. 2916, Vote 181, 9/19/89; S. Amdt. 4031, Vote 134, 5/22/96)

McCain Health Plan Will Tax Health Benefits: The McCain health plan calls for eliminating the tax break for health fund contributions. The plan results in a tax increase for construction workers. Making health fund contributions taxable will cost Building Trades workers $1 to $1.50 per hour. (New York Times May 1, 08, ACT cost analysis.)

McCain Opposes Project Labor Agreements: McCain opposes Project Labor Agreements which provide for union jobs on government construction projects. (Ad by Associated Builders and Contractors.)

McCain Opposes Union Organizing: McCain has won favor from anti-union forces for his opposition to the union organizing tactic of salting. (Ad by Associated Builders and Contractors.)

McCain Voted to Allow Federal Contractors to Hire Permanent Striker Replacements: McCain voted to block President Bill Clinton’s order barring federal contractors from hiring permanent workers to replace workers on strike. (H.R. 889, Vote 103, 3/15/95)

McCain Supported a Deal That Failed to Provide Fair Compensation for Asbestos Victims: Decades of uncontrolled use of asbestos in many industries—and a deliberate cover-up of its health effects on workers—have caused a crisis of asbestos-related diseases for construction workers. A backroom deal between insurers and defendant companies in asbestos-related lawsuits resulted in grossly inadequate legislation that failed to provide fair compensation for victims of asbestos disease or any certainty that claims would be paid. It also would leave the asbestos trust fund more than $40 billion short of the amount needed to pay fair claims. McCain voted to block efforts to improve the bill. (S. 2290, Vote 69, 4/22/04)

McCain Supported the Most Devastating Trade Agreements in Our History: McCain voted for NAFTA and CAFTA and wants to expand agreements like these although the United States has lost more than 1 million jobs because of NAFTA. He also voted to normalize trade relations with China, making it easier for the President to enact trade deals without strong labor protections. (S. 33569, Vote 190, 6/29/06; S. 1307, Vote 170, 6/30/05; H.R. 2739, Vote 318, 7/31/03; H.R. 2738, Vote 319, 7/31/03; H.R. 434, Vote 353, 11/3/99; H.R. 3009, Vote 115, 5/16/02, Vote 117, 5/21/02, Vote 207, 8/1/02; S. 1269, Vote 292, 11/4/97)

**Barack Obama**

Obama Supports Davis-Bacon prevailing wage: Obama supports Davis-Bacon prevailing wage laws for construction workers and would create job opportunities for building trades workers by investing billions of dollars in constructing and repairing our highways and bridges and communications and energy infrastructure. (Barack Obama Speech to Building Trades Conference, 4/15/08; Obama Transportation Infrastructure Plan; Campaign Website)

Obama attacks the health care crisis with a plan for Working People: The Obama plan provides affordable, accessible health care for all Americans, builds on the existing health care system, and uses existing providers and doctors to implement the plan. Under the Obama plan, patients will be able to make health care decisions with their doctors, instead of being blocked by insurance company bureaucrats. (Candidate Website http://www.barackobama.com/issues)

Obama Supports Project Labor Agreements: Obama has pledged to remove the Bush Ban on Project Labor Agreements. (Speech to Building Trades Legislative Conference 4/15/08)

Obama will Protect Striking Workers: Obama supports the right of workers to bargain collectively and strike if necessary. They will work to ban the permanent replacement of striking workers, so workers can stand up for themselves without worrying about losing their livelihoods. (Candidate Website http://www.barackobama.com/issues)

Obama supports a workers right to join a union: Obama has pledged to sign the Employee Free Choice Act aimed at giving workers the right to join a union without intimidation from their employer. (Barack Obama Speech to Building Trades Conference 4/15/08)

Obama will Invest in America & American Jobs: “If we can spend $10 billion a month rebuilding Iraq, we can spend $15 billion a year in our own country to create jobs and strengthen the long-term competitiveness of our economy.” (Speech to Building Trades Legislative Conference 4/15/08)

Obama will Create a National Infrastructure Reinvestment Bank: Obama will address the infrastructure challenge by creating a National Infrastructure Reinvestment Bank to expand and enhance, not supplant, existing federal transportation investments. This independent entity will be directed to invest in our nation’s most challenging transportation infrastructure needs. The Bank will receive an infusion of federal money, $60 billion over 10 years, to provide financing to transportation infrastructure projects across the nation. These projects will create up to two million new direct and indirect jobs and stimulate approximately $35 billion per year in new economic activity. (Candidate Website http://www.barackobama.com/issues)

Obama will Keep Jobs in America: Obama introduced the Patriot Employer Act of 2007 to provide a tax credit to companies that maintain or increase the number of full-time workers in America relative to those outside the US; maintain their corporate headquarters in America; pay decent wages; prepare workers for retirement; provide health insurance; and support employees who serve in the military. Obama would reward U.S. companies that keep good jobs in the United States, not those that ship our jobs overseas. (Detroit Free Press, 6/3/08; Campaign Website; Patriot Employer Act of 2007, S. 1945)

Obama Tax Plan to Provide a Tax Cut for Working Families: Obama will create a new “Making Work Pay” tax credit of up to $500 per person, or $1,000 per working family. (Tampa Bay Business Journal, 5/28/08; ThinkProgress.org, 6/12/08; Tax Policy Center report, 6/11/08)
The WV AFL-CIO makes endorsements in state elections following a process of questionnaires, interviews, and a review of each candidate’s track record and positions.

For national elections the process is different because each International Union will make their own decision.

Most, but not all unions are supporting Anne Barth in her challenge to Shelly Moore Capito for the Second Congressional U.S. House of Representatives seat in West Virginia.

Barth, a long time aid to Senator Robert C. Byrd, is focusing on Capito’s support for President George Bush on key policy areas such as the war in Iraq and the economy.

On spending and the economy Barth claims Capito is in part responsible for the huge budget deficits we now have because Capito’s consistent votes with President Bush on budget and tax issues.

Barth is also calling for a plan to end the war in Iraq and claims Capito has voted to support Bush and Vice President Dick Cheney “100% of the time.”

Barth also wants more investment in local infrastructure projects and work force training.

WV AFL-CIO Endorsed Candidates

Barack Obama - President
Menis Ketchum, Margaret Workman – WV Supreme Court
Joe Manchin – Governor
Jay Rockefeller – U.S. Senate
Alan Mollahan, Anne Barth, Nick Joe Rahall – U.S. Congress
Darrell McGraw – Attorney General
Natalie Tennant – Secretary of State
John Perdue – Treasurer
Glen Gainer - Auditor

State Senate
1st Jack Yost
2nd Jeffrey Kessler
4th Rocky D. Holmes
5th Robert Plymale
6th John Pat Fanning
10th James McNeely
11th William R. Laird IV
12th Douglas Facemire
15th Clark Barnes*
17th Dan Foster

House of Delegates
1st Randy Swartzmiller
2nd Roy Givens
3rd Orphy Klempa, Tal Hutchins
4th Michael Ferro
5th Dave Pethel
7th Ron Nichols
8th Charley Webb
9th Jim Marion
10th Dan Poling, John Ellem, Brenda Brum
12th Jo Bogness Phillips
13th Dale Martin, Brady Paxton
14th Karen Coria, Jeff Martin
15th Carl Eastham, Jim Morgan
16th Amy Martin Herrenkohl, Doug Reynolds, Dale Stephens
17th Don Perdue, Richard Thompson
18th Larry Barker
19th Greg Butter, Jeff Eldridge, Ralph Rodighiero, Josh Stowers
21st Harry Keith White
22nd Daniel Hall, Linda Goode Phillips
23rd Cliff Moore
24th Mike Vinciguerra, Jr.
25th John Frazier
27th Louis Gall, Virginia Mahan, Ricky Moye, Sally Susman, Bill Wooton
28th Thomas Campbell, Ray Canterbury
29th Tom Louisos, David Perry, Margaret Staggers
30th Bonnie Brown, Nancy Guthrie, Bobbie Hatfield, Mark Hunt, Sharon Spencer, Danny Wells
31st Carrie Webster
32nd Jon Cain Sr, Carmela Ryan-Thompson
33rd David Walker
34th Brent Boggs
35th Sam Argento
36th Joe Talbott
37th Bill Proudfoot
39th Bill Hamilton
40th Mary Poling
41st Ron Fragale, Richard Laquinta, Tim Miley
42nd Mike Manypenny
43rd Mike Caputo, Linda Longstreth, Timothy Manchin
44th Barbara Fleischauer, Charlene Marshall, Alex Shook
46th Stan Shaver
48th Donna Kuhn
50th Ruth Rowan
52nd Mike Roberts
54th Walter Duke
58th Tiffany Lawrence

* WV State Building Trades

ANNE BARTH SIGNS a pledge to support the Employee Free Choice Act. The Act would make it easier for workers to join a union and be free of intimidation from their employer. Congresswoman Shelly Moore Capito has voted against the measure.

MCGRAW

CONTINUED FROM P. 1

Tony Fabrizio, the Chairman of CFIF is a partner of the international research firm Fabrizio, McLaughlin, and Associates. According to web sources he served as chief pollster and strategist for Bob Dole’s 1996 Presidential race and is recognized by the international media as a national Republican strategist and spokesman.

Another questionable group called West Virginia Citizens Against Lawsuit Abuse has repeatedly attacked McGraw.

Similarly their funding is undisclosed.

However their attacks are frequently used in a U.S. Chamber of Commerce publication called the West Virginia Record.

“They don’t disclose if the same companies Attorney General McGraw caught trying to take advantage of West Virginia’s citizens are paying for the ads,” said Steve White, ACT Director.
“IF YOU DON’T KNOW WHO THEY ARE, DON’T BELIEVE WHAT THEY SAY.”

TRADES RUN COMMERCIAL ABOUT ADS

A new TV commercial is being aired by the West Virginia State Building Trades Council regarding election advertisements.

The commercial focuses on ads being paid for by unknown groups with sympathetic names that do not disclose their funding.

With the November elections nearing new ads from groups not well known in West Virginia have begun to air.

Many question where the money comes from to pay for these ads and who these groups really represent.

The answers are not easy to find.

The State Building Trades 30 second TV commercial cautions voters to watch out for groups with sympathetic names that they are unfamiliar with. The message suggests to voters if they don’t recognize the group sponsoring an ad they should question the truth of an ad.

“We’ve seen groups from both out-of-state and in-state run ads in recent elections supporting some candidates and opposing others,” said Roy Smith, State Building Trades, Sec. Treas.

“But we can not find reports filed at the secretary of state’s office disclosing how much they spent or where the money really came from.”

West Virginia state law forbids corporations from spending money in elections.

During the 2004 election for Supreme Court wealthy coal executive Don Blankenship put millions of dollars into a group called “And for the sake of the kids” which led to the defeat of Labor backed Justice Warren McGraw and the election of Brent Benjamin.

In response the West Virginia Legislature passed a law requiring groups like “And for the sake of the kids” to disclose and limit their contributions similar to a candidate running for office.

Prior to the 2008 primary election a group from Alexandria, Virginia called “The Center for Individual Freedom” went to court and was successful in blocking most of the law requiring disclosure and contribution limits.

The group paid for an unknown number of ads in support of candidate Elliot ‘Spike’ Maynard in his bid for re-election to the Supreme Court of Appeals.

Maynard lost his election, in part because pictures of he and Don Blankenship vacationing together on the French Riviera surfaced.

Maynard had cast the deciding vote reversing a multi-million judgment against Blankenship’s employer.

He later agreed to be replaced on the court for future cases involving Blankenship.

The US Supreme Court has agreed to hear an appeal based in part on whether or not Benjamin should have withdrawn from deciding the case as well.

“There will be lots of money buying ads in this election season,” said Smith. “We think voters have the right to know who is really paying for the ads.”

TRADES MEMBERS VIE FOR HOUSE SEATS

In the upcoming November 4th election, three building trades members will be on the ballot for House of Delegates position.

Orphy Klempa, Dan Poling, Dave Walker

Orphy Klempa (D-Ohio) and Dan Poling (D-Wood), will be trying to return to their seats and Dave Walker (D-Clay), will be vying to win a seat in the 33rd District of Calhoun, Clay and Gilmer Counties.

According to outgoing State Building Trades Secretary-Treasurer Roy Smith it’s vital to have a voice for union workers in the state legislature, and who better to stand up for union workers and working families than someone who themselves is a union member.

Klempa, D-Ohio, is a service representative for the Mid-Atlantic Regional Council of Carpenters and has been a member of Carpenters Local 3 of Wheeling since 1973.

Klempa serves on the powerful House Finance Committee where he was able to pass legislation promoting craft apprenticeship programs.

Klempa also led the way for legislation aimed at stopping the hiring of unauthorized workers, which plagues the construction industry.

“It’s been an honor to serve in the West Virginia House of Delegates for the past two years representing the hard working men and woman and the small businesses of our state,” Klempa said.

“There’s still more work to do and I’m ready to roll up my sleeves again and fight for the working families of West Virginia.”

Klempa also serves as the Labor Co-Chair of Project Best, a cooperative labor management effort in the Wheeling/Steubenville area.

Poling, was appointed in 2007 to fill a vacant seat in Wood County’s 10th House District. Poling has been a member of Painters Local 1144 since 1974 and is the director of governmental affairs for Painters District Council 53.

He serves on the House Government Organization Committee and helped pass licensing laws for plumbers and sprinklerfitters.

“I think it’s important for a working person to represent working people in the legislature, not a businessman pretending to represent working people,” Poling said.

“I’ve been a working person all my life, it’s where I come from, and I don’t forget it.

“I really appreciate all the support I get from fellow labor members.

Serving in the legislature is an honor and responsibility I take very seriously,” Poling said.

Walker is running in the 33rd District of Calhoun, Clay and Gilmer Counties.

In 2002 and 2004 Walker came within a few votes of winning the seat. He’s looking for union members to go the extra mile so 2008 can be the year he wins. Walker is a member of Operating Engineers Local 132 and would be a strong advocate for working men and women in state legislature.

“For me it’s all about the working people,” Walker said. “The only reason I’m in this race is for them.

“They are the backbone of this country and their interests should be number one – not the interests of big business and banks. I’m running because the working people of the 33rd District need a voice in the legislature.”

REGISTER TO VOTE

Voter Registration ends Tuesday, October 14. Early voting starts October 15.

Every vote counts!