

**KETCHUM, WORKMAN ENDORSED BY LABOR**

# **WV SUPREME COURT OF APPEALS RACE IMPORTANT FOR TRADES**

**Perhaps the most important statewide 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 tempo-

rary 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.

Don Blankenship, CEO of Massey Energy, spent millions of dollars to unseat Justice Warren

McGraw in 2004.

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.



**CAMPAIGN SIGNS IN support of electing Menis Ketchum and Margaret Workman to the West Virginia Supreme Court of Appeals, along with other endorsed candidates are in front of the WV State Building Trades office.**

**FRIEND OF WORKING FAMILIES, RECOVERED ALMOST \$2 BILLION**

## **MCGRAW ATTACKED WITH ADS BY OUT-OF-STATE CORPORATIONS**

**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 an-

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# **THE ACT REPORT**

**SPECIAL 2008  
ELECTION EDITION**



**A PUBLICATION OF  
THE AFFILIATED  
CONSTRUCTION  
TRADES FOUNDATION**

The ACT Foundation is a division of The West Virginia State Building and Construction Trades Council. Steve Burton, President; Dave Efav, Secretary-Treasurer; Steve White, Director.

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**BUILDING AND CONSTRUCTION TRADES RECORD****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 toxic products to enter the country and disregarding the Chinese government’s long history of worker abuse. This country has lost 1.8 million jobs since China entered the WTO. (*H.R. 3450, Vote 395, 11/20/93; S. 1307, Vote 170, 6/30/05; H.R. 4444, Vote 251, 9/19/00; Economy Policy Institute, 10/9/07; Des Moines Register and www.BigThink.com interview, 11/07*)

**McCain Has Voted for Every Other Bad Trade Agreement:** McCain votes in support of any and all trade agreements regardless of their negative impacts on U.S. workers. He voted for CAFTA and trade agreements with Oman, Singapore, Chile and Morocco, among others, as well as for Fast Track bills to make it easier for the President to enact trade deals without strong worker 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*)

# NOVEMBER ELECTION ENDORSEMENTS

**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

1<sup>st</sup> Jack Yost

2<sup>nd</sup> Jeffrey Kessler

4<sup>th</sup> Rocky D. Holmes

5<sup>th</sup> Robert Plymale

6<sup>th</sup> John Pat Fanning

10<sup>th</sup> James McNeely

11<sup>th</sup> William R. Laird IV

12<sup>th</sup> Douglas Facemire

15<sup>th</sup> Clark Barnes\*

17<sup>th</sup> Dan Foster

14<sup>th</sup> Karen Coria, Jeff Martin

15<sup>th</sup> Carl Eastham, Jim Morgan

16<sup>th</sup> Amy Martin

Herrenkohl, Doug

Reynolds, Dale Stephens

17<sup>th</sup> Don Perdue, Richard Thompson

18<sup>th</sup> Larry Barker

19<sup>th</sup> Greg Butcher, Jeff Eldridge, Ralph

Rodighiero, Josh Stowers

21<sup>st</sup> Harry Keith White

22<sup>nd</sup> Daniel Hall, Linda

Goode Phillips

23<sup>rd</sup> Clif Moore

24<sup>th</sup> Mike Vinciguerra, Jr.

25<sup>th</sup> John Frazier

27<sup>th</sup> Louis Gall, Virginia

Mahan, Ricky Moye, Sally

Susman, Bill Wooton

28<sup>th</sup> Thomas Campbell,

Ray Canterbury

29<sup>th</sup> Tom Louisos, David

Perry, Margaret Staggers

30<sup>th</sup> Bonnie Brown, Nancy

Guthrie, Bobbie Hatfield,

Mark Hunt, Sharon Spencer, Danny Wells

31<sup>st</sup> Carrie Webster

32<sup>nd</sup> Jon Cain Sr, Carmela

Ryan-Thompson

33<sup>rd</sup> **David Walker**

34<sup>th</sup> Brent Boggs

35<sup>th</sup> Sam Argento

36<sup>th</sup> Joe Talbott

37<sup>th</sup> Bill Proudfoot

39<sup>th</sup> Bill Hamilton

40<sup>th</sup> Mary Poling

41<sup>st</sup> Ron Fragale, Richard

laquinta, Tim Miley

42<sup>nd</sup> Mike Manypenny

43<sup>rd</sup> Mike Caputo, Linda

Longstreth, Timothy

Manchin

44<sup>th</sup> Barbara Fleischauer,

Charlene Marshall, Alex

Shook

46<sup>th</sup> Stan Shaver

48<sup>th</sup> Donna Kuhn

50<sup>th</sup> Ruth Rowan

52<sup>nd</sup> Mike Roberts

54<sup>th</sup> Walter Duke

58<sup>th</sup> Tiffany Lawrence

\* WV State Building Trades

### House of Delegates

1<sup>st</sup> Randy Swartzmiller

2<sup>nd</sup> Roy Givens

3<sup>rd</sup> **Orphy Klempa**, Tal Hutchins

4<sup>th</sup> Michael Ferro

5<sup>th</sup> Dave Pethtel

7<sup>th</sup> Ron Nichols

8<sup>th</sup> Charley Webb

9<sup>th</sup> Jim Marion

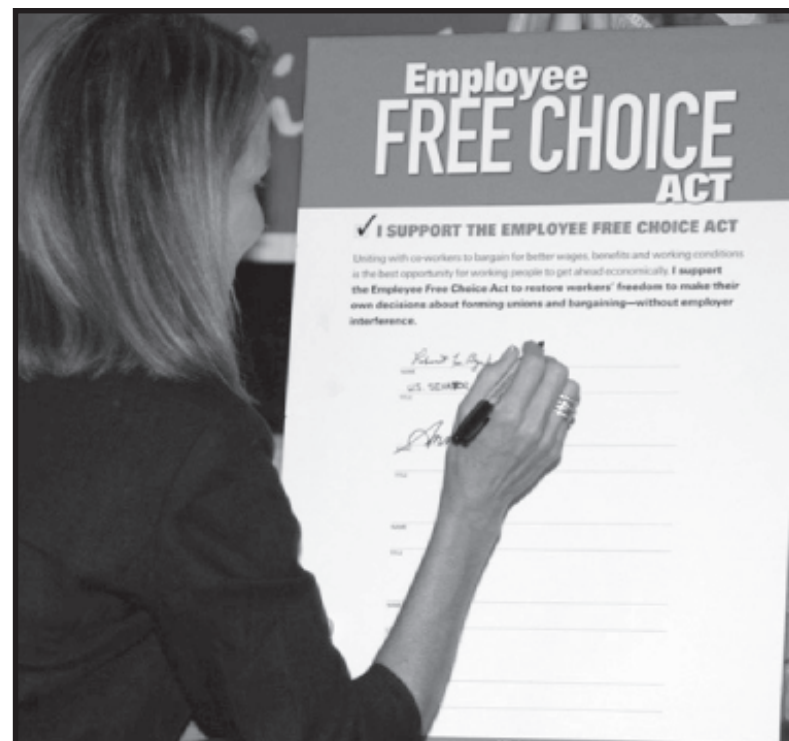
10<sup>th</sup> **Dan Poling**, John

Ellem, Brenda Brum

12<sup>th</sup> Jo Boggess Phillips

13<sup>th</sup> Dale Martin, Brady

Paxton



**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*

swers about who funds the organization.

On its website CFIF states it "relies on private financial support from individuals, associations, foundations and corporations."

However, it does not identify which corporations or foundations financially support it.

In 1999 Thomas Humber, the President and CEO of the National Smokers Alliance, a front group originally created with funding from Philip Morris wrote to Lorillard Tobacco Company requesting financial support.

Humber wrote to Lorrillards Ron Milstein that "I would even like to talk with you about a development project, the Center for Individual Freedom, which might be of interest to Lorrillard's parent or associated companies," he wrote.

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 states 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 in-

volving 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."

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**ORPHY KLEMPA, DAN POLING, DAVE WALKER**

## 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 Klempla (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.

Klempla, 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.

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

Klempla 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," Klempla 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."

Klempla 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!