

CONGRESSIONAL CANDIDATE QUESTIONNAIRE

Response from Liz Carter, nominee for Georgia District 4 House of Representatives

Section One: Employees' Rights Issues

1. The Fraternal Order of Police strongly supports *H.R. 235/S. 484, the "Social Security Fairness Act,"* which would repeal both the "Windfall Elimination Provision" (WEP) and the "Government Pension Offset" (GPO) in current law. The WEP penalizes certain public employees who also worked in the private sector and paid into the Social Security system, through a substantial reduction in their benefits, because they also collect a government pension. The GPO provision in current law causes the reduction or elimination of the spouse's or widow(er)'s benefit from Social Security by two-thirds of the monthly amount received from the government pension. What is your position with respect to the GPO and WEP, and will you support legislation like *H.R. 235* and *S. 484*?

I support H.R. 235

2. In 2001, the Commission to Strengthen Social Security (CSSS) issued a report which rejected a scheme to mandate participation in Social Security for newly hired State and local government employees currently outside the Social Security system. Will you pledge to oppose any plan which includes a provision mandating participation in the Social Security system for either current or newly hired State and local government employees that do not currently participate in Social Security?

Yes

3. The Fraternal Order of Police strongly supports legislation which provides minimal collective bargaining rights for public safety employees (i.e., law enforcement officers and firefighters). What is your position on public employee collective bargaining and will you support passage of legislation like *H.R. 413/S. 1611, the "Public Safety Employer-Employee Cooperation Act,"* that guarantees basic rights for public safety employees? Would you also support similar provisions that would allow uniform and non-uniform Federal law enforcement officers to unionize and engage in collective bargaining?

Yes, I support H.R. 413

4. If you were a Member of the U.S. House of Representatives in the 111th Congress, how did you vote on 1 July 2010 on the second amendment considered under H. Res. 1500 (Roll Call Vote #430)?

N/A

5. If you were a Member of the U.S. House of Representatives in the 110th Congress, how did you vote on H.R.980 (Roll Call Vote #633)?

N/A

6. If you were a Member of the Senate in the 111th Congress, how did you vote on H.R. 4899, the “Supplemental Appropriations Act” (Recorded Vote #xxx)?

N/A – However I would have vote Yes. Congressman Johnson voted No on 7/27/2010

7. If you were a Member of the Senate in the 107th Congress, how did you vote on invoking cloture to end debate on S. Amdt. 2044 (Recorded Vote #323)?

N/A

8. The Fraternal Order of Police strongly supports legislation which would articulate the rights of law enforcement officers who are, in a number of jurisdictions, denied their due process rights by police administrators and management. Will you actively and publicly support legislation, such as *H.R. 1972, the “Law Enforcement Officers’ Procedural Bill of Rights Act,”* protecting the due process rights of law enforcement officers in non-criminal, administrative proceedings?

Yes

9. The Fraternal Order of Police strongly supports *H.R. 673, the “Law Enforcement Officers’ Equity Act,”* which would expand the definition of “law enforcement officer” under the Civil Service Retirement System and the Federal Employees Retirement System to include all Federal police officers, as well as Customs and Immigration Inspectors. What is your position regarding the current disparity in the pay and benefits provided to law enforcement officers across the Federal government, and what measures will you support to ensure parity among the Federal government’s first responders? Are you currently a cosponsor of, or will you pledge to support legislation such as *H.R. 673*?

I would support.

10. 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?

Yes

11. 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?

I do support creating an equitable pay system for law enforcement officials based on responsibility, location and performance.

12. If you were a Member of the U.S. House of Representatives in the 110th 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?

N/A

13. If you were a Member of the U.S. Senate in the 110th 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?

N/A

14. 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?

Where I support keeping the Defined Benefit plans, this truly is an issue at the State level and the involvement of the Federal government is not appropriate. However, the legislation for collective bargaining rights will greatly benefit public safety employees and their ability to negotiate and keep defined benefit plans.

15. 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?

I would like to have members of the FOP on an advisory board and work with my office. In addition, I would like to do a minimum of two “FOP Town Hall” meetings each year.

Section Two: Criminal Justice Issues

1. The Fraternal Order of Police was the chief advocate for the passage of **H.R. 218/S. 253, the “Law Enforcement Officers’ Safety Act,”** which was signed into law in July 2004. The law exempts qualified active and retired law enforcement officers from State and local prohibitions on the carrying of concealed firearms. If you were a Member of the 108th Congress, were you a cosponsor of either of these bills and did you support the measure when it was put to a vote?

(REFERENCES: House Roll Call Vote #237, 106th Congress, 18 June 1999; House Committee vote, 108th Congress, 16 June 2004; and Senate Recorded Vote #26, 108th Congress, 2 March 2004)

N/A

2. The FOP supports **H.R. 3257/S. 1132, the “Law Enforcement Officers’ Safety Act Improvements Act,”** which would make minor changes to 18 USC 926B and 926C—the Federal law of the same name. The FOP supports this amendment package to ensure that retired officers are treated fairly by their States with respect to implementing the Federal law and to clarify the authority of Federal law enforcement officers under 18 USC 926B and 926C. Are you a cosponsor of these bills? What is your position on this legislation?

I would support this legislation.

3. The FOP supports legislation which would increase the penalties for threats and violence against law enforcement officers, judges, and courtroom personnel—including making the murder or attempted murder of a law enforcement officer employed by an agency that receives Federal funds a capital offense. The legislation also imposes time and other substantive limits on Federal courts’ review of *habeas corpus* petitions challenging a State court conviction for killing a law enforcement officer, judge, or other public safety officer and incorporates an existing provision of the Federal *habeas* statute that is used to determine whether a defendant may file a successive petition or seek a new evidentiary hearing in Federal court. If you were a Member of the Senate in the 110th Congress, were you a cosponsor of **S. 1235, the “Daniel Faulkner Law Enforcement Officers’ and Judges’ Protection Act,”** and would you agree to cosponsor such a bill if elected?

I would support and cosponsor.

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?

Yes.

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

Murder

6. In December 2006, as the FOP marked the 25th anniversary of the murder of Philadelphia Police Officer Daniel Faulkner by Wesley Cook, who is better known by his alias, Mumia Abu-Jamal, a small town in the suburbs of Paris decided to name a street after this killer. Similarly, a Chicago alderman proposed several years ago to name a street in honor of a Black Panther thug named Fred Hampton, who advocated the killing of police officers. If you were a Member of the House in the 109th Congress, how did you vote on final passage for H. Res. 1082, which condemned the actions of St.-Denis, France in honoring a murderer (*Roll Call Vote #527*), and, as a Member of Congress, what actions will you take to deter or condemn efforts by local, State, Federal or foreign governments to honor those who kill or urge the killing of our nation’s police officers.

What actions will you take to curb politically-motivated attacks on law enforcement officers and what steps will you take to reinforce the public confidence in police?

Our first responders and public safety officials must be considered and viewed as part of our National Security. Where I do not support “federalizing” these roles, I do believe they should be treated with the same respect and manner as our military. More awareness needs to be provided to the public and education on the role of our first responders and the service to our communities that is provided.

Zero tolerance should be given to those who condone and promote the killing of our nation’s police officers.

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?

I agree with the FOP and we need to enforce the laws and treaties we have in place. I believe no “aid” should be provided to countries that knowingly provide safe harbor of criminals, promote violence within the U.S., and who will not extradite those individuals.

8. If a Member of the 111th Congress, are you a cosponsor of *H.R. 872/S. 428, the “Freedom to Travel to Cuba Act,”* or *H.R. 4645, the “Travel Restriction Reform and Export Enhancement Act”*?

N/A

9. If a Member of the House Committee on Agriculture in the 111th Congress, how did you vote on 30 June 2010 on *H.R. 4645*?

N/A

10. “Racial profiling,” once a political buzzword and a favorite topic of the media, disappeared from the headlines following the attacks on the United States on 11 September 2001. The FOP has condemned the practice and asserted that it is not the policy of any U.S. law enforcement agency to base enforcement decisions solely on race.

However, legislation which would prohibit this practice continues to be introduced in Congress. If a Member of the 110th Congress, were you a cosponsor of *H.R. 4611/S. 2481, the "End Racial Profiling Act,"*? How do you define "racial profiling"? Do you believe that Federal legislation is necessary to address this issue and if so, what would the legislation do?

Racial profiling is profiling an individual based on their racial appearance. I do not support racial profiling but believe that there are times when common sense and identification is confused with racial profiling or racial profiling is wrongfully claimed. In a post 9/11 times, I believe we need to care more about security than being politically correct.

11. The FOP has expressed concern that critics of the enactment of the recent State statute in Arizona, *Senate Bill 1070, the Support Our Law Enforcement and Safe Neighborhoods Act*, state that law enforcement officers will engage in racial profiling despite the fact that this practice is illegal. Law enforcement officers know the meanings of the terms "reasonable suspicion" and "probable cause." What is your position on local and State enforcement of immigration law, be it State or Federal?

The Federal government needs to enforce our immigration laws. It is shameful that Arizona had to take matters into their own hands because the Federal Government would not and that this administration felt it appropriate to sue one of our own States. I am a strong supporter of the 287g program that is currently in multiple counties in Georgia and would like to see it implemented across the country.

12. True immigration reform requires action by the Federal government. The FOP believes that any legislation reforming our nation's immigration system must provide for greater security at our nation's borders, aggressive enforcement of immigration law internally, and enhanced penalties against businesses and individuals that exploit and traffic in illegal laborers. Do you agree? What elements do you see as most important for a comprehensive immigration reform bill?

I agree. We must first secure all our borders, as this is a matter of National Security. We need to make "legal" immigration the only option – fix legal immigration process, expand visas for temporary, seasonal, agricultural and other industries. Those who have come here "illegally" need to leave and apply from their home country. Employers need an enhanced employee verification system that is secure and timely. Last but certainly not least, we must enforce and enhance employer penalties for employing illegal immigrants.

13. In October 2009, Congress passed and the President signed into law the *Local Law Enforcement Hate Crimes Prevention Act*, which expanded the definition of "hate crimes." If a Member of the 111th Congress, how did you vote on passage of *H.R. 913* (Roll Call Vote #223) or on cloture for *S. Amdt. 1511* (Recorded Vote #233)? What is your position on this issue generally and would you consider making the murder or other crimes of violence that targeted law enforcement officers a crime of hate?

I do not like the "hate crime" expansion because we are now placing higher penalties based upon thought or reason instead of the action itself. For the general

public, the act of violence from an individual should be treated equally. Example – a 21-year-old white male beats an 18-year-old female and she later dies in the hospital, he is convicted of manslaughter and receives a minimal sentence because he did not “intend” to kill her. Or a 21-year-old white male beats an 18-year-old female and she later dies in the hospital, but during the trial it is exposed that the female was a lesbian, he is convicted of manslaughter and of a hate crime and receives a maximum sentence. How are the lives of the females different?

Acts of violence against our law enforcement should be treated at a higher penalty- that individual is specifically targeting an individual who is serving the country and is a public official.

14. In 1996 Congress passed the “Domestic Violence Offender Gun Ban,” or “Lautenberg Law,” as it is popularly known. The language was a small part of the huge “Omnibus Consolidated Appropriations Act,” a must-pass bill enacted on the final day of the 104th Congress. There were no hearings and very little debate on the measure which, for the first time in the history of federal gun control, affected law enforcement officers and members of the military. The law provides a Federal firearms disability for any person convicted, regardless of the date of conviction, for a misdemeanor offense in which domestic violence is an actual or statutory element. The law has had no demonstrable impact in the fight against domestic violence to date, is not being properly enforced on military personnel, and is aimed only at active duty law enforcement officers under the current enforcement strategy. Because of liability concerns, good police officers are losing their jobs for minor offenses committed long before the law passed. What is your position with respect to this law, and would you support legislation to amend it by making its application prospective from the date of original enactment for all persons?

I would need to see further research and studies before taking a stance.

15. Federal funding for State and local law enforcement is vital, especially given the increased homeland security responsibilities of State and local agencies. How will you work to ensure continued Federal funding for traditional law enforcement programs and activities?

I will promote legislation that classifies law enforcement as a crucial part of our national security and funds appropriate levels, programs, activities and training.

16. The FOP has consistently maintained, throughout the several debates on homeland security funding legislation, that the first priority of the homeland security effort is preventing a terrorist attack and that the “all hazards” approach of the U.S. Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) compromises this priority. The FOP believes that Federal funding does not sufficiently reflect the prevention goal and is geared instead towards purchasing equipment and training to respond to the aftermath of a critical incident. What is your view on the “all hazards” approach and how do you think it impacts law enforcement’s role in the war on terror in terms of access to Federal funds?

I agree, there is not a strong enough focus on the prevention of attacks and appropriate funding has not been provided. Local law enforcement is the first responder and should also be utilized as the federal “eyes and ears” on the street. We must view local law enforcement as part of our national security infrastructure and strategy.

17. The FOP strongly supported the REAL ID Act because law enforcement officers need to have confidence that the documents presented to them to establish the identity of a given individual are accurate. Officers rely on these documents during traffic stops and other law enforcement actions to access information related to that individual’s criminal history. Did you support the REAL ID Act and will you continue to support it and adequate funding to States for its implementation?

Yes.

18. Congress is considering repealing REAL ID by enacting *H.R. 3471/S. 1261, the “Providing for Additional Security in States’ Identification (PASS ID) Act.”* If a Member of the 111th Congress, are you a cosponsor of this legislation?

N/A

19. 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?

Again, law enforcement should be viewed as part of our national security and have access to appropriate equipment, including military specification standards.

20. 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?

I do not support any additional gun control legislation.

21. 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 would like to have members of the FOP on an advisory board, hold regular meetings with the FOP leadership and hold bi-annual FOP town hall meetings to discuss activities relating to criminal justice.