

**Congress of the United States**  
**Washington, DC 20515**

December 1, 2009

The Honorable Elizabeth Dougherty  
Chairman  
National Mediation Board  
1301 K Street, NW  
Suite #250  
Washington, DC 20005

The Honorable Harry Hoglander  
Member  
National Mediation Board  
1301 K Street, NW  
Suite #250  
Washington, DC 20005

The Honorable Linda Puchala  
Member  
National Mediation Board  
1301 K Street, NW  
Suite #250  
Washington, DC 20005

Dear Chairman Dougherty and Members Hoglander and Puchala:

We are writing in support of a proposal released by the National Mediation Board (NMB) that would allow representation elections governed by the NMB to be conducted the same way that every other democratic election is in this country - allowing for the majority of those voting to determine the outcome. Conducting elections on such established norms is a matter of fairness and should finally be extended to workers in both the aviation and rail industries.

Unlike other workers in this country, organizing under the NMB presents unique hurdles for aviation and rail employees who desire representation. In no other election procedure in our country do we require an absolute majority of all eligible voters to participate in order for the election to be valid. In fact, no election procedure, including union representation elections conducted outside the RLA, counts voters who chose not to participate as "No" votes.

If we applied the NMB's voting threshold to those running for office, thousands of elected federal, state and local officials would never hold public office. Records show that nationwide voter participation was below 50 percent in every mid-term election since 1930. Based on these statistics, applying the same eligible voter participation threshold

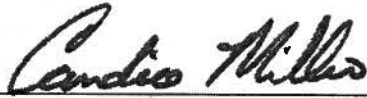
to these elections, many current Senators and Representatives would find it impossible to retain their seats.

We understand that the Railway Labor Act, which was designed to protect the rights of workers to organize and bargain collectively, does not itself require the NMB to conduct elections in this manner. In fact, the Board is granted broad discretion in setting its election policies and procedures as reinforced by the Supreme Court, and is free to amend its Representation Manual as it has done throughout its history.


We believe that is a fundamental matter of fairness for workers governed by the Railway Labor Act to have the same opportunity to determine the question of representation through the same democratic method practiced in other industries and throughout our society. We see no reason to continue to subject aviation and rail workers to this undemocratic process. The NMB should amend its Representation Manual by updating its election procedures to allow for a majority of those voting to choose union representation.

Thank you for consideration of our views.

Sincerely,



Rep. Candice Miller



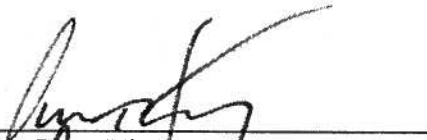
Rep. Thaddeus McCotter



Rep. Frank LoBiondo



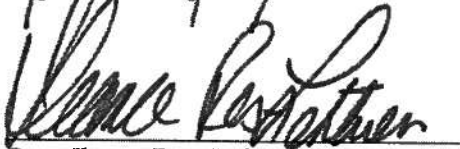
Rep. Steve LaTourette



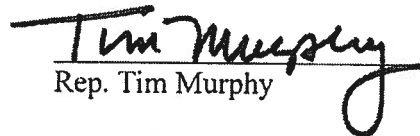
Rep. Peter King



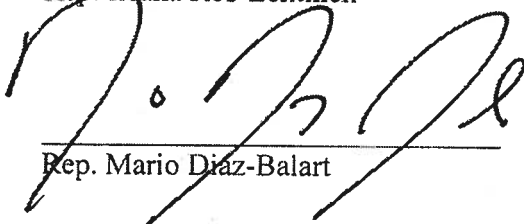
Rep. Christopher Smith



Rep. Heana Ros-Lehtinen



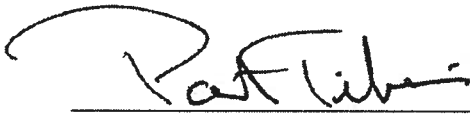
Rep. Tim Murphy

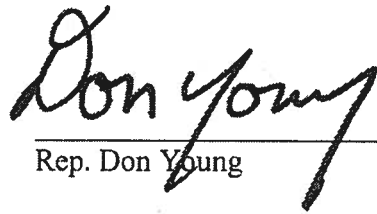


Rep. Mario Diaz-Balart



Rep. Timothy V. Johnson

  
Rep. Patrick J. Tiberi

  
Rep. Don Young

  
Rep. David G. Reichert