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On Night of Decade's Biggest Trade Vote, Rep. Charlie Taylor Was Missing in Action; Lack of Vote Contributed to CAFTA's Passage

Public Citizen Launches CAFTA Damage Report to Track Misguided CAFTA Votes and Non-Votes; Taylor's Shifting Excuses Don't Add Up, Show North Carolina Representative Was Either Dishonest or Egregiously Failed to Represent Constituents

WASHINGTON, D.C. – The political future of Rep. Charles Taylor (R-N.C.) faces growing uncertainty after his failure to vote on the Central America Free Trade Agreement (CAFTA) contributed to CAFTA passing by a two-vote margin on July 27, said Public Citizen's Global Trade Watch.

"We have heard from numerous outraged Taylor constituents – Republicans and Democrats alike – who hold Taylor personally responsible for passing CAFTA because he was missing in action on this crucial vote and his vote would have helped change the course of history and stopped CAFTA," said Lori Wallach, director of Public Citizen's Global Trade Watch. "They are not buying the ever-changing explanations coming from Taylor's office about how he did vote but somehow his vote was not recorded. Instead, they are focusing on the fact that Taylor absolutely failed in his most basic responsibility as a congressman – to represent them and save them from the damage that Taylor himself warned CAFTA would wreak on their jobs and communities."

Taylor had long been a public opponent of CAFTA. "I have voted against all of these trade pacts and will vote against CAFTA,"¹ he said shortly before the House vote on the controversial CAFTA expansion of the North American Free Trade Agreement (NAFTA) to six more countries. Taylor has often spoken about how our current trade model is destroying businesses, jobs and communities in his district.

Yet on the night of the vote, when CAFTA eked through Congress by a 217-215 vote, Taylor was one of only two lawmakers in the 435-member House of Representatives listed as not having cast a vote. Had Taylor and the other missing representative, Jo Ann Davis (R-Va.), also a CAFTA opponent, not been missing in action, their "no" votes on the most high-profile trade measure to come before Congress in a decade would have sent CAFTA to a 217-217 defeat. The next day, Taylor claimed that he had voted, but that a technical error had caused his "no" vote to go unrecorded and that although he was watching the vote in a nearby Capitol office, his staff could not find him. He also claimed that he didn't realize during the hour that vote was held open that his vote had not registered.

"Whether it was by choice or because of incompetence, the result is the same: Because Rep. Taylor did not make sure that his precious vote was counted on what everyone knew would be an incredibly close decision, he contributed to CAFTA's passage and people in his district are among those who will be hurt the worst by NAFTA expansion," said Wallach.

Observers have questioned Taylor's explanations for why his vote was not counted. The Republican House leadership held open the CAFTA vote for nearly an hour while they tried to round up votes. During this time, Taylor

claimed to be watching C-SPAN, which broadcast the CAFTA vote live from the House floor and which featured commentators mentioning Taylor's non-vote.² Further, when members of Congress cast their votes by placing bar-coded voting cards into one of the voting machines located on the House floor, they look at the electronic score board to make sure their votes have been properly registered. The scoreboard is perched over the House floor and lists each member's name and vote in bright red lights in a display that is readable even from the farthest gallery two stories above the House floor. If votes do not register properly, or if representatives think they inserted the card into the wrong slot, they can turn in a colored paper ballot or walk up to the well of the House where the recording clerk sits and manually cast their vote by telling the clerk how they want to be recorded.

Taylor released a statement the day after the vote claiming that he did in fact vote against CAFTA but blamed his "lost" vote on a machine error.³ Soon after his initial statement, Taylor's staff offered different and contradictory stories of what happened. Originally his press secretary claimed that Taylor had not been on the floor during the customary voting time and cast his vote only at the end of the allocated time, suggesting that as a result, he had no opportunity to realize the technical problem.⁴ However, the office quickly changed its story, announcing that Taylor had voted during the official 15-minute voting period and then had left the House floor with Rep. Howard Coble (R-N.C.) in an attempt to escape GOP House leaders who might pressure them to change their votes.⁵ Taylor claims that he and Coble "voted 'no' together."⁶ However, Coble recalls that he and Taylor met up after Coble voted. "I didn't see him [Taylor] insert the card," Coble said.⁷ Taylor says he and Coble then retreated to an Appropriations Committee office in the U.S. Capitol and watched the voting on C-SPAN with the sound turned off and that it was not until the next morning he discovered that his vote went uncounted, although Coble's chief of staff reportedly did hear Taylor's name mentioned on C-SPAN and tried to contact Taylor.⁸

The next version of the story, also offered by his staff, involved yet another new claim: that Taylor had mistakenly used the wrong voting card, somehow taking last year's voting card to the floor with him for the CAFTA vote.⁹ This seems unlikely, considering that Taylor successfully voted on numerous resolutions earlier in the day on July 27 and even managed to register his vote on the resolution calling the CAFTA bill up for a vote at 8:15 p.m., which is the vote that initiated debate on the measure.¹⁰ Furthermore, the following morning, shortly before his office released a statement on his CAFTA non-vote, Taylor successfully cast another vote, this time on agreeing to the conference report on the energy bill.¹¹

However, assuming that Taylor had been extremely careless with this important vote and that his vote was not counted because of any one of these explanations, the notion that an hour could elapse during which Taylor could not be located to remedy his mistake is unbelievable. All members of Congress wear official beepers that are used to contact them for legislative business which, as representatives often joke, makes it nearly impossible for those who do seek to avoid being found to escape. Washington press reports covering the lack of support for CAFTA had cited Republican House leaders' plans to persuade some Republican representatives who planned to oppose CAFTA to miss the vote. After the CAFTA vote, *Congressional Quarterly* reported that House Republicans had expected only "a total of 432 votes to be cast because one House seat is vacant [...] and because the leaders were willing to allow two reluctant Republicans to sit out the vote."¹² They needed to line up 217 yes votes to ensure a victory. And indeed, CAFTA was passed 217-215 with two representatives who had indicated they would oppose CAFTA not voting.

"People at home are wondering whether Rep. Taylor took a walk after caving in to GOP House leadership pressure to either vote 'yes' or not vote," Wallach said. "It is hard to believe that a seven-term congressman really could have mistakenly failed to have his vote recorded on such important, high-profile legislation. But even assuming he did not intend to take a walk on this important vote and somehow did not see on the TV broadcast he was watching that his was one of the missing votes, what kind of representation are folks in the 11th district getting if Taylor's staff did not have the competence to find him and fix the problem over the course of the extra hour the vote was held open?"

Both in Washington, D.C., and at home, political observers were shocked that Taylor would expose himself to the political liability of missing the CAFTA vote, whether by incompetence or intention. Taylor's non-vote stands in stark contrast to votes of other Republican members who opposed CAFTA and made sure that their words translated into "no" votes. For example, Taylor's fellow North Carolinian Patrick McHenry stood firm and voted against the agreement, later commenting that "[p]ressure is all a part of politics. I want people to know when I pledge something, I

do it.”¹³ Other anti-CAFTA Republicans stood by their pledges despite extreme pressure and threats by the GOP House leaders. For instance, North Carolina’s Walter Jones not only made sure his vote was counted but bravely put his convictions that CAFTA was bad for North Carolina and the nation into action by serving as the key leader organizing other Republicans to oppose CAFTA even as the GOP leadership tried to cut highway funds for his district and bully him with other punitive actions.¹⁴

Taylor’s Democratic opponent for the 2006 election, Heath Shuler, already is gaining traction by criticizing Taylor’s non-vote.¹⁵ Taylor, who has faced past corruption charges related to various business dealings (two of Taylor’s associates, one of whom was a major campaign contributor, the other a co-owner with Taylor of Blue Ridge Savings Bank, were recently convicted of bank fraud, with both of them testifying that Taylor had full knowledge of their illegal activities¹⁶), represents a seat that unlike the vast majority of House seats is considered to be a “swing” seat.

“If the Republican leadership had to resort to passing CAFTA by pushing a Republican representing a vulnerable district who is publicly on the record against CAFTA to take a walk, it really reveals the level of national opposition to NAFTA expansion and how desperate the Republicans had become on this vote,” said Wallach.

Taylor’s stated opposition to CAFTA and his previous votes against trade agreements and Fast Track trade authority legislation¹⁷ made sense given the damage NAFTA-style trade agreements have done to North Carolina. North Carolina lost 237,800 manufacturing jobs between 1994 and 2004,¹⁸ with the Department of Labor certifying 49,776 people as having lost their job because of NAFTA in just one narrow job loss program.¹⁹ Taylor’s district has been hit hard, as manufacturing jobs continue to disappear. For example, in 1997 a Dayco Productions factory in Waynesville, N.C., moved to Mexico, taking with it 765 jobs.²⁰ In 2002, 600 people in Taylor’s hometown of Brevard lost their jobs when the town’s major employer, a paper mill, shut its doors.²¹ The situation has been so bleak that Transylvania County, which lies in Taylor’s district, has been called a “poster child for plant closings.”²² With this clear evidence of how the NAFTA model hurts his voters, Taylor had been vocal about his opposition to CAFTA.

“When you are one of the deciding votes on NAFTA expansion, words don’t count – votes count – and Taylor being MIA on the CAFTA vote means he now bears full responsibility for the damage it will do to the folks at home,” said Wallach.

Public Citizen has launched the *CAFTA Damage Report*, which will be regularly updated and available at www.tradewatch.org, to monitor CAFTA’s effect on North Carolina’s businesses, working families, consumers and communities.

Background:

Public Citizen’s Global Trade Watch has studied over 90 deals taken by members of Congress for trade votes during the period 1992-2004, and found that over 80 percent of promises on such deals were not kept or were reversed by subsequent events. We divided these deals into pure pork barrel promises, of which 70 percent were broken; and ameliorative policy fix promises, of which 90 percent were broken. For our full report, “Trade Wars – Revenge of the Myth: Deals for Trade Votes Gone Bad,” please visit <http://www.citizen.org/documents/tradewars.pdf>

¹ Editorial, “For an issue as important as CAFTA, Taylor should have made sure his vote counted,” *Asheville Citizen-Times*, August 2, 2005.

² Ibid.

³ Rep Charles Taylor, “Statement from Rep. Taylor regarding CAFTA vote,” Congressional Press Release, July 28, 2005.

⁴ Julie Ball, “Taylor’s staff changes story on missing trade vote,” *Ashville Citizen-Times*, July 30, 2005.

⁵ “Josh Marshall Interview with Howard Coble,” *TPM Café*, June 28, 2005.

http://www.talkingpointsmemo.com/archives/week_2005_07_24.php#006179.

⁶ Rep Charles Taylor, “Statement from Rep. Taylor regarding CAFTA vote,” Congressional Press Release, July 28, 2005.

⁷ Josephine Hearn, “Reverberations from CAFTA vote are still being felt on the Hill,” *The Hill*, August 3, 2005.

⁸ Julie Ball, “Taylor’s staff changes story on missing trade vote,” *Ashville Citizen-Times*, July 30, 2005; Editorial, “For an issue as important as CAFTA, Taylor should have made sure his vote counted,” *Asheville Citizen-Times*, August 2, 2005.

⁹ Brian Sarzynski, “Taylor’s CAFTA problem,” *Mountain XPress*, August 10, 2005.

¹⁰ “Final Vote Results for Roll Call 442,” Clerk of the House, July 27, 2005. <http://clerk.house.gov/evs/2005/roll442.xml> .

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- ¹¹ Political blogger Josh Marshall spoke to Taylor's office around 1:08 p.m. at which time Taylor's office had still not released a statement. See Josh Marshall, *TPM Café*, July 28, 2005. http://www.talkingpointsmemo.com/archives/week_2005_07_24.php#006175 The official vote count for the Conference Report on the Energy Bill was recorded at 1:10 p.m. See "Final Vote Results for Roll Call 445," <http://clerk.house.gov/evs/2005/roll445.xml>. While Taylor's press release asserts that the House Clerk's computer log shows that he voted on CAFTA, repeated attempts by newspapers such as the *Ashville Citizen-Times* to speak with someone in the Clerk's office have gone unanswered. See Julie Ball, "Taylor's staff changes story on missing trade vote," *Ashville Citizen-Times*, July 30, 2005.
- ¹² Brian Sarzynski, "Taylor's CAFTA problem," *Mountain XPress*, August 10, 2005.
- ¹³ Mary M. Shaffrey, "N.C. Votes and a nonvote, crucial to CAFTA," *Winston-Salem Journal*, July 29, 2005.
- ¹⁴ Darren Goode, "Three Anti-CAFTA Republicans Have Road Projects Slashed," *Congress Daily*, August 5, 2005.
- ¹⁵ "Taylor's failure to vote on CAFTA draws criticisms," *The Associated Press*, July 28, 2005.
- ¹⁶ Jim Morrill, "Dems ad raps Taylor for fraud ties," *Charlotte Observer*, July 11, 2005.
- ¹⁷ "Charles Taylor on Free Trade," ActiVote, http://activote.ontheissues.org/AVA/House/Charles_Taylor.htm.
- ¹⁸ Bureau of Labor Statistics, Current Employment Statistics Survey, All Employees, Manufacturing Super Sector. Counted from most recent manufacturing employment peak in 1998.
- ¹⁹ Bureau of Labor Statistics Trade Adjustment Assistance numbers, available on Public Citizen's Web site.
- ²⁰ Bureau of Labor Statistics Trade Adjustment Assistance numbers, available on Public Citizen's Web site.
- ²¹ Jon Ostendorff, "Ecusta closing sinks spirits in Brevard," *Ashville Citizen-Times*, August 16, 2002.
- ²² Dale Neal, "Transylvania works towards brighter job future," *Ashville Citizen-Times*, August 15, 2003.