



NATIONAL RIGHT TO WORK NEWSLETTER

VOLUME 58, NUMBER 2

www.nrtwc.org

February 2012

Major Right to Work Victory in the Midwest *Indiana Becomes the 23rd State to Abolish Forced Union Dues*

Just as this edition of the National Right to Work Newsletter went to press, Indiana became the 23rd state to adopt a Right to Work law prohibiting union officials from taking money from employees' paychecks as a condition of getting or keeping a job.

In the late afternoon on January 25, a 54-44 majority in Indiana's state House of Representatives stood up to taunts and threats emanating from the hundreds of union bosses and other Big Labor militants who had been crowding the halls of the capitol for hours.

Consequently, H.B.1001, a measure making it illegal to fire employees for refusal to pay dues or fees to an unwanted union, was adopted and sent to the state Senate.

On February 1, the Senate, which had already passed another version of the Right to Work legislation, 28-22, approved H.B.1001 and sent it to GOP Gov. Mitch Daniels's desk.

Heeding the pleas of thousands and thousands of Hoosiers who passionately oppose compulsory unionism, late last year Mr. Daniels had publicly announced he was strongly in favor of making Indiana a Right to Work state.

Keeping his word, Mr. Daniels proceeded to sign the Right to Work measure into law once he got the chance.

Landmark Victory Comes Only After Nearly a Decade of Intense Mobilization Efforts

Right to Work's Indiana victory could never have occurred without many years of careful preparation.

In 2003, Indiana citizens who were determined to free themselves and their



After years of intensely lobbying their elected officials and mobilizing their fellow citizens, pro-Right to Work

Hoosiers saw a measure prohibiting forced union dues and fees signed into law this month.

fellow Hoosiers from the shackles of compulsory unionism launched what they knew from the start would be a sustained, and often difficult, effort to pass a Right to Work law.

Subsequently, the organization these citizens put into high gear in 2003, the Indiana Right to Work Committee, mobilized an ever-loudening drum beat of support for employee freedom and built up opposition to forced unionism in the state Legislature.

Over the course of the long campaign, the Indianapolis-based

Right to Work group repeatedly benefited from the counsel and experience of the National Right to Work Committee.

And National Committee members and supporters who live in the Hoosier State have been the bulwark of the Indiana Right to Work campaign. This campaign undertook major mobilization efforts in the last four election cycles and secured three "unsuccessful" roll-call votes in the

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Victory Will Have Enormous Impact

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state House prior to last month's successful one.

"The principle behind H.B.1001 is that no political authority should empower a labor union or any other private organization to extort financial support from people who don't want to be members," said National Committee President Mark Mix.

Forced Unionism Is 'Morally Wrong,' and It Is Also An 'Economic Albatross'

"Compulsory unionism is wrong, plain and simple. Moreover, it is an economic albatross for Indiana and many other states and for America as a whole as our economy struggles to recover from the worst recession in decades," Mr. Mix continued.

"Indiana couldn't afford to ignore the fact that forced unionism hinders economic growth. Disparate state trends in employee compensation, that is, wages, salaries, bonuses and benefits, illustrate well the Right to Work advantage.

"From 2000 to 2010, the inflation-adjusted outlays of private-sector businesses increased by an average of 11.3% in the 22 Right to Work states. That increase is roughly 16 times as great as the 28 forced-unionism states' combined 0.7% rise over the same period.

"Indiana was one of just five states, all lacking Right to Work laws, to suffer from negative real private-sector compensation growth over the past decade. In 2010, Hoosier businesses' real compensation expenditures were 4.0% less than they had been in 2000.

"And Indiana's abysmal economic record can't be explained away by uncontrollable factors, such as its Midwestern location.

"From 2000 to 2010, real private-sector employee compensation in the Midwestern Right to Work states -- Iowa, Kansas, Nebraska, North Dakota, and South Dakota -- increased by an average of 11.5%. All five of these states enjoyed compensation growth greater than the national average."

From the beginning of this year's legislative session, union strategists and their puppet politicians in the Indiana

capitol were well aware of the fact that they lacked sufficient votes to block Right to Work passage in either legislative chamber.

Right to Work Bill Passed House Only After Weeks of Legislative 'Hide and Seek'

That's why, time and again last month, Big Labor Minority Leader Pat Bauer (D-South Bend) directed his caucus to stay away from the House floor and thus deny the pro-Right to Work majority the quorum it needed to proceed with consideration of H.B.1001.

Consequently, it took weeks of legislative "hide and seek" before proponents of Right to Work were finally able to get the legislation to the floor and pass it this year. In 2011, Mr. Bauer and his cohorts had actually fled the state and stayed away

for five weeks to preserve the forced-unionism status quo.

"What were all of Big Labor's obstruction and vituperative personal attacks on Right to Work supporters about?" asked Mr. Mix rhetorically.

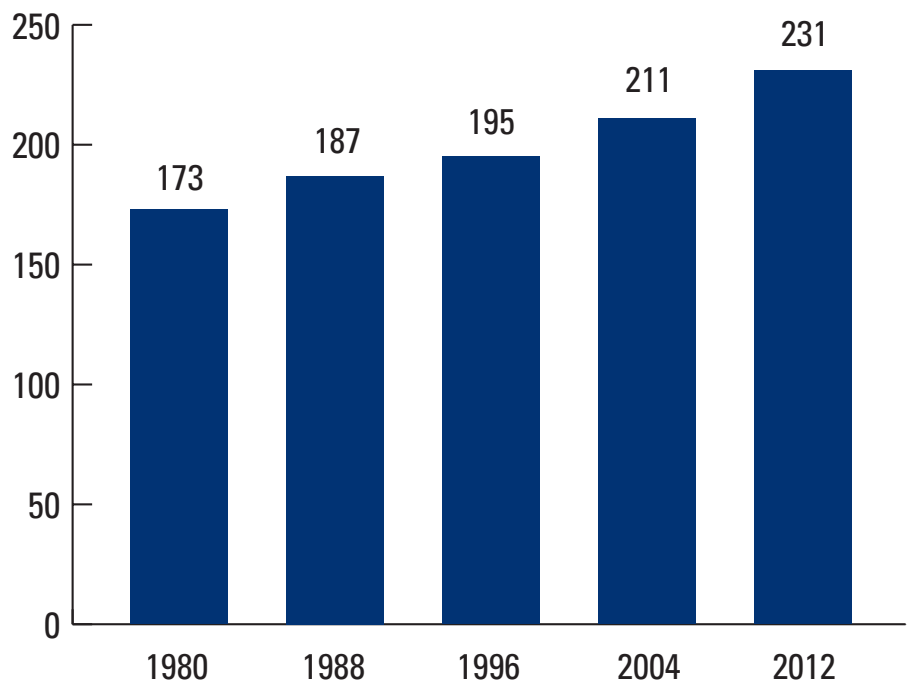
"They were simply intended to forestall a reform that will protect the individual employee's freedom and help Indiana's private payrolls start growing again.

"I know that Hoosier Right to Work leaders agree with me that the victory they have just achieved makes everything they have had to endure over the past nine years worthwhile.

"And this victory will have an impact extending far beyond Indiana. It will encourage freedom-loving citizens in New Hampshire, Michigan, Missouri, Maine, Wisconsin, Minnesota and Pennsylvania to push even harder for enactment of laws banning forced union dues and fees."

A special report on Right to Work's Indiana victory will be published together with this Newsletter's next edition.

Right to Work States' Rising Share Of Presidential Electoral Votes



Source: National Institute for Labor Relations Research

With Indiana, the number of electoral votes carried by Right to Work states will rise to 231. Simply by winning

them, a candidate can garner 86% of the electoral votes needed to become President.

Hoosiers Deliver Clear Message to Congress

Indiana Right to Work Battle 'Really Resonates With Americans'

Hoosier legislators' approval early this year, by decisive margins in both chambers of the General Assembly, of H.B.1001, a measure making Indiana America's 23rd Right to Work state, is giving a boost to freedom-loving citizens' efforts to secure votes in the U.S. Congress on national Right to Work legislation.

Wall Street *Journal* "Potomac Watch" columnist Kim Strassel alluded to the potential impact of a Right to Work victory in Indiana on a Fox News broadcast aired January 14, just as the battle at the state capitol in Indianapolis was heating up:

"This is an issue in Indiana that really resonates with Americans . . . 'Are you going to be forced to join a union and pay dues?' Most Americans don't agree with that. If Republicans can frame that in a national debate, it definitely helps them."

Bad Federal Policy Is the Reason Indiana Had to Pass a Right to Work Law

Mark Mix, president of the National Right to Work Committee, later commented on Ms. Strassel's observation:

"Of course, scientific surveys regularly show rank-and-file Democrats and Independents, as well as rank-and-file Republicans, overwhelmingly oppose compulsory unionism.

"But in national politics and in many states like Indiana, Big Labor at this time owns Democrat elected officials, lock, stock and barrel. Therefore, Kim Strassel was absolutely correct in saying that Republican elected officials can benefit greatly by highlighting the importance of the Right to Work issue.

"Clearly, it's time for Congress to consider the National Right to Work Act [H.R.2040/S.504], which would repeal the federal labor law provisions authorizing forced union dues."

H.R.2040 and S.504 would abolish the 1935 National Labor Relations Act (NLRA) provisions and 1951 Railway Labor Act (RLA) amendment that authorize the firing of employees for refusal to pay union dues or fees.

Because it denies employees who oppose irresponsible union bosses' straight-jacket work rules and hate-the-



Mark Mix: "The only reason Hoosiers had to battle against the Big Labor machine for years to enact a

Right to Work law is that Congress imposed forced unionism on their state . . ."

boss class warfare the freedom to fight back by cutting off their dues, current federal labor law ultimately slows productivity growth and makes America poorer.

"Right to Work supporters' entirely appropriate jubilation over our Indiana victory shouldn't cause us to forget that it's Congress, not any state legislature, that spawned the evil of private-sector forced union dues in the first place," said Mr. Mix.

"The only reason Hoosiers had to battle against the Big Labor machine for years to enact a Right to Work law is that Congress imposed forced unionism on their state, just as it did on 49 other states.

"Even once Indiana's Right to Work is fully in effect, because of federally-imposed loopholes union bosses will still wield the power to get airline and railroad employees and employees on so-called 'exclusive federal enclaves' fired for refusal to pay dues or fees."

Congress Has the Duty To Correct the Evil Federal Labor Policy Sustains

"Fortunately," Mr. Mix added, "H.R.2040 and S.504 would close these loopholes, which were drilled into every state Right to Work law by Congress and the federal courts.


"The Indiana victory shouldn't blind us to the fact that Congress even today is perpetuating the problem of private-sector forced union dues. Ultimately, Congress must solve it once and for all by passing the National Right to Work Act."

Mr. Mix said hearings and a floor vote on H.R.2040, introduced by pro-Right to Work Congressman Steve King (R-Iowa) and now sponsored by a total of 72 House members, would be good first steps.

"Because the Committee and Sen. Jim DeMint [R-S.C] successfully pressed for a floor roll call on forced-dues repeal in 2009, Big Labor senators seeking reelection this year are feeling the heat from their constituents for voting against Right to Work," Mr. Mix explained.

"If Speaker John Boehner [R-Ohio] now keeps his 2010 campaign pledge to allow a House recorded vote on forced-dues repeal, concerned citizens will know as well which House members support employees' freedom of choice, and which are Big Labor stooges.

"That alone will make a major difference.

"Poll after poll shows nearly 80% of Americans who regularly vote in federal elections support the Right to Work principle." 

Pundits, Labor Policy Specialists Explain Why Right to Work's Right For Indiana, America

I submit that the real [Right to Work] debate is about unions' fear that if this legislation passes, members will run out the door and their decline will be hastened. Instead of unions fighting [Right to Work], they should ask why their members would want to leave in the first place

Abdul Hakim Shabazz, editor, Indypolitics.com
Indianapolis Star, January 11, 2012

[U]nion contracts do not have to cover nonunion employees. The Supreme Court has repeatedly affirmed unions' ability to negotiate "members only" contracts. Unions voluntarily negotiate contracts covering all workers, members and nonmembers alike.

They do so because union contracts benefit some workers at the expense of others. Unions do not want to let the workers they hurt opt out. . . . Unions want everyone under their contract, especially those they hold back.

James Sherk, senior policy analyst in labor economics,
Heritage Foundation
Miami Herald, January 7, 2012

I think this is really almost a life-and-death issue for Indiana. Twenty percent of Indiana's workforce is in manufacturing They have got to be competitive with the southern tier of [Right to Work] states we saw on the map, or those companies will inevitably migrate. There's a lot of outmigration in Indiana right now. The level of real incomes is falling because of all the manufacturing going to the [Right to Work] South. It is a make-or-break deal for Indiana

Dan Henninger, deputy editorial page editor, *Wall Street Journal*
"Journal Editorial Report," Fox News, January 14, 2012

How significant is the lack of a [Right to Work] law in Indiana? We estimate if Indiana had adopted such a law in 1977, . . . Indiana's personal income in 2008 would have been \$241.9 billion, 8.4 percent more than the actual \$223.2 billion. Nearly \$19 billion in annual income was lost because of Indiana's lack of a [Right to Work] law. Alternative statistical estimates yield slightly smaller but still highly robust results.

Richard Vedder, economics professor, Ohio University
(and two coauthors)
"Right-to-Work and Indiana's Economic Future," January 2011

[T]he fact of the matter is that, if the record of other right-to-work states is any evidence, this bill, which Gov. Daniels is expected to sign by Feb. 5, will give Indiana's economy a real competitive edge over other Midwestern states, forcing them to consider similar bills. For example, as I noted some months ago, there is a credible effort afoot to make Michigan a right-to-work state, something unthinkable even five years ago given the near-complete chokehold of unions on this state for over half a century.

Shikha Dalmia, senior policy analyst, Reason Foundation
Reason magazine blog, January 26, 2012

Young people, for example, are flocking to right-to-work states. From 2000 to 2010, right-to-work states saw a 9.2 percent increase in the number of residents aged 25-34, according to the National Institute for Labor Relations Research. In the same decade, forced-union states saw that demographic shrink.

Patrick Gleason, director of state affairs,
Americans for Tax Reform
(and one coauthor)
Politico, January 25, 2012

The passion with which Big Labor fights right-to-work helps explain why so many Americans have abandoned unions. The labor movement was born in freedom and choice. That's not where it stands any more.

Jeff Jacoby, syndicated newspaper columnist
Boston Globe, February 1, 2012

'President Obama Is the Only Choice'

Big Labor Now Pouring Forced Dues Into 2012 Re-Election Campaign

At this writing, it may be a number of weeks or even months before Americans know for certain which Republican challenger will be facing off against Democratic President Barack Obama as the latter seeks reelection this November.

But top Big Labor chieftains like Dennis Van Roekel, president of the 3.1 million-member National Education Association (NEA) teacher union, aren't waiting to find out. Mr. Van Roekel and his union cohorts endorsed Mr. Obama for reelection last July, *16 months* before 2012's general elections.

Also giving 2011 endorsements to "four more years" for Mr. Obama were the hierarchies of the two million-member Service Employees International Union (SEIU) and the 1.6 million-member American Federation of State, County and Municipal Employees (AFSCME/AFL-CIO) union.

Gerald McEntee, AFSCME president, explained the union elite's motivation with a tip of the hat to "Occupy Wall Street" radicals: "President Obama is the only choice for the 99 percent."

Big Labor Spent \$1.4 Billion on Politics, Lobbying in 2009-2010

Mr. Van Roekel, Mr. McEntee, SEIU President Mary Kay Henry, and other union bigwigs are already eagerly turning the focus of their armies of state and local union officers and other paid staff to politics because they know reelecting President Obama and Vice President Joe Biden could prove quite difficult.

"Barack Obama vowed during the fall 2008 campaign to help the U.S. economy come back strong from the recession that was then underway," recalled Mary King, vice president of the National Right to Work Committee.

"Instead, ever since the recession finally ended in the summer of 2009 we have had what is by key measures the weakest recovery of the post-World War II era. And the Obama Administration's relentless efforts to expand forced unionism since it took office have clearly helped foster this weakness.



CREDIT: REUTERS.COM

AFL-CIO President Richard Trumka and other union kingpins are expected to spend well over a billion dollars, mostly

forced-union-dues money, on politics and lobbying in this election cycle. President Obama will benefit greatly.

"That's why, if there's a viable alternative to Barack Obama this fall, key 'swing' voters are likely to flock to it."

But Big Labor is prepared to spend well over a billion dollars this year, most of it forced-union-dues money, to prop up the Obama-Biden ticket and other pro-forced unionism politicians.

"A recent National Institute for Labor Relations Research analysis conservatively estimated that the union machine spent a total of \$1.4 billion on politics and lobbying in the 2009-2010 election cycle," recalled Ms. King.

"Forced dues-fueled treasuries paid for union phone banks, get-out-the-vote drives, propaganda mailings, and much more. Such hidden, 'in-kind' support for candidates dwarfs direct union PAC contributions."

Challenger Who Offers a Clear Alternative Vision Can Defeat Barack Obama

"Thanks to his union sugar daddies' largesse, President Obama has a far better shot at winning reelection than he otherwise would," Ms. King continued.

"But a GOP nominee who offers a clear alternative to Mr. Obama's

relentless promotion of compulsory unionism can defeat him, for all the forced-dues money the Big Labor machine can generate.

"Poll after poll shows that roughly 80% of Americans who regularly vote in federal elections agree no employee should be forced to pay union dues just to get or keep a job."

Three of the four GOP candidates who remain in the presidential race as this month's Newsletter goes to press -- Newt Gingrich, Ron Paul, and Rick Santorum -- are now courting such citizens by pledging 100% support for Right to Work if elected.

Only Mitt Romney continues to refuse to respond to his National Right to Work Committee candidate survey.

Ms. King urged pro-Right to Work Americans everywhere, especially residents of primary states, to continue intensely lobbying Mr. Romney, and thanking the other GOP hopefuls for opposing forced unionism.

"There's still time for Mitt Romney to stand up for the Right to Work. That would ensure freedom-loving Americans have a 'choice, not an echo' in this fall's presidential race," Ms. King concluded. 🇺🇸

Big Labor 'Medicine' Making Illinois Sicker

Compulsory-Unionism Stronghold State Drowning in Taxes and Debt

In early 2012, as the national economy continues struggling to recover from the severe 2008-2009 national recession, many states are in financial dire straits. But Big Labor-dominated Illinois is very arguably the worst fiscal basket case of all.

Early last month, Moody's Investors Service downgraded Illinois debt to A2, finding its creditworthiness to be the worst of any of the 50 states, including even government union-controlled California. In its report, Moody's specifically berated Illinois's "weak management practices."

On January 22, a Chicago *Tribune* editorial observed: "Deadbeat Illinois owes some \$8.5 billion in old bills, tax refunds, employee health insurance and interfund borrowing debts. That's roughly one-fourth the state's spending this year from its general funds." Over and above that, Illinois has "nearly \$200 billion in debts and unfunded obligations."

Burdened by labor policies authorizing union monopoly bargaining and forced union dues and fees in both the private and public sectors and a tax and regulatory climate that are hostile to private-sector job and income growth, the Prairie State has been in trouble for a long time.

Big Labor 'Cure-All' For Rapidly Rising Government Debt: Massive Tax Hikes

But Illinois's outlook grew even bleaker after union-label Democratic Gov. Pat Quinn and like-minded



CREDIT: WWW.CHICAGONOW.COM

Union-label Illinois Gov. Pat Quinn has run up his state's public spending and debt to Greece-like levels.

legislators acted in January 2011 to put the state, in the governor's words, "back on sound fiscal footing."

Having been narrowly reelected in November 2010 with the help of millions of forced-dues dollars pumped into his campaign by the union political machine, Mr. Quinn quickly won legislative approval of a package of tax hikes designed to extract an additional \$7.5 billion a year from hardworking Illinoisans.

Among the tax increases enacted with Big Labor's enthusiastic support were a whopping 67% increase in the marginal tax rate for households and a huge 46% increase in the rate for incorporated businesses.

State Senate President John Cullerton (D-Chicago) and House

Majority Leader Barbara Flynn Currie (D-Chicago), both union-boss lackeys, insisted the purpose of the massive tax hikes was to "pay off our old debt" and "deal with the structural deficit."

In reality, Illinois has sunk even deeper into its fiscal morass over the last year.

But the tax hikes have enabled government union bosses to perpetuate throughout Illinois's public sector, at the average citizen's expense, outrageous featherbedding and counterproductive work rules.

Union lobbyists have also kept in place, with only cosmetic changes, a perverse public pension system encouraging healthy employees in their mid-fifties to retire with full benefits.


'Why Is Scott Walker, Rather Than Pat Quinn, Facing a Recall Vote?'

Increasingly Greece-like Illinois presents a telling contrast to its northern neighbor Wisconsin, where GOP Gov. Scott Walker pushed through, over union chiefs' noisy protests, legislation rolling back forced union dues and monopoly bargaining in the public sector while Mr. Quinn was hiking taxes.

Over the past year, Mr. Walker's reform package has, according to Moody's, brought Wisconsin's finances "closer to a structural budgetary balance." Mr. Walker and his allies also balanced this year's budget, without approving any new taxes.

"Wisconsin shows how a state can get government spending back under control and create a better climate for private-sector growth by curtailing public-sector union bosses' special privileges," said National Right to Work Committee Vice President Matthew Leen.

"Meanwhile, Illinois shows just how deadly the combination of higher taxes and unrestrained monopolistic government unionism can be to a state economy.

"Why is Scott Walker, rather than Pat Quinn, facing a recall vote this year? The obvious answer is, the union bigwigs who are financing the Wisconsin recall drive are motivated solely by crass self-interest, and care nothing about the good of the state." 

NATIONAL RIGHT TO WORK NEWSLETTER

www.nrtwc.org

February 2012

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Constitutional Balance Shaken

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Mark Mix, president of the National Right to Work Committee.

Indeed, the resumés of two of the recess appointees Mr. Obama named last month include years of employment as professional advocates of compulsory unionism.

One of the new NLRB members, Sharon Block, has over the past couple of years been employed in the Obama Labor Department as deputy assistant secretary for congressional affairs. Ms. Block has reported directly to Labor Secretary Hilda Solis, one of the most rabid proponents of forced unionism in Washington, D.C.

Previously, Ms. Block helped lead the charge for enactment of "card check" forced-unionism legislation as senior labor and employment council for the Senate HELP Committee. At that time, Ms. Block worked directly for dyed-in-the-wool Big Labor partisan Sen. Ted Kennedy (D-Mass.), who passed away in 2009.

Employers May Be Forced to Hand Worker Phone Numbers, E-Mail Addresses to Union Dons

The other new NLRB appointee, Richard Griffin, was at the time of his selection employed as the top lawyer for the International Union of Operating Engineers (IUOE), notorious for its corruption- and violence-ridden locals in the Northeast.

On the board, Ms. Block and Mr. Griffin are almost certain to be soul mates of Obama-appointed Chairman Mark Pearce, another ex-union lawyer.

Over the next few months, unless they are stopped by Congress or the federal court system, Mr. Pearce, Ms. Block, and Mr. Griffin are poised as a three-member NLRB majority to impose sweeping changes to the current procedures under which Big Labor may obtain monopoly-bargaining power over workers.

Among the harmful proposals the NLRB is reportedly considering are new rules mandating that the employer hand over employee phone numbers and e-mail addresses to union organizers at the outset of each certification campaign.

"Current NLRB rules already seriously infringe on employees' privacy by requiring employers to hand over their names and their physical addresses to union officials," said Mr. Mix.

"But the new scheme Chairman Pearce is pushing for would expose employees who don't sign a union card or promise to vote for a union to even more intense Big Labor intimidation."

On January 13, attorneys for the National Right to Work Committee's sister organization, the National Right to Work Legal Defense Foundation, filed a motion in federal court challenging the purported recess

appointments to the NLRB President Obama had made nine days earlier.

The Foundation motion asked a federal judge to rule on the constitutionality of all three appointees.

"President Obama has already shown time and again that he is willing to abuse his executive authority to help Big Labor dragoon more workers into forced-dues-paying ranks," said Mr. Mix, who is president of the Foundation as well as the Committee.

"Now Mr. Obama is jeopardizing the very constitutional balance of our country in order to pay off his union benefactors."

Committee Will Consider 'All Appropriate Means' to Protect Independent Employees

Mr. Mix vowed that, even as the Foundation pursued its legal efforts, the Committee would work closely with Capitol Hill allies to craft one or more measures to halt the current illicitly constituted Obama NLRB in its tracks.

"Before we can pass federal forced-dues repeal and other much needed labor law reforms, we have to stop the union hierarchy from seizing even more monopolistic power over American business employees and employers," Mr. Mix warned.

"The Committee is now prepared to consider all appropriate means, including both a congressional cut-off of funds for implementation of the NLRB's proposed overhaul of union certification rules and defunding the NLRB entirely, to protect independent employees and firms." 📌



CREDIT: THE U.S. LABOR DEPARTMENT



CREDIT: CHALLENGER COMMUNITY NEWS



CREDIT: IUOE LOCAL 49

A majority of the members now on Barack Obama's NLRB have experience as professional Big Labor advocates.

Sharon Block helped the late Sen. Ted Kennedy (D-Mass.) try to ram through his "card-check" forced-unionism

scheme. Mark Pearce (center) and Richard Griffin worked for years as union lawyers.

Presidential Power Abused at Big Labor's Behest

Right to Work Fights Back Against 'Illegal' NLRB Appointments

Under Article II, Section 2 of the U.S. Constitution, the President has the power to appoint "officers of the United States," but only "by and with the advice and consent of the Senate."

The Constitution makes it clear that only in cases when "vacancies . . . happen during recesses of the Senate" may the President make temporary "recess" appointments to offices that normally require confirmation by Congress's upper chamber.

Unfortunately, in his eagerness to please union officials Inside the D.C. Beltway, a tiny but crucial constituency for his re-election bid this year, Democratic President Barack Obama is now seeking to render the Constitution's "advice and consent" requirement for executive appointments effectively meaningless.

Early this January, the Senate was not in recess. For several weeks starting last December 20, the Senate was instead in a "pro forma" session during which it did not meet every day, but did periodically conduct business under "unanimous consent" agreements.

No one can reasonably argue that this "pro forma" session was tantamount to a recess. Article I, Section 5 of the Constitution states that neither the House nor the Senate may over the course of a Congress "adjourn for more than three days" without "the consent of the other."

A La Humpty Dumpty, Mr. Obama Insists 'Recess' Means Whatever He Says It Means

As syndicated columnist Michael Barone has explained: "The House did not consent to the adjournment of the Senate this year, so there is no recess, and hence no constitutional authority to make recess appointments."

Defiantly ignoring all of the above, the President made three recess appointments on January 4 to the powerful, five-member National Labor Relations Board (NLRB) -- even though the Senate was manifestly not in recess.

Mr. Obama and his Justice Department have attempted to justify this move by effectively asserting that it is the President's prerogative to declare that the Senate is in recess at any



Last year, the NLRB general counsel President Obama had appointed without Congress's consent waged legal warfare on

Boeing's South Carolina employees. Mr. Obama's 2012 "recess" appointees to the NLRB itself could do even more damage.

moment when the chamber is not actually conducting business.

The constitutional definition of "recess" cannot be used to restrict the President's appointment power, claim Mr. Obama et al. A la Humpty Dumpty as envisioned in Lewis Carroll's *Through the Looking Glass*, the Obama team insists "recess" means just what they choose it to mean, "neither more nor less."

Top union bosses publicly egged on the White House to embrace this extraordinary and unprecedented view of executive power because they are relying heavily on NLRB activism to help them corral hundreds of thousands, if not millions, of additional workers into unions every year.

Two 2012 Recess Appointees Have Been Professional Forced-Unionism Advocates

Last month, to Big Labor's alarm, the NLRB stood to become temporarily toothless, with three of its five seats vacant. As the U.S. Supreme Court stated in *New Process Steel*, the NLRB may not issue valid decisions without a three-member quorum.

If union kingpins' goal had been merely to keep the NLRB functioning this year, Mr. Obama could easily have satisfied them without breaking the law.

At Mr. Obama's request, the Senate, in which after all union-label Democrats hold a 53-seat majority, would have quickly approved a pro-forced unionism package of nominees as long as they didn't appear to be too radical. And a filibuster of any candidate with "mainstream" credibility would be unlikely to succeed.

But AFL-CIO President Richard Trumka and other union bigwigs demand far more from Mr. Obama than a functioning NLRB that will protect the extraordinary statutory privileges Big Labor already enjoys, but not try to rewrite federal law so as to greatly intensify its pro-forced unionism bias.

"The only way President Obama could satisfy the union brass was to make illegal NLRB appointments of nominees with such extreme track records they probably couldn't have been confirmed by the Senate," charged

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