

NEWS RELEASE

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AG STRANGE FILES BRIEF TO U.S. SUPREME COURT, JOINED BY 16 OTHER STATES, CHALLENGING UNCONSTITUTIONAL PRESIDENTIAL APPOINTMENTS

(MONTGOMERY)--Alabama Attorney General Luther Strange filed a brief today on behalf of Alabama and 16 other States in the Supreme Court of the United States, arguing President Obama violated the Constitution when he tried to make three appointments to the National Labor Relations Board without seeking the approval of the Senate. The case is *National Labor Relations Board v. Noel Canning*.

In 2011, President Obama failed to gain Senate confirmation for his nominees to the NLRB, the federal agency that regulates disputes between business and labor groups. President Obama then tried to put these nominees on the agency through language in the Constitution that allows appointments without Senate approval during a Senate "recess." The States' brief argues that the Senate was not in recess at the time the President made these appointments. The brief also argues the President had failed to gain Senate approval because Senators were concerned that his previous appointments were undermining state laws promoting growth and individual freedom. In particular, the States discuss a complaint, filed by President Obama's appointee as NLRB general counsel, against the Boeing Company when it decided to build a plant in South Carolina. South Carolina, like many of the States joining this brief, has a "right to work" law guaranteeing its citizens the right to work for a particular employer without joining a union.

Alabama and the 16 other States joining the brief argue that the question before the Court concerns "the President's attempt to circumvent the system of checks and balances" in the Constitution. They argue that the NLRB has special capacity to undermine states laws and "in recent years, the agency has upset the federal balance in unprecedented ways," including the complaint filed against Boeing. The States further argue that the requirement that President obtain approval from the States' representatives in the Senate is "an important check" on federal overreaching. They conclude that "proper respect" for the Constitution "requires the President to seek the Senate's consent for the appointments he wishes to make for important federal offices."

Attorney General Strange made the following comment about the States' brief: "I am thankful the Attorneys General in so many other States understand how important this case is for the Constitution. The President cannot work an end-run around the Senate for the sake of a labor agenda that is contrary to both federal and state law. In this area and all others, the President must cooperate with the Senate, and he must follow the law."

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