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9900 MAIN STREET SUITE 303 · FAIRFAX, VA 22031 · PHONE: 703.383.0880 · FAX: 703.383.5288 · WWW.GETLIBERTY.ORG

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Denise Boucher
Director, Office of Policy, Reports and Disclosure
Office of Labor-Management Standards
Employment Standards Administration
U.S. Department of Labor
200 Constitution Ave., NW, Suite N-5609
Washington, DC 20210

Submitted Via Regulations.gov

RE: RIN 1215-AB75, Form T-1, Trusts in Which a Labor Organization is Interested

Dear Ms. Boucher:

As you know the Labor-Management Reporting and Disclosure Act (LMRDA) is a law designed to provide for full disclosure of union finances. The Department should be reminded that the title of the Act is not the "Labor-Management Hiding and Obfuscation Act." Unfortunately the Department now seems headed at a great rate of speed to eliminate any meaningful reporting of union finances.

The rulemaking referenced above deals with two separate issues, the Form T-1 and the Department's interpretation of which intermediate bodies are covered by the LMRDA.

For detailed analysis of the many problems and flawed reasoning found in the Department's Notice of Proposed Rulemaking (NPRM) as regards the Form T-1 please see the comments of the U.S. Chamber of Commerce.

My comments deal with the Department's proposal to change its interpretation as to which intermediate bodies are covered by the LMRDA.

I would first note that the Department has apparently developed a newfound fondness for the phrase, "now believes." Essentially the Department now wants the public to have faith that they are doing the right thing, because they "believe" it so. While faith based decision making is proper in certain contexts, the regulatory context is certainly not the place for such a decision making framework.

In examining the issue of coverage of intermediate bodies under the LMRDA the Department completely ignores the benefit of transparency that will flow to those union members whose dues are transferred into an intermediate body. The Department would now deny that transparency to union members and the public. The Department would have us believe that transparency and accountability are the highest of evils that could possibly be imposed on an intermediate body. The Department alludes to objections from the regulated community while failing to note that those who rip off their members are naturally disinclined to acquiesce to full transparency and accountability.

The Department also attacks the examples used claiming that the final rule "was based on only two examples concerning the flow of money in two unions." 75 Fed. Reg. 5456, 63. The Department completely fails to realize that the examples used were illustrative not exhaustive. The examples used prove the point and as such any further examples would have been entirely superfluous.

Rather than working feverishly to turn union financial transparency into a financial black hole the Department should get back to work investigating and bringing to justice those union leaders who steal from their members. The LMRDA was designed to protect union members' monies, not union leaders spending habits. The Department by aligning itself with union leaders instead of union members is standing on the wrong side of the Act.

Based on the foregoing the Department should not rescind the Form T-1 regulation and should not change its interpretation of LMRDA coverage of intermediate bodies.

Sincerely,

William Wilson
President