



ALAN WILSON
ATTORNEY GENERAL

March 4, 2011

Dear Members of Congress:

Today, I joined the Attorneys General of Arizona, South Dakota, and Utah in sending the attached letter to Lafe Solomon, Acting General Counsel of the National Labor Relations Board, regarding constitutional amendments protecting the right to a secret ballot passed by overwhelming majorities in each of the four states.

The letter memorializes recent communications (chronicled below) between the states and the NLRB which have broken down over the NLRB's request for a confidentiality agreement.

The letter states that "the people of our States have spoken via these amendments, and we do not want a confidentiality agreement to limit our ability to explain to them our course of action in this matter." Since the NLRB threatened federal litigation against the states on January 13, 2011, the following communications have taken place:

On January 27, 2011, we, the four Attorneys General, sent a joint letter to the NLRB providing clear legal analysis showing that constitutional amendments are consistent with federal law and pointing out that federal litigation challenging the amendments would be unwarranted.

In that letter, we made it very clear to the NLRB that we would vigorously defend the constitutional amendments from any legal attack.

On February 2, 2011, Mr. Solomon replied to our letter agreeing that our legal analysis construes the constitutional amendments in a manner consistent with federal law.

Since receiving his letter, staff attorneys for each state participated in conference calls with the NLRB on both February 8 and 24. The calls produced zero results primarily because the NLRB would not discuss their proposal to resolve matters without a confidentiality agreement signed by the four states.

Thank you again for all you do for our state in Washington and please keep me and my office informed of developments, such as answers to the letter sent to Mr. Solomon on March 2 from our delegation in the United States Senate.

Sincerely,

Alan Wilson