



NEWS RELEASE

OFFICE OF ATTORNEY GENERAL ALAN WILSON
STATE OF SOUTH CAROLINA

For Immediate Release
May 2, 2011

Contact: J. Mark Powell
(803) 734-3670
mpowell@scag.gov

States to NLRB: Get Out of Our Way - We Need Jobs

Columbia – South Carolina Attorney General Alan Wilson and eight (8) other state attorneys general have replied to a complaint filed against Boeing Corporation by the U.S. National Labor Relations Board (NLRB). The complaint charges Boeing with the commission of an unfair labor practice, but appears to do so without legal and factual foundation. The board claims Boeing is prohibited from expanding production of its planes beyond the reach of unions currently associated with its workers in Washington State. South Carolina is a staunch right to work state.

In reality, Boeing expanded its production of 787 Dreamliners to South Carolina last year in response to increase in demand. What the NLRB complaint fails to mention is the increased demand for the planes prompted the creation of over 2,000 new jobs in Washington State first, and continued demand subsequently required an expansion facility in South Carolina.

Recognizing the dangerous precedent this aggressive action could set against the right to work, job creation, and economic growth in many states, the attorneys general wrote:

"This complaint represents an assault upon the constitutional right of free speech, and the ability of our states to create jobs and recruit industry. Your ill-conceived retaliatory action seeks to destroy our citizens' right to work. It is South Carolina and Boeing today, but will be any of our states, with our right to work guarantees, tomorrow."

"...this tenuous complaint will reverberate throughout union and non-union states alike, as international companies will question the wisdom of locating in a country where the federal government interferes in industry without cause or justification."

"Our states are struggling to emerge from one of the worst economic collapses since the Depression. Your complaint further impairs an economic recovery. Intrusion by the federal bureaucracy on behalf of unions will not create a single new job or put one unemployed person back to work."

[Read the multi-state letter to the NLRB.](#)

Earlier this year, the NLRB wrote the attorneys general of South Carolina, Arizona, South Dakota, and Utah seeking to invalidate recent state constitutional amendments that ensure workers the right to a secret ballot when determining representation. (In South Carolina, the measure was overwhelmingly approved by 86.2% of the voters in the November 2,

2010 general election and was recently ratified by the state's General Assembly.) The states refused to comply with the NLRB's demands, and the organization has now filed legal challenges against Arizona and South Dakota.

[Letter to Congress](#)



ALAN WILSON
ATTORNEY GENERAL

April 28, 2011

Dear Members of Congress:

Today, Attorneys General from across the country joined me in sending the attached letter to Lafe Solomon, Acting General Counsel of the National Labor Relations Board, regarding the NLRB's complaint against Boeing. This complaint is an ill-conceived retaliatory action filed on behalf of the labor unions.

Our letter calls on the NLRB to immediately withdraw their complaint against Boeing and to cease their attack on our state, our economy and our right to work.

As stated in the letter, "the NLRB, through this single proceeding, attempts to sound the death knell of the right to work. Additionally, this tenuous complaint will reverberate throughout union and non-union states alike, as international companies will question the wisdom of locating in a country where the federal government interferes in industry without cause or justification."

I sincerely hope that you will share our letter with your colleagues and will join us and in calling upon Mr. Solomon and the NLRB to stop their aggressive actions against South Carolina, our citizens, and our right-to-work.

As you are aware, Mr. Solomon previously threatened federal litigation against South Carolina, along with Arizona, South Dakota, and Utah over the constitutional amendments similar to the one 86.2% of South Carolina voters passed to ensure employees maintained the right to a secret ballot in a union election. This week, the NLRB announced its intention to go forward with suits against Arizona and South Dakota and that limited resources curtailed its ability to bring action against South Carolina and Utah.

Thank you again for all you do for our state in Washington and please keep me and my office informed of actions in Washington in support of our efforts to stop the NLRB's attack on our right to work.

Sincerely,

Alan Wilson



ALAN WILSON
ATTORNEY GENERAL

April 28, 2011

Lafe E. Solomon, Esquire
Acting General Counsel
National Labor Relations Board
1099 14th Street, NW, Suite 8600
Washington, DC 20570

Dear Mr. Solomon:

As Attorneys General of our respective states, we call upon you, as Acting General Counsel of the National Labor Relations Board (“NLRB”), to withdraw immediately the complaint numbered 19-CA-32431 against Boeing. This complaint represents an assault upon the constitutional right of free speech, and the ability of our states to create jobs and recruit industry. Your ill-conceived retaliatory action seeks to destroy our citizens’ right to work. It is South Carolina and Boeing today, but will be any of our states, with our right to work guarantees, tomorrow.

The right to work, uninhibited by compulsory unionism, is a precious right and is constitutionally enforceable through our states’ right to work laws. See Retail Clerks Int’l v. Schermerhorn, 375 U.S. 96 (1963). Such laws are designed to eliminate union affiliation as a criterion for employment. However, the NLRB, through this single proceeding, attempts to sound the death knell of the right to work. Additionally, this tenuous complaint will reverberate throughout union and non-union states alike, as international companies will question the wisdom of locating in a country where the federal government interferes in industry without cause or justification.

Furthermore, this complaint disrupts, and may well eliminate, the production of Boeing 787 Dreamliners in South Carolina. In fact, Boeing has expanded its operations to meet product demand in South Carolina, while adding new jobs in Washington State. The complaint charges Boeing with the commission of an unfair labor practice, but appears to do so without legal and factual foundation. This unparalleled and overreaching action seeks to drive a stake through the heart of the free enterprise system. The statements of Boeing officials cited in your complaint are the innocent exercise of the company’s right of free speech. The Supreme Court long ago made it clear that the NLRA does not limit, and the First Amendment protects, the employer's right to express views on labor policies or problems. **N.L.R.B. v. Va. Electric and Power**, 314 US 469,

Hon. Lafe E. Solomon

April 27, 2011

Page 2

477 (1941). As the Court recently reiterated in **Citizens United v. FEC**, 130 S. Ct. 876, 899-90 (2010), a corporation is not a second class citizen in terms of First Amendment protection.

Our states are struggling to emerge from one of the worst economic collapses since the Depression. Your complaint further impairs an economic recovery. Intrusion by the federal bureaucracy on behalf of unions will not create a single new job or put one unemployed person back to work.

The only justification for the NLRB's unprecedented retaliatory action is to aid union survival. Your action seriously undermines our citizens' right to work as well as their ability to compete globally. Therefore, as Attorneys General, we will protect our citizens from union bullying and federal coercion. We thus call upon you to cease this attack on our right to work, our states' economies, and our jobs.

We look forward to your immediate response.

Sincerely,

A handwritten signature in black ink that reads "Alan Wilson". The signature is written in a cursive, slightly slanted style.

Alan Wilson
Attorney General

[Signatures continue next page]

Cc: Respective Congressional Delegations

Hon. Lafe E. Solomon

April 27, 2011

Page 3



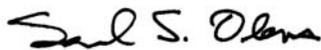
Ken Cuccinelli
Attorney General
Commonwealth of Virginia



Jon C. Bruning
Attorney General
State of Nebraska



Greg Abbott
Attorney General
State of Texas



Samuel S. Olens
Attorney General
State of Georgia



Pam Bondi
Attorney General
State of Florida



Luther Strange
Attorney General
State of Alabama



E. Scott Pruitt
Attorney General
State of Oklahoma



Tom Horne
Attorney General
State of Arizona