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'Silence is consent.'

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By Alan Wilson - Guest Columnist

The National Labor Relations Board's recent actions against Boeing and state labor laws amount to politics as usual: The president promised administrative action "to make sure that it's easier for unions to operate," and he kept that promise by stocking the NLRB with people who will do just that.

In April, the labor board filed a complaint to stop Boeing from expanding 787 Dreamliner production to South Carolina. The board has since issued a memo seeking to force companies to receive NLRB and union approval before moving a business unit. It also wants to sign off on state constitutional amendments. In May, it filed suit against South Dakota and Arizona challenging amendments guaranteeing the right to a secret ballot in union elections; it has signaled future litigation challenging similar amendments in South Carolina and Utah.

These actions jeopardize jobs and thwart economic development not just in right-to-work states such as ours but in union-friendly states as well. Why would a company want to locate to a union state knowing the federal government will block its ability to expand? The labor board's shortsightedness will not lead to an expansion in union membership, but instead cause an exodus of American jobs.

Bill Gould and Peter Schaumber, the NLRB chairmen under Presidents Clinton and Bush, respectively, have called the board's actions against Boeing "unprecedented." The National Labor Relations Act is being grossly misapplied. It does not allow the federal government to subvert private business decisions through bureaucratic overstep. The board's ill-conceived actions are frivolous and violate the rights of Boeing's stockholders and its employees.

The NLRB's leadership must remember that the agency was created to protect the rights of workers, not to wreak havoc upon prosperity and stifle job creation. When Boeing acquired Vought Aircraft in 2009, employees in Charleston exercised their rights under the law to "decertify," voting 199-68 to end their union representation. The board's actions would have the effect of nullifying that vote and subverting the will of the workers the agency was meant to protect.

The White House is dodging its responsibility in this matter by saying it does not "get involved in particular enforcement matters of independent agencies." But the labor board isn't really an independent agency. The president placed union representatives in NLRB leadership positions through recess appointments designed to circumvent the Senate's confirmation process.

These appointees have enforced their bias of labor-union longevity over private-sector prosperity. The president's silence is consent, akin to a parent in a grocery store refusing to control an unruly child. As a result, the labor board has been given the green light to wage war on commerce and industry.

Businesses understand how to create jobs. The government does not. In 1788, Alexander Hamilton warned the New York Ratifying Convention that the freedom of the states "can be subverted by the federal head" and such subversion "is repugnant to every political calculation." Our founding fathers went to great lengths to prevent an out-of-control federal government from meddling in private business decisions or circumventing constitutional amendments approved by overwhelming majorities of a state's voters.

Thankfully, the Constitution, specifically the 10th Amendment, prohibits such overreaches by federal authorities. Our founding fathers believed in a series of checks and balances to limit the federal government. If the president will not act when his appointees defy the Constitution, the states must.

As attorney general, I took an oath to defend the Constitution to ensure freedom and liberty are not eroded. Sometimes, that oath requires challenging the federal government. Unless deterred, bureaucratic agencies bent upon the destruction of capitalism will reduce America from greatness to mediocrity. That cannot stand. We must remember that America was made great by hard work and free enterprise.

Alan Wilson is the Attorney General of South Carolina.