



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,

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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

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