

## Microsoft Outlook

---

**From:** Ahearn, Richard L.  
**Sent:** Thursday, June 23, 2011 4:26 PM  
**To:** Pomerantz, Anne; Anzalone, Mara-Louise; Finch, Peter G.; Harvey, Rachel; Todd, Dianne  
**Subject:** Hot off the presses

These are strange times in U.S. labor relations, and they are getting stranger by day. The past two weeks have seen several important developments in the bizarre ongoing saga between the National Labor Relations Board and Boeing, which has become a cause célèbre for conservative politicians and pundits, even forming part of the discussion during the New Hampshire Republican presidential debate, with former Speaker of the House Newt Gingrich calling for abolition of the labor board.

So what happened? First, after more than a year of construction, Boeing opened its new billion-dollar facility in North Charleston, S.C., which will act as a final assembly plant for the 787 Dreamliner, widely considered the future of commercial aviation. Then, the NLRB started its administrative law judge hearing that will decide the fate of the complaint issued by the acting general counsel, which accuses Boeing of breaking the law by moving work from a unionized plant in Washington state to a non-union plant in South Carolina in retaliation for strike action at the union plant.

Adding to the drama, South Carolina Sen. Lindsey Graham announced that he would block President Obama's nomination for secretary of Commerce — despite the nominee being a member of Boeing's board of directors — until the president states publicly that Boeing is an "ethical" corporation. Then Boeing refused a settlement offer from the machinists union that involved keeping the disputed work in South Carolina.

Congressional Republicans, meanwhile, called a hearing of the House Oversight Committee in Charleston to "discuss" the NLRB's actions. With considerable reluctance, Lafe Solomon, the acting general counsel who issued the complaint, testified at the hearing only after Republicans threatened to subpoena him if he refused to appear. Republicans accused the NLRB of waging "class" and "regional" warfare, attacked Solomon for "prosecutorial misconduct" and quizzed him about the case — a clear threat to due process. So much for Southern hospitality.

Conservative politicians and pundits have tried to make this dispute about anything other than the key question: Did Boeing violate the law? Fox News has run stories on South Carolina workers with headlines like: "What would you do if the government tried to kill your job?" But South Carolina is not the issue — the legal issues would be identical if Boeing had transferred the jobs to the moon.

The NLRB is not telling a private company where it can and cannot do business. Under U.S. law, Boeing has a right to transfer work from Washington to South Carolina for good reasons, bad reasons, or no reason at all. But it is not allowed to transfer work for discriminatory reasons — in this case, retaliation for Washington workers exercising their right to strike.

Boeing has claimed that the NLRB complaint takes out of context remarks on the motivation behind the transfer of work. The comments in question are about as clear as one could imagine. The "overriding factor" in the decision to locate the jobs in South Carolina, Boeing's EVP explained, was the need to avoid further work stoppages.

In its defense, Boeing states that, not only has it not cut jobs in Washington, but it actually has added new jobs. True, but these new jobs involve "rework" and "out of sequence work" needed to remedy ongoing problems in Boeing's complex and dysfunctional global supply chain. When the supply-chain problems are fixed, the jobs will disappear.

Boeing also states that the South Carolina jobs are new jobs, which will surprise the workers on the 'surge line' in Washington state who are doing final assembly work on the Dreamliner, and whose work will be wound down as the South Carolina plant becomes fully functional.

So what is this really about? Though they would never say so, it is about Republicans' visceral hatred of the current NLRB and the workplace rights it protects. Republicans have been looking for an issue with which to attack the NLRB since their sweeping election victories last November. Several previous attempts floundered, but Boeing has provided red meat for those who would like to destroy the last vestiges of workers' rights in America.

If Boeing reads the situation right, it will settle this dispute. Based on the evidence so far, it probably will lose based on the legal issues. But the Republicans who have used the Boeing dispute as a pretext to attack the NLRB will never settle. For them, there always will be another reason to attack the agency mandated with protecting the right to form unions. For it is that basic right on which they have really declared war.

John Logan is professor and director of Labor Studies at San Francisco State University.