Microsoft Outlook

From: Kearney, Barry J.
Sent: Saturday, April 30, 2011 12:56 AM
To: Farrell, Ellen
Subject: Fw: CNN questions on correction

Sent from my BlackBerry Wireless Handheld

From: Kearney, Barry J.
To: Ferguson, John H.
Sent: Sat Apr 30 00:55:07 2011
Subject: Fw: CNN questions on correction

Exemption 5

Sent from my BlackBerry Wireless Handheld

From: Liebman, Wilma B.
To: Farrell, Ellen; Solomon, Lafe E.; Cleeland, Nancy; Garza, Jose; Ahearn, Richard L.; Kearney, Barry J.; Sophir, Jayme
Sent: Fri Apr 29 18:23:35 2011
Subject: RE: CNN questions on correction

Exemption 5

From: Farrell, Ellen
Sent: Friday, April 29, 2011 3:49 PM
To: Solomon, Lafe E.; Cleeland, Nancy; Liebman, Wilma B.; Garza, Jose; Ahearn, Richard L.; Kearney, Barry J.; Sophir, Jayme
Subject: RE: CNN questions on correction

We agree with Lafe. We can also point out that

Exemption 5

NLRB-FOIA-U00002904

As to #2,

Exemption 5

Ellen

Ellen Farrell
Deputy Associate General Counsel
Division of Advice, NLRB
202-273-3810
Ellen.Farrell@nlrb.gov

From: Solomon, Lafe E.
Sent: Friday, April 29, 2011 3:31 PM
To: Cleeland, Nancy; Liebman, Wilma B.; Garza, Jose; Ahearn, Richard L.; Kearney, Barry J.; Farrell, Ellen; Sophir, Jayme
Subject: RE: CNN questions on correction

As to 1,

Exemption 5

From: Cleeland, Nancy
Sent: Friday, April 29, 2011 3:16 PM
To: Solomon, Lafe E.; Liebman, Wilma B.; Garza, Jose; Ahearn, Richard L.
Subject: CNN questions on correction

The CNN Sunday morning show has spent a lot of time this week looking into our complaint about last week's show, where they aired Sen. Graham and Candy Crowley repeated some of his remarks as if they were true. Now they're coming back to us with the other side's responses. I'd appreciate any input on these questions.

On #1,

Exemption 5

On #2,

Exemption 5

Thanks

Nancy Cleeland
NLRB Director of Public Affairs
(202) 273-0222
nancy.cleeland@nlrb.gov

From: Tom Bettag [mailto:Tom.Bettag@turner.com]
Sent: Friday, April 29, 2011 1:31 PM
To: Cleeland, Nancy
Subject: Re: Senator Graham's statements

Dear Nancy,
Let me come back to you at the end of the week with where we are. We'll do something on Sunday, but it will be very short.

It seems there are two significant points, and correct me if you think there are more:
1) You say in your fact check that news organizations erroneously report that Boeing is being ordered to close its plant when it is only being challenged on its production of Dreamliners. That should be duly noted, but Boeing and Sen. Graham (among others) contend that the purpose of the plant was to specifically produce Dreamliners. I understand your point, but isn't it fair to say that both things can be true?

2) You make a point of the separation between the Board and the General Counsel and point to the show's title as being "NLRB rules against Boeing." I can only point to your news release which uses this headline: "National Labor Relations Board issues complaint against Boeing Company for unlawfully transferring work to a non-union facility." Everyone we turn to for guidance says this is a blurry line, and that a complaint by the General Counsel can be called a complaint by the NLRB. Is this as critical as your desire do be clear about not ordering the plant closed?

I can see that this has become broad enough that this will quickly get to be a headache for you. We're going to try to get past it. And FYI the White House declines comment.

Tom

On 4/27/11 3:52 PM, "Cleeland, Nancy" <Nancy.Cleeland@nlrb.gov> wrote:

Hi Tom,

Thanks so much for getting back to me. I appreciate the opportunity to explain my concerns. Yesterday, we put out a 'Fact Check' that attempted to correct the misinformation we've seen out there, which was repeated on your show – not only by Sen. Graham but by Candy Crowley herself. This is what we said:
Several news outlets have erroneously reported in recent days that the National Labor Relations Board has ordered the Boeing Company to close its operations in South Carolina. In fact, the complaint issued on April 20 by the Acting General Counsel <http://www.nlrb.gov/news/national-labor-relations-board-issues-complaint-against-boeing-company-unlawfully-transferring-> does not seek to have the South Carolina facility closed. It seeks to halt the transfer of a specific piece of production work due to allegations that the transfer was unlawfully motivated. The complaint explicitly states that Boeing may place work where it likes, including at its South Carolina facility, as long as the decision is not made for discriminatory reasons.

In addition, the Board has not yet considered or ruled on the allegations in the complaint. Under the NLRB's statute, the General Counsel and the Board are separate and independent, with the General Counsel functioning as prosecutor and the Board functioning as a court. The case is scheduled to be tried before an administrative law judge, acting under the Board's authority. That decision could then be appealed to the Board itself for its decision.

These may seem to be fine points, but in fact they are very significant. When the show's title said "NLRB rules against Boeing', it fed into the idea that this was a political decision made by a political body. In fact, the Acting General Counsel – who is a career NLRB attorney recently named to the job - merely issued a complaint, which is the first step in the process. He alleged that Boeing broke the law, but now the case must be heard by an NLRB judge and perhaps ultimately the Board.

Also, both Candy Crowley and Sen. Graham repeatedly said that the NLRB told Boeing they had to close the South Carolina plant. That is absolutely not true. There is a finite amount of work in question – basically 3 planes a month. Boeing has tremendous backlogs and could locate more work in SC.

I'd be happy to discuss this further. For better or worse, we've been in the news a fair amount lately, and probably will continue to be. I'm a long time journalist myself – just left the LATimes three years ago after a decade as their labor writer, and have been here at the NLRB for a year and a half. I'm also a fan of Candy Crowley's, so was sorry to have to write that comment.

Thanks again,

NLRB-FOIA-U00002906

Nancy Cleeland

NLRB Director of Public Affairs

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nancy.cleeland@nlrb.gov

From: Tom Bettag [mailto:Tom.Bettag@turner.com]
Sent: Wednesday, April 27, 2011 3:26 PM
To: Cleeland, Nancy
Subject: Senator Graham's statements

Dear Ms. Cleeland,
I am the executive producer of State of the Union. Your e-mail was passed to me, and I am the correct person to deal with.

You say there are "some errors," and:
Please contact me to avoid repeating them. Also, why no attempt to contact us to balance your piece with Sen. Graham?

There is a simple answer to your question. We are a Sunday morning talk show where we allow guests to have their say, and we are more than happy to continue reporting on what they say if the record needs correcting. We made it clear after we aired Senator Graham's statements that we would continue reporting in order to give the full story. The truth of the matter is that we did send word to our contact at the White House that this issue was going to come up, and there has been no response whatsoever.

We pride ourselves on accurate and fair reporting, and we are more than happy to pursue this further. What is it in Sen. Graham's statements that you consider to errors?

Tom Bettag