

Congress of the United States
Washington, DC 20515

May 6, 2011

President Barack Obama
The White House
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. President,

We write to request that you withdraw the nomination of Mr. Lafe E. Solomon to serve as General Counsel of the National Labor Relations Board and that you terminate his employment as Acting General Counsel.

Mr. Solomon's decision, on behalf of the NLRB, to file a complaint against Boeing for locating a production facility in South Carolina, a right-to-work state, is an unprecedented intrusion by an unelected regulatory board into the affairs of a private business. If upheld, it would mean that the federal government can tell a company in which state they can locate, a proposition that would have the effect of shipping American jobs overseas. Moreover, Mr. Solomon's actions have the immediate consequence of chilling business in our nation's 22 right-to-work states, since companies would justly fear NLRB retribution should they locate to one of those states.

At a time when jobs creation is our foremost priority in Congress, we are appalled that the NLRB would attack a company that seeks to create thousands of new jobs in our country, with a billion dollar new investment in South Carolina. The decision to locate a second production facility in South Carolina did not take jobs away from another state; in fact, since Boeing's decision to build a new facility, they have added over 2,000 jobs at their primary facility in Puget Sound, Washington. Mr. Solomon's frivolous claim also ignores 45 years of NLRB and Supreme Court precedent, which held that an employer has a legitimate and permissible interest in mitigating the impact of strikes.¹

We object as well to a series of inaccurate and misleading statements made by Mr. Solomon in his Complaint and in media interviews². These statements, together with the timing of the NLRB's action – 18 months after Boeing's decision to locate a plant in South Carolina, and after the company has hired 1000 workers and spent millions of dollars in the state – make us question whether Mr. Solomon's actions are politically driven.

¹ *American Ship Building Co. v. NLRB*, 380 U.S. 300 (1965); *NLRB v. Brown*, 380 U.S. 286 (1965).

² See, e.g., Steven Greenhouse, *Labor Board Case Against Boeing Points to Fights to Come*, New York Times, April 23, 2011

Under our federal system, states have the right to determine their own labor laws, just as they do their own tax rates and regulatory structure. For the NLRB to punish a company for locating in a right-to-work state is an abuse of federal executive power. We will use every legislative means at our disposal to protect states' rights and prevent this intrusion. We hope that your Administration will agree, and that when it comes to job creation, you will match your actions to your rhetoric.

Sincerely,

Jim S.

Renee S. Ellmers

Roxel G. Kelele

Albert Schmitt

Tim Conaway

Tom Graves

Vicky Hartzler

W. H. Cramer

R. McKelvey

Paul Ryan

Steve Scalise

Mark L. Meigs

Mo Brooks

Diane Black

Ben Ray Lujan

Trey Gowdy

W. Mark Keener

Larry Bucshon

Steve Chabot

Dan Claitor

Bob Goodlatte

David P. Roe

Doug Lamborn

Denise

John Karsarling
Bob [unclear]

Connie Mack

Sue Riehl

Jay R. Pitts

Frank C. [unclear]

Joe Wilson

Rin Flores

Carl Anselco

Don [unclear]

Jeff [unclear]

Cynthia [unclear]

Wally [unclear]

Bill Johnson

Patrick McHenry

John Culberson

Byron Jenkins

Jeff Flake

Tim Huelskamp

Tim Walberg