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COMMERCE, SCIENCE, AND TRANSPORTATION

BANKING, HOUSING, AND URBAN AFFAIRS

FOREIGN RELATIONS

June 6, 2011

Mr. Lafe Solomon
Acting General Counsel
National Labor Relations Board
1099 14th Street, NW, Room 10100
Washington, DC 20570

Jacqueline Young
General Counsel, FOIA Officer
National Labor Relations Board
1099 14th Street, NW, Room 10600
Washington, DC 20570

Re: FOIA Request related to the Boeing Co., Case No. 19-CA-32431

Dear Acting General Counsel Solomon and FOIA Officer Young:

I write regarding your recent decision to issue a complaint against The Boeing Company, and questions regarding both the rationale and propriety of that decision.

The public facts surrounding the complaint raise serious questions about the interpretation of the National Labor Relations Act upon which it is based, to say nothing of the troubling appearance of partisan, special interest politics at its heart.

Whether the NLRB overstepped its statutory authority by targeting Boeing for locating a new manufacturing plant, in accordance with both federal law and its own private labor contracts – is to my mind a settled question. As a strict matter of law, the NLRB has no authority to dictate private business decisions about the location of production facilities, let alone target the citizens of America's 22 right-to-work states with economic retribution for what the Board deems political incorrectness.

What is less clear, unfortunately, is the process by which the NLRB came to the decision to launch this attack against Boeing, South Carolina, and the over one thousand people who have been hired to operate the North Charleston 787 plant.

I write, therefore, to seek greater clarity about the decision, how it was reached, and the possible input of politically connected special interests in that process.

Specifically, the April 2011 issue of AeroMechanic – the newsletter of the International Association of Machinists Local 751, the local on whose behalf you filed the NLRB's Boeing complaint -- the following appeared in the "Politics Matter & Elections Count: MNPL [Machinist Nonpartisan Political League] Your Voice" section:

Q) What difference will my small contribution make when it takes so much money to elect a candidate?

A) **STRENGTH IN NUMBERS** – By itself, your contribution does not mean much. But then, your voice alone would not mean much in improving your wages, hours, and working conditions. When we pool our MNPL dollars, like we pool our strength in collective bargaining, we are strong. **Collectively, MNPL money gains your Union access to officials, which is critical to get our issues addressed and ensure our input is heard.**

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Local 751 would appear to be openly engaged in a pay-to-play system of political influence. The question is unavoidable: did Local 751's political activities or campaign contributions "gain [it] access to officials" at the NLRB?

Did the broader political support provided by the IAM to the national Democratic Party – support provided to the tune of \$1.9 million in the 2010 election cycle alone – play any role?

The only way to assure the public of the purity of the NLRB's intentions and the propriety of its actions is to publicly disclose the full record of the Board's decision-making process leading up to last month's complaint.

To that end, pursuant to Congress' authority to oversee the Executive Branch and under the Freedom of Information Act, I am requesting that you provide the following documents:

Copies of all documents and communications – including email, call logs, memoranda or meeting notes – to or from NLRB Board Members and staff or produced by NLRB Board Members and staff regarding the impact on employment in South Carolina.

Copies of all documents and communications – including email, call logs, memoranda or meeting notes – to or from NLRB Board Members and staff and individuals working within the Executive Office of the President or any federal agency concerning the operations or activities of the Boeing Company since January 20, 2009.

Copies of all documents and communications – including email, call logs, memoranda or meeting notes – to or from NLRB Board Members and staff and any Member of the International Association of Machinists or their representatives concerning the operations or activities of the Boeing Company since January 20, 2009.

Copies of all documents and communications – including email, call logs, memoranda or meeting notes – to or from NLRB Board Members and staff and any government employee in the State of Washington or Oregon concerning the operations or activities of the Boeing Company since January 20, 2009.

Copies of all documents and communications – including email, call logs, memoranda or meeting notes – to or from NLRB Board Members and Staff and any Member of Congress concerning the operations or activities of the Boeing Company since January 20, 2009.

Copies of any documents generated by NLRB Board members, staff, or any outside consultants analyzing the legal authority of the NLRB to issue the Complaint and Notice of Hearing in Case 19-CA-32431 involving the Boeing Company.

Copies of any documents generated by NLRB Board members, staff, or any outside consultants used to support the filing of the Complaint and Notice of Hearing in Case 19-CA-32431 involving the Boeing Company.

Please provide the above information in an electronic format whenever possible.

Especially due to the unusually unaccountable recess-appointment process by which the president appointed you Acting General Counsel and Mr. Craig Becker to the Board, transparency in this matter – and timely compliance with this request – are essential to repair any damage done to the NLRB's

reputation and public credibility. Because this information is of significant public concern, I request that it be provided in an expedited manner.

Thank you in advance for your attention to this matter. If you have any questions please do not hesitate my office.

Sincerely,

A handwritten signature in blue ink that reads "Jim DeMint". The signature is fluid and cursive, with the first name "Jim" being particularly prominent.

Jim DeMint
United States Senator