



**Microsoft Outlook**

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**From:** Solomon, Lafe E.  
**Sent:** Wednesday, April 20, 2011 9:14 AM  
**To:** Schiff, Robert; Garza, Jose  
**Subject:** Boeing call log  
**Attachments:** Boeing call log-Lafe.doc; Boeing call log--Barry.doc

I have attached 2 files: one is a summary of my conversations and the other is Barry Kearney's conversation with Boeing's outside lawyer. Lafe

**April 14, 2011**

Telephone conversation with Bill Kilberg, Boeing attorney, on Thursday, April 7. Kilberg called me (Barry Kearney) because in an earlier conversation we had concluded that Boeing and the Union were interested in discussing different issues and further efforts to bring the parties together would be fruitless. At the start of the conversation he told me that Boeing concurred that nothing more to discuss and he understood that meant complaint was likely to issue. Kilberg said that Boeing was going to the Hill to see if they could forestall issuing a complaint. I said I was very disappointed to hear that. I told him the Agency realized last October that this was a big deal and that is why we reached out to Boeing so that they would have every opportunity to address the concerns we had about the case. After that process I said we again reached out to Boeing to try to resolve this before any public decision was made. We tried in good faith to work with this situation and give Boeing every opportunity. I said it doesn't appear to account for anything. Kilberg response was we have to do what we have to do and you do what you have to do. The conversation ended.

3/18/11

Mike Luttig, Boeing's GC, called me at 2 pm. He told me that he was "miffed" that although he had done what I asked ([REDACTED]), I was still considering issuing complaint. I told him that the Machinists had proposed [REDACTED]. He told me that rather than accept that offer, he thought that he would go to the Hill to prevent me from litigating the case. I told him that he would have to get such a rider through the Senate. I said that I had the CEO on tape saying that the move to SC was not because of economics but because the Machinists strike. I said I had a triable case and that I would do whatever I thought was right under the NLRA. But I reiterated that I thought the parties should meet and try to reach a settlement.

3/28/11

Luttig called and I asked Barry Kearney to be on the call with me. Luttig said that Boeing would not agree to [REDACTED].

4/8/11

Senator Graham called me at 11:15 am. I was in the Museum of Modern Art in NYC and talked to him on my cell phone. He told me that the "retaliatory charge" of the Machinists against Boeing would have huge economic and political consequences. He said that the charge would scare Boeing's customers and could affect orders. He said that the political fallout would be huge and that he was more reasonable than his Senate counterpart (Sen. De Mint).

I explained to him that I had been trying to settle this case for the last 6 months, and I asked for his help in getting Boeing to agree [REDACTED]. I told him that this case had every potential to settle [REDACTED], but that I had been unsuccessful in getting the parties to talk to each other, rather than to me. I also told him that [REDACTED] and that I had made it clear to the Machinists that [REDACTED].

He said that he was pessimistic that the Machinists and Boeing could work things out, but that he never thought it was a bad idea to talk. I thanked him for being willing to help.

4/11/11

I left a message for Debbie Durkin, the aide to Senator Graham who place the call on Fri. I received a call back from Walt Kuhn at noon. I told him that I was following up on my

conversation with the Senator on Fri and that I wanted to know if he had been successful in contacting Boeing. He said that the Senator would call me back later this week. I told Walt that I was ready to begin the complaint process and that I could not hold it up indefinitely. I said that I wanted to talk to the Senator today if possible, and he said that he would see what he could do.

4/11/11

Senator Graham called me at 3 pm. He said that he had talked to Boeing, and they had no interest in Exemption 5, 7(A), which was totally without merit. He said that he agreed with Boeing and understood their position. He said that if a complaint was filed, it will be “nasty,” “very, very nasty.” He said that this was a case of how not to grow the economy. He said that we had to do what we had to do, and he had to do what he had to do. It was up to us. He said that if complaint issued, he was going “full guns a-blazing.”

## Microsoft Outlook

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**From:** Anzalone, Mara-Louise  
**Sent:** Wednesday, April 20, 2011 5:00 PM  
**To:** Pomerantz, Anne  
**Subject:** Re: Senator Graham's statement

Awesome. Sounds like they're just going to furlough you and me.

M-L.A.

On Apr 20, 2011, at 12:03 PM, "Ahearn, Richard L." <[Richard.Ahearn@nlrb.gov](mailto:Richard.Ahearn@nlrb.gov)> wrote:

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**From:** Wagner, Anthony R.  
**Sent:** Wednesday, April 20, 2011 12:00 PM  
**To:** Cleeland, Nancy; Solomon, Lafe E.; Ahearn, Richard L.; Mattina, Celeste J.; Garza, Jose  
**Subject:** Senator Graham's statement

[http://lgraham.senate.gov/public/index.cfm?FuseAction=PressRoom.PressReleases&ContentRecord\\_id=74179e31-802a-23ad-4e6e-3b1394738c8d](http://lgraham.senate.gov/public/index.cfm?FuseAction=PressRoom.PressReleases&ContentRecord_id=74179e31-802a-23ad-4e6e-3b1394738c8d)

**Senator Graham Press Releases**

Contact: Meghan Hughes (202-224-5972) or Kevin Bishop (864-250-1417)  
Date: 04/20/2011

### Graham on NLRB Complaint against Boeing

**WASHINGTON** – U.S. Senator Lindsey Graham (R-South Carolina) today made this statement on the National Labor Relations Board (NLRB) complaint against Boeing.

"This is one of the worst examples of unelected bureaucrats doing the bidding of special interest groups that I've ever seen. In this case, the NLRB is doing the bidding of the unions at great cost to South Carolina and our nation's economy.

"It makes perfect sense for a world-class company like Boeing to diversify their production capabilities. Boeing made a solid business decision in coming to South Carolina, and we welcome them with open arms. They could have gone anywhere, but they knew that South Carolina was a great place to do business. Their decision to open their new facility in North Charleston will pay dividends for the company, its workers, and our state for many years to come. It's a decision that will stand the test of time.

"If successful, the NLRB complaint would allow unions to hold a virtual 'veto' over business decisions. Left to their own devices, the NLRB would routinely punish right-to-work states that value and promote their pro-business climates. The current makeup of the NLRB Board has been skewed against business. This action will not be allowed to stand.

"I would be surprised if any court recognized the legitimacy of this complaint. It's pretty easy to see that at its heart, this is about union politics. As Senator, I will do everything in my power, including introducing legislation cutting off funding for this wild goose chase, to stop the NLRB's frivolous complaint."

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## Microsoft Outlook

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**From:** Wilma Liebman  
**Sent:** Friday, April 22, 2011 8:37 AM  
**To:** Solomon, Lafe E.  
**Subject:** Re: Boeing

None of the articles tie craig to boeing. Just mention his recess appointment. No one is raining on your parade.  
Sent via BlackBerry by AT&T

-----Original Message-----

**From:** "Solomon, Lafe E." <Lafe.Solomon@nlrb.gov>  
**Date:** Fri, 22 Apr 2011 08:27:04  
**To:** Wilma Liebman  
**Subject:** Re: Boeing

The article gave me a new idea. You go to geneva and I get a job with airbus. We screwed up the us economy and now we can tackle europe. I didn't read all of the meltwater articles but some of the headlines tie boeing to craig. Unbelievable.

Last night went fine but you didn't miss anything by turning it down. I'll see you this afternoon.

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Sent from my BlackBerry Wireless Handheld

----- Original Message -----

**From:** Wilma Liebman  
**To:** Cleeland, Nancy; Wagner, Anthony R.; Solomon, Lafe E.  
**Sent:** Fri Apr 22 08:12:00 2011  
**Subject:** Boeing

From european planet labor website(some wording oddities are just due to translation (from french)):

United States: Boeing could not be able to open its new plant in South Carolina because of antiunion behavior

Experts from the National Labor Relations Board (NLRB) turned to the administrative justice to prevent the start of production in Boeing's new factory in South Carolina. The reason is that the aircraft manufacturer allegedly chose this location on the basis of antiunion criteria. (Ref. 110281)

The NLRB, which arbitrates conflicts between unions and businesses, is blaming Boeing. Legal expert Lafe Solomon filed a complaint against the aircraft manufacturer, accusing the company of breaking Federal Law by investing into another assembly line for its 787 Dreamliner production in South Carolina. The lawyer thinks that Boeing management decided to relocate production partly to "retaliate" against unionized workers for past strikes on its Puget Sound site in Washington State. The management says they were too inclined to go on strike. Yet, "A worker's right to strike is a fundamental right guaranteed by the National Labor Relations Act," Solomon said.

The NLRB expert looked at the Boeing case at the request of the National Association of Machinists and Aerospace Workers (IAMAW). The union represents 25,000 Boeing workers in Washington State, where the manufacturing owns many factories. In 2007, Boeing management

launched negotiations with IAMAW representatives in Puget Sound. There, Boeing already assembled 7 Dreamliners a month and wanted to open another line to produce three more 787 each month. Talks lingered. Finally, in October 2009, the management decided to invest in South Carolina, a 'right to work' state where unionists aren't welcome.

Two billion dollars were invested in Charleston, 1,000 employees were recruited, and the site was supposed to open in July... until the NLRB meddled in. Lafe Solomon investigated for two years, notably looking at Boeing executives' declarations to the local media. An article published in the Seattle Times reads that the "overriding factor" to move to South Carolina "was not the business climate. And it was not the wages we're paying today. It was that we cannot afford to have a work stoppage, you know, every three years." Boeing management has listed 4 strikes in Puget Sound since 1989. In 2008, it lasted for 58 days and cost the company \$1.8bn, which was particularly noticed. By packing, the IAMAW leaders are saying that the manufacturer is retaliating against past strike and trying to "deter" future social movements.

Boeing's general counsel, J. Michael Luttig, said: "This claim is legally frivolous and represents a radical departure from both NLRB and Supreme Court precedent. For his part, Lafe Solomon said that he didn't want the Charleston site to close and is hoping for an out-of-court settlement between Boeing and the IAMAW. If the parties cannot arrive at a settlement, the next step will be a hearing before an NLRB administrative law judge set for June 14. The case could last for years.

Planet Labor, April 22, 2011, No. 110281 - [www.planetlabor.com](http://www.planetlabor.com)

If you have any questions or comments on this dispatch, you can reach the editorial staff by calling +33 (0) 1 53 34 68 83 or by sending an email to ☐ Sent via BlackBerry by AT&T

## Microsoft Outlook

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**From:** Szapiro, Miriam  
**Sent:** Thursday, April 28, 2011 10:30 AM  
**To:** [REDACTED] *Advice Attorney*; Willen, Debra L  
**Subject:** RE: Boeing's labour problems: Moving factories to flee unions | The Economist

Exactly; it just shows you how incredibly reactionary the US is, that the conservative Economist thinks we're Neanderthal.

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**From:** [REDACTED] *Advice Attorney*  
**Sent:** Thursday, April 28, 2011 10:28 AM  
**To:** Willen, Debra L; Szapiro, Miriam  
**Subject:** FW: Boeing's labour problems: Moving factories to flee unions | The Economist

Well, who knew the Economist would endorse you?!

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**From:** [REDACTED] *Exemption 6 Privacy*  
**Sent:** Thursday, April 28, 2011 10:22 AM  
**To:** [REDACTED] *Advice Attorney*  
**Subject:** Boeing's labour problems: Moving factories to flee unions | The Economist

[http://www.economist.com/blogs/democracyinamerica/2011/04/boeings\\_labour\\_problems](http://www.economist.com/blogs/democracyinamerica/2011/04/boeings_labour_problems)

Tracking:

**Microsoft Outlook**

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**From:** [Redacted] *Exemption 6*  
**Sent:** Friday, April 22, 2011 8:15 AM  
**To:** Willen, Debra L  
**Subject:** FW: DeMint: Labor Relations Board Acting Like 'Thugs'

thought you might find this amusing. [Redacted] retired a couple of years ago after a 22 year career as a field examiner in the [Redacted].

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**From:** [Redacted] *Exemption 6*  
**Sent:** Friday, April 22, 2011 2:57 AM  
**To:** [Redacted] *Exemption 6*  
**Subject:** RE: DeMint: Labor Relations Board Acting Like 'Thugs'

[Redacted] *Exemption 6*

You retired with your integrity, which makes you far wealthier than Sen. Dement will ever be.

[Redacted] *Exempti...*

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**From:** [Redacted] *Exemption 6*  
**Sent:** Thursday, April 21, 2011 9:43 PM  
**To:** [Redacted] *Exemption 6*  
**Subject:** DeMint: Labor Relations Board Acting Like 'Thugs'

Senator Dement weighs in. Someone might want to tell him that the Board is an independent agency, and the composition of the five member Board is traditionally the subject of an agreement between Democrats and Republicans on Capitol Hill.

And someone might also advise Boeing that the next time they make an unlawful decision to assign work based on whether a plant is or is not unionized, they might want to keep their mouth shut when they are talking to the press.

Damn, I missed my calling. I could have been a management consultant. "Look, put the work in South Carolina and just don't tell the Seattle Times why you did it. And if the NLRB asks, tell them the decision was based on legitimate economic and business considerations." For such work, I would have retired far wealthier than I am right now, and it doesn't seem so complicated.

Your now retired agent of thugs,

[Redacted] *Exemption 6*

<http://www.newsmax.com/InsideCover/demint-labor-relations-board/2011/04/21/id/393722>