

NLRB General Counsel Won't Get Second Term

After Hearing Right to Work Protests, White House Opts For Change

This spring, Right to Work supporters inside-the-D.C. Beltway and across America flooded the White House with postcards, letters, and phone calls urging President George W. Bush not to appoint Arthur Rosenfeld to a second term as National Labor Relations Board (NLRB) general counsel.

Apparently, the message got through.

On June 30, the White House announced the nomination of attorney Ronald Meisburg for NLRB general counsel.

During 12 months as an NLRB "recess" appointee in 2003-2004, Mr. Meisburg established a track record of seeking to protect employees' Right to Work to the extent that is possible under the pro-union monopoly National Labor Relations Act (NLRA).

Therefore, once he is confirmed by the U.S. Senate and takes office he is likely to represent a great improvement, from Right to Work supporters' perspective, over Mr. Rosenfeld.

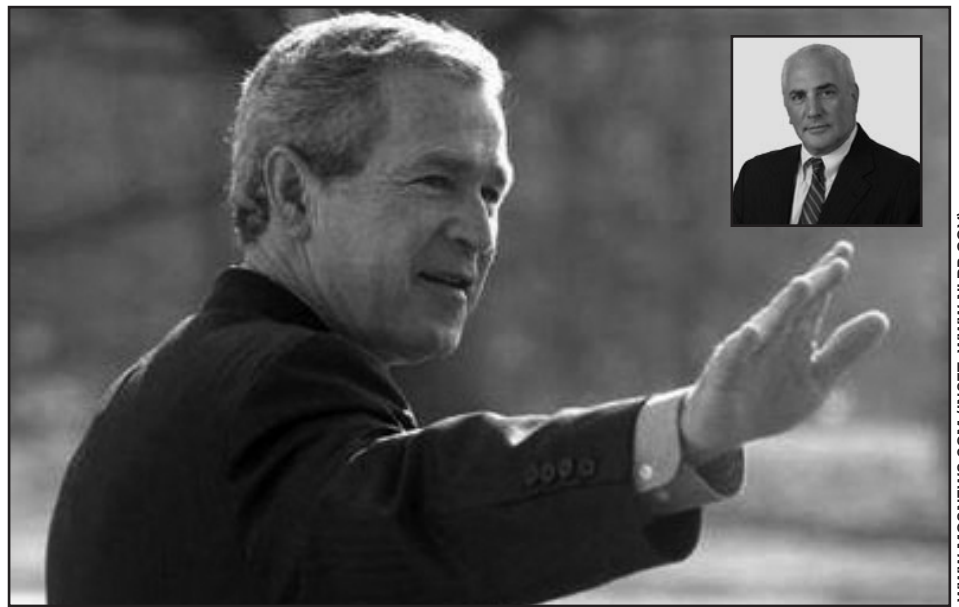
Counsel Helped Big Labor Impose Compulsory Unionism Through 'Card Check' Deals

In an open letter to Mr. Bush that was posted in March, National Right to Work Committee President Mark Mix cited Mr. Rosenfeld's refusal to prosecute apparently illegal tactics used by union officials in pursuit of monopoly privileges over workers as a matter of particular concern.

Early this year, Mr. Rosenfeld had "refused to issue complaints to prosecute an unlawful secondary boycott by the United Auto Workers (UAW) union and the Big Three automobile companies" that involves threats to blackball auto parts suppliers.

Publicly available evidence strongly suggests that the UAW brass and the Big Three are quietly threatening to deny auto parts suppliers further business unless they consent to help UAW officials forcibly unionize their production employees through so-called "card check/neutrality" schemes.

"Although the existence of this secondary boycott [is] widely known," wrote Mr. Mix, the general counsel's office "cited a 'lack of evidence' while rejecting [employees'] requests to issue administrative subpoenas in order to help



WWW.MOSNEWS.COM (INSET: WWW.NLRB.GOV)

After learning about Right to Work Committee members' opposition to the reappointment of Arthur Rosenfeld

(inset) as NLRB general counsel, the White House decided not to grant him another term.

gather the evidence from the entities who possess it."

In another case highlighted in Mr. Mix's letter to the President, Mr. Rosenfeld's office used an incredibly broad reading of a claimed "industry or locality" exception to help Service Employees International Union (SEIU) bosses force union nonmembers to pay for union organizing.

The U.S. Supreme Court has definitively ruled that employees covered under the Railway Labor Act cannot be forced to bankroll union organizing. The U.S. Court of Appeals for the Fourth Circuit has held NLRA-covered workers are similarly protected.

Unfortunately, sticking to legally dubious Clinton-era precedents, Mr. Rosenfeld has refused to acknowledge that workers under his jurisdiction have this limited right.

Senate Leaders Urged Not to Delay Confirming New NLRB General Counsel

Since Mr. Rosenfeld was openly campaigning to stay on as general counsel after the expiration of his first four-year term on May 25, the Bush Administration's decision not to reappoint him in the face of Right to Work protests may be a key portent.

Mr. Mix thanked the thousands of Committee members who had contacted the White House this spring with postcards, letters, and phone calls urging the President to appoint an energetic, pro-Right to Work public servant to take Mr. Rosenfeld's place.

He also thanked Sen. Mike Enzi (R-Wyo.), the chairman of the Senate Committee that reviews NLRB appointments. Sen. Enzi met with Right to Work officers and attentively listened to their concerns regarding Mr. Rosenfeld.

"The nomination of Ron Meisburg as NLRB general counsel, combined with sound nominations for the NLRB itself, can set the agency on a new, more constructive course," Mr. Mix predicted.

"Unfortunately, until the Senate confirms Mr. Meisburg, the White House has decided to keep Mr. Rosenfeld in place temporarily as 'acting' general counsel.

"If the Senate fails to act quickly, Mr. Rosenfeld could continue doing damage to independent-minded employees' interests for months to come."

Mr. Mix encouraged Majority Leader Bill Frist (R-Tenn.) and other Senate leaders to take up the Meisburg nomination for general counsel promptly so that a new era at the NLRB can begin as soon as possible. 📧