



Written by [Bruce Walker](#) on July 2, 2011

## Judge Blocks Boeing's Proposed Move of Some 787 Production to S.C.

The State of Washington is a Democrat stronghold. It has been decades since Democrats have lost a senatorial or gubernatorial race. Washington is also blessed with abundant natural beauty, excellent harbors, and an agreeable (if rather wet) climate. There are plenty of reasons why a company such as Boeing would want to operate in Washington. But there are also plenty of reasons why Boeing and other aeronautical companies might want to operate in other places.



Wichita, for example, was long the center of small aircraft production in America. Houston and Cape Canaveral in Florida were seen, as early as Jules Verne's day, as the best locations for a moon shot. Most air traffic controllers are trained in Oklahoma City. The Wright Brothers, though from Ohio, chose the Carolinas for the first manned flight. The location of enterprise is the logical consequence of a balancing of different interests. Cities, for example, often gain donations for high culture (like symphony orchestras) by touting how this will attract business.

The South has been working hard to attract businesses to locate in that region as well. Part of the appeal is the climate, the genteel culture, and the natural beauty, but some of every major business location is also what sort of legal and regulatory climate the business will face. What are property tax rates? Corporate tax rates? Are publicly funded improvements, such as canals and dams, planned to attract business somehow "unfair"?

What about laws on right to work, which are expressly a state option under federal law? Can a state that has right to work, in compliance with federal labor law, be somehow engaged in "unfair labor practices"? Can a state's workers' compensation laws or unemployment compensation laws be "unfair" to other states?

The National Labor Relations Board, one of the many quasi-legislative, quasi-judicial, and quasi-executive monstrosities that make a mockery of the separation of powers, has [attempted to block the proposed move](#) of some of Boeing's production of its new 787 airplane (pictured above) to South Carolina. This action developed rather slowly — 18 months after Boeing had announced the new operations in South Carolina. Boeing has asked that the complaint be dismissed, but administrative law



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Judge Clifford Anderson [refused to grant](#) the company's motion to dismiss the NLRB action, a decision perceived as an early victory for big labor.

Anderson, in his ruling, appeared to support the notion that even though the Boeing operation in South Carolina might not take a single Boeing job out of Washington, the move could still violate labor law by being retaliatory. In fact, he so ruled even though Boeing alleged that the operations in South Carolina may have actually created more Boeing jobs in Washington State.

No matter what happens, the NLRB interference in the right of business to locate operations in places with the best business climate, and the delays of administrative and legal hearings caused by the NLRB effectively acting as an advocate for big labor in Washington State, caused a Boeing spokesman to say: "The company expects to prevail in federal court on this matter, but not before lengthy and costly legal proceedings within the NLRB and, ultimately, federal court."

[Representative Darrell Issa](#) of California has taken, perhaps, the toughest position against the NLRB: Abolish it. The capital is overgrown with "independent regulatory agencies" such as the FCC, the FTC, and others alphabet agencies which are accountable to no one, really, and who have the power to wreak havoc upon the economy, and the lives and liberties of American citizens. If the excesses of the NLRB result in the restoration of constitutional power to Congress and the ending of odd appendages such as the NLRB, then maybe more than just South Carolinians will end up happy.



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