

# NORTHWEST LABOR PRESS

(International Standard Serial Number 0894-444X)

Established in 1900 in Portland, Oregon as a voice of the labor movement. Published on a semi-monthly basis on the first and third Fridays of each month by the Oregon Labor Press Publishing Co. Inc., a non-profit mutual benefit corporation owned by 20 unions and councils including the Oregon AFL-CIO. Serving more than 120 union organizations in Oregon and Southwest Washington.

**Office location:**  
4275 NE Halsey St., Portland, Oregon

**Mailing address:**  
P.O. Box 13150, Portland, OR 97213

**Phone:** (503) 288-3311

**Web address:**  
<http://nwlaborpress.org>

**Editor & Manager:** Michael Gutwig  
**Associate editor:** Don McIntosh  
**Office manager:** Jill Lukens

Printed on recycled paper, using soy-based inks, by members of Teamsters Local 747-M.

**SUBSCRIPTIONS:** Individual subscriptions are \$15 a year for union members, \$23 a year for all others. Pay by credit card online at [nwlaborpress.org/subscribe](http://nwlaborpress.org/subscribe), or send a check to our mailing address (above) along with your name, address and union affiliation, if any. **Group rates of \$11.52 a year per person** are available for 25 or more subscriptions; call 503-288-3311 for details.

**CORRECTIONS:** See an error? Please let us know at [editor@nwlaborpress.org](mailto:editor@nwlaborpress.org) or by phone at 503-288-3311.

**PERIODICALS POSTAGE PAID AT PORTLAND, OREGON.**

**CHANGE OF ADDRESS:** If you move, let us know at [nwlaborpress.org/subscriber-services](http://nwlaborpress.org/subscriber-services) or by mail at our mailing address (above). Be sure to provide your old and new addresses and the name/number of your local union. Please allow three weeks for the change to take effect.

**POSTMASTER:** Send address changes to NORTHWEST LABOR PRESS P.O. BOX 13150 PORTLAND, OR 97213-0150



# Case dismissed: Scabby the rat beats the rap

By Don McIntosh

Scabby the Rat is 12 feet tall and has red eyes, fangs, and claws. It may be scary looking, but the beloved union inflatable is *not* an outlaw, the National Labor Relations Board (NLRB) has ruled.

In 2018, Peter Robb, the Trump-appointed top lawyer at the NLRB, argued in legal filings that Scabby is illegally “coercive” when used to shame a neutral party to a labor dispute. But Joe Biden fired Robb the day he took office, and on July 21 Robb’s case against Scabby was dismissed in a 3-1 decision of the Board.

Scabby’s legal trouble began in September 2018 in Elkhart, Indiana. There, Operating Engineers Local 150 was in a dispute with a company called MacAllister Machinery, and an RV parts maker, Lippert Components, was renting MacAllister’s equipment. Local 150 decided to let the world know.

Outside a trade show hosted by the huge RV manufacturer Thor Industries, Scabby showed up accompanied by two Local 150 reps and two eight-foot banners. One banner said, “Shame on Lippert Components for Harboring Rat Contractors.” The



other said “OSHA Found Safety Violations Against MacAllister Machinery.” The rat, banners, and reps stayed there all day long, all four days of the trade show.

It was embarrassing, a Lippert executive told his in-house attorney. And as the attorney later complained in a charge filed with the NLRB, the rat was “quite menacing in its appear-

ance” and was “intended to be scary.”

Seriously? The union reps and their rat were on public land bordering the road. They didn’t block entry or exit. They didn’t cause disruption, stop traffic, make loud noises, or even approach patrons or employees. They just stood there, rat and reps, with banners, making a point. Something called the First Amendment is supposed to protect that, Scabby’s supporters argued. As the case progressed, more than two dozen labor organizations filed legal briefs in support of Scabby, including the AFL-CIO, North America’s Building Trades Unions, Bricklayers, Carpenters, Operating Engineers Laborers, SEIU, United Association of Plumbers and Fitters.

Robb argued that for Local 150 to show up with Scabby was unlawful because Lippert was a “neutral” employer—the union’s members didn’t work for Lippert. Thus having Scabby at the RV show amounted to an illegal “secondary boycott.”

That would go against previous interpretations of the law, Board members wrote in dismissing the case.

Your Oregon & Washington Union Mail House.

**MORELINK**

PRINT & MARKETING PARTNERS

Proud Mailers of the Northwest Labor Press

[morelink.com](http://morelink.com) • 503-736-0111 ext. 140

**PLEASE SHOW OUR ADVERTISERS YOU APPRECIATE THEIR SUPPORT FOR THIS LABOR MOVEMENT NEWSPAPER!**



**WHITE & WESCO**  
“Always the best Quality”  
**10” SMOKE JUMPER**  
**16” LINEMAN**  
HUGE SELECTION WATERPROOF BOOTS  
SIZES IN NARROW, MEDIUM & WIDE  
**AI'S SHOES**  
5811 S.E. 82ND • 771-2130

Hours: Mon-Sat 12-6 pm Closed Sunday

Carpenters, Electricians, Laborers, Glaziers, Sheetmetal Workers, Floor coverers, Bricklayers, Cement Masons, Roofers, Asbestos Workers, Millwrights, Painters,

## Hunting for a new RV?

## Get Preapproved Today!

Visit [ibewwfcu.com](http://ibewwfcu.com)!

Apply online or with the mobile app!

Carpenters, Electricians, Laborers, Glaziers, Sheetmetal Workers, Floor coverers, Bricklayers, Cement Masons, Roofers, Asbestos Workers, Millwrights, Painters,