

# NEWS RELEASE

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## FOR IMMEDIATE RELEASE

November 11, 2018

### **News Conference at 2 P.M. at the Lubbock Chamber of Commerce with Statements from Chamber and F. Bustos**

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**Re: Chamber Cheers Victory for Small Business and First Amendment Rights**

LUBBOCK, Texas – The Lubbock Chamber of Commerce is pleased to announce final victory for small business and the First Amendment of the Constitution in its landmark case against changes to the United States Department of Labor’s (USDOL) “Persuader Rule.” In 2016, the United States District Court in Lubbock granted summary judgment and a nationwide permanent injunction against the Obama Administration’s “Persuader Rule” Department of Labor promulgated regulations, calling it “defective to its core.”

On November 9, the USDOL agreed to dismiss its appeal of the Chamber’s injunction and agreed to pay attorneys’ fees, court costs and expenses. The Persuader Rule was an Obama Administration regulation that sought to strip away the rights of trade associations and small businesses to speak to members and receive confidential legal counsel in the face of union organizing drives. The Department of Labor’s rule that was challenged thus violated the rights of businesses and organizations like the Chamber to freely associate and speak with legal counsel and the Chamber’s members under the First Amendment of the Constitution.

President Trump’s Department of Labor repealed the Persuader Rule, agreeing with the Chamber that it violated free speech rights and stifled free enterprise. The Trump Administration also agreed to dismiss the appeal of the Chamber’s injunction against the Persuader Rule, and also agreed to pay \$128,930 for attorneys’ fees, court costs, and expenses. The legal team included Jeffrey Londa of the Ogletree, Deakins Law Firm, Fernando Bustos of the Bustos Law Firm, and Charles High of the Kemp, Smith Law Firm.

“This is a historic victory for the First Amendment and the rights of small business to receive confidential legal counsel when faced with union organizing drives,” said Fernando M. Bustos, co-counsel for the Lubbock Chamber. “I am pleased that the Trump Administration recognized that the Persuader Rule was unconstitutional and bad for business. We are also pleased that the Department of Labor agreed to keep our nationwide permanent injunction in place so that the rights of small business will continue to be protected in the future.”

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*The Lubbock Chamber of Commerce represents almost 1,900 businesses and over 79,000 employees on the South Plains which accounts for over \$2 billion in annual household earnings in Lubbock and West Texas. Since 1913 the Chamber, as a catalyst for business growth; a convener of leaders and influencers; and a champion for a stronger community, has served as a unified voice of business by actively advocating for a pro-jobs, pro-growth, pro-business climate.*