



FOR IMMEDIATE RELEASE

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## WLF Supports DOL's Proposal to Rescind its Ill-Advised 'Persuader Rule'

*(In re: Labor Dep't Rescission of Persuader Rule)*

**“In addition to constituting poor labor-law policy, the Rule’s content-based speech restrictions clearly violate First Amendment rights.”**  
—Richard Samp, WLF Chief Counsel

WASHINGTON, DC—Washington Legal Foundation filed comments with the Department of Labor (DOL) Friday urging the department to rescind its new so-called Persuader Rule, as it is clearly unconstitutional.

WLF filed its comments in response to DOL’s June 12, 2017 Notice of Proposed Rulemaking in which the department proposed a rescission of the Persuader Rule, formally entitled “Interpretation of the ‘Advice’ Exemption in Section 203(c) of the Labor-Management Reporting and Disclosure Act” (LMRDA).

WLF’s comments argue that the Persuader Rule violates the First Amendment because it suppresses the viewpoint of specific speakers based on the content of their speech. This type of discrimination must withstand strict scrutiny, a test the Rule cannot survive.

A permanent, nationwide injunction of the Rule, issued by the Northern District of Texas federal district court, further establishes the Rule’s unlawfulness. WLF’s comments outline Judge Cummings’s reasons for the court’s injunction which include the Rule’s violation of the First Amendment, the Administrative Procedure Act, and the Fifth Amendment’s right to due process.

The Rule’s drastic change in interpretation and implementation of Section 203 of the LMRDA is alarming. WLF urges DOL to return to the longstanding bipartisan consensus regarding the definitions of a “persuader” and “advice.”

*Celebrating its 40th year, WLF is America’s premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.*

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