



Dow Jones Reprints: This copy is for your personal, non-commercial use only. To order presentation-ready copies for distribution to your colleagues, clients or customers, use the Order Reprints tool at the bottom of any article or visit www.djreprints.com

[See a sample reprint in PDF format](#) [Order a reprint of this article now](#)

THE WALL STREET JOURNAL

WSJ.com

• [REVIEW & OUTLOOK](#)

| • SEPTEMBER 16, 2009, 7:52 A.M. ET

Union Port of Call

Congress may abet a Teamsters takeover.

President Obama gave a corker of a campaign speech yesterday at the AFL-CIO convention in Pittsburgh, promising to deliver on his promise to ease the rules for union organizing. If you want to know what this means in action, consider the current Teamsters play to control California ports.

The dispute concerns the Clean Truck Program announced in 2007 by the Port of Los Angeles to ban the dirtiest trucks from carrying port cargo. L.A. Mayor Antonio Villaraigosa, a former union organizer, seized on the program as an opportunity to help his Teamster friends. Current law doesn't let the Teamsters organize independent truckers, some 17,000 of whom serve the ports of Los Angeles and Long Beach. So the mayor and his port authority pals wrote into their clean-truck rule a "concession program" banning harbor truck companies from contracting with independent drivers. The port would only allow "employee drivers," all of whom would be eligible for Teamster membership.

The American Trucking Association sued to block the rule, and with good cause. Federal law has long pre-empted state and local regulation of interstate trucking "prices, routes and services," for the reason that international and interstate trade depend on uniform regulation. The courts have recognized this, and even the Ninth Circuit Court of Appeals found that the new port rule had likely violated the Constitution's Commerce Clause, which led to a court injunction earlier this year. Trial on the merits of the rule has been set for next year.

Aware that he will probably lose in court, Mayor Villaraigosa is running to Washington for help. The Port of Los Angeles has hired former Majority Leader Dick Gephardt to press House Transportation Chairman James Oberstar to rewrite federal law and give local ports the authority to set more of their own regulations. Los Angeles is now arguing it needs this leeway for both "environmental" and "security" reasons. Never mind that the port admitted in July that nearly 60% of the containers moved in June had been handled by trucks that met the cleaner requirements.

Unionization would give the Teamsters enormous bargaining leverage over work rules and pay, sharply raising the cost of moving goods, as well the power to shut down ports in a strike. Some 32 trade groups, from farm organizations to the National Retail Federation, signed a recent letter to Mr. Oberstar opposing the legislation. The response of shippers would be to divert cargo to Mexico or Canada, or pass through an expanding Panama Canal for ports on the Gulf or East Coasts. California doesn't need more reasons for business to flee the state.

The change in federal law would also mark a step away from the transportation deregulation that began in the 1970s and that has done so much to reduce costs and improve competition. The damage from a patchwork regulatory system would be felt nationwide, and all for the sake of Mr. Villaraigosa's union pals.

Copyright 2009 Dow Jones & Company, Inc. All Rights Reserved

This copy is for your personal, non-commercial use only. Distribution and use of this material are governed by our [Subscriber Agreement](#) and by copyright law. For non-personal use or to order multiple copies, please contact Dow Jones Reprints at 1-800-843-0008 or visit www.djreprints.com