



Press Release

For Release: Thursday, June 25, 2009
Contact: Ron Cogliano
(781) 585-5894

PROPOSED SPRINGFIELD ORDINANCE UNCONSTITUTIONAL

Injunction blocked Worcester's residency requirement

Court: Constitution guarantees citizens all rights, privileges enjoyed by others

SPRINGFIELD, MA – The Springfield City Council is considering a proposed residency requirement for workers on city construction projects even though a federal court struck down a similar city ordinance in Worcester. In 2002, the U.S. District Court issued an injunction blocking Worcester from enforcing a residency ordinance on a school construction project citing the U.S. Constitution's privileges and immunities clause.

“The City Council is heading down a path that will likely land Springfield in federal court defending the indefensible, as established case law says residency requirements run afoul of the Constitution. In its zeal to appease labor unions by adopting ordinances that stifle competitive bidding on city projects, the City Council is placing Springfield in legal jeopardy and wasting taxpayer dollars,” said Ronald Cogliano, President and CEO of the Merit Construction Alliance. “It’s ironic that while trying to impose a residency requirement, city officials are letting a labor official from Boston write the proposed ordinance. I wonder if anyone on the City Council has actually researched the Worcester case and asked why they are considering an ordinance that is obviously unconstitutional.”

The Merit Construction Alliance, which represents the interests of open shop contractors and employers across Massachusetts, yesterday released two internal emails from Springfield City Hall that showed the unusual access given a labor official in writing two proposed ordinances. The pro-union ordinances are designed to discourage non-union contractors from bidding on city projects, thereby creating a virtual monopoly for union contractors.

Numerous studies have shown that restricting competition in bidding for public projects results in increased costs to taxpayers.

In December 2002, U.S. District Court Judge Nancy Gertner issued a preliminary injunction against the City of Worcester, stopping the city from mandating a residency requirement in public construction projects. In her ruling, Gertner wrote:

“The plaintiffs point to the fact that the ordinance obviously disadvantages citizens from outside of Worcester and from other states, presumably including citizens with equally pressing needs. Their interests are not technical or unimportant. They derive from the Privileges and Immunities Clause of the Constitution, which guarantees to every citizen of the country all the rights and privileges enjoyed by every other citizen. The Privileges and Immunities Clause played and continues to play a crucial role in ‘fus[ing] into one Nation a collection of independent, sovereign States.’”

###