

Congress of the United States

Washington, DC 20510

[[DATE]]

The Honorable Donald J. Trump
President
The White House
1600 Pennsylvania Ave NW
Washington, D.C. 20500

Dear President Trump:

We are writing to express our outrage at the unprecedented and illegal firing of National Labor Relations Board (NLRB or “the Board”) Member Gwynne Wilcox and the negative impact this will have on working people across the country. This firing violates the National Labor Relations Act (NLRA), renders the Board unable to effectively enforce federal labor law, and profoundly undermines the independence of the agency. We call on you to reverse this action and to immediately reinstate Member Wilcox.

Section 3(a) of the NLRA states that “Any member of the Board may be removed by the President, upon notice and hearing, for neglect of duty or malfeasance in office, *but for no other cause.*”¹ Yet the firing of Member Wilcox was done without hearing and was not for neglect of duty or malfeasance, meaning that this action clearly violates the NLRA.

Furthermore, workers rely on the NLRB to safeguard their rights to organize and collectively bargain to better their working conditions. However, by firing Member Wilcox and leaving the five-seat NLRB with only two Members, you have left the Board without a quorum and effectively shut down its decision-making ability. This simply encourages bad employers to violate the law and trample on workers’ rights, while workers subjected to illegal union-busting will face significant delays in receiving the justice to which they are entitled.

The NLRB is already dealing with substantial understaffing in its field offices. If the Board is unable to enforce the law, the delays workers face in resolving unfair labor practices charges will only grow. Additionally, victims of unfair labor practices will be unable to obtain the remedy they are entitled to if the perpetrator refuses to settle the case.

Finally, merely nominating a replacement for Member Wilcox to restore a quorum will not remedy the damage done by this firing. This firing has compromised the NLRB’s independence. Congress created the NLRB, like other independent federal agencies, to be non-partisan, and to apply the trained judgment of a body of experts informed by experience to issues that arise under the NLRA. Congress provided NLRB Members staggered terms so that the agency could accumulate technical expertise, and avoid complete changes in leadership at any one time. For nearly nine decades, NLRB members have indeed interpreted and effectuated the NLRA following their own expertise and without fear of reprisals. It is necessary to reinstate Member Wilcox immediately to restore that independence.

¹ <https://www.nlr.gov/guidance/key-reference-materials/national-labor-relations-act>

Accordingly, we urge you to reverse your decision and to immediately reinstate Member Wilcox to the NLRB to ensure that working people are afforded the protections to which they are entitled under the law.

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