

Congress of the United States
House of Representatives
Washington, D.C. 20515

February 12, 2025

The Honorable Donald J. Trump
President
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear President Trump:

We ask that you reverse course on the illegal termination of National Labor Relations Board (NLRB) Member Gwynne Wilcox. In particular, we call for you to reinstate Member Wilcox immediately. This firing not only violates the law but also undermines and weakens our democracy; represents an intrusion into Congress's Article I constitutional legislative authority; and, puts workers in America at risk.

The NLRB enforces the law to ensure workers are protected from intimidation and unfair firings and other barriers to their right to organize a union. By firing one of the Board Members, the NLRB lacks the quorum necessary to continue its functions—thus grinding the agency to a halt. Furthermore, the firing of this independent agency officer has made it easier for companies, including Amazon,¹ Facebook,² Google,³ and SpaceX,⁴ to evade allegations that they have broken labor laws.

¹ See, e.g., Caroline O'Donovan, *Amazon violated workers' right at crucial air hub, labor regulators allege*, THE WASHINGTON POST (March 14, 2025), <https://www.washingtonpost.com/technology/2024/03/14/amazon-labor-law-violation-workers/>; Whole Foods Market Group, Inc. case number 04-CA-359040, National Labor Relations Board (Jan. 24, 2025), <https://www.nlr.gov/case/04-CA-359040> (Amazon owns Whole Foods); and Ashley Belanger, *Amazon illegally refused to bargain with drivers' union, NLRB alleges*, ARSTECHNICA (Oct. 2, 2024), <https://arstechnica.com/tech-policy/2024/10/amazon-illegally-refused-to-bargain-with-drivers-union-nlr-alleges/>.

² Parker Purifoy, *Meta's Severance Pacts Violated Federal Labor Law, Judge Rules*, BLOOMBERG LAW (July 19, 2024), <https://news.bloomberglaw.com/daily-labor-report/metaseverancepactsviolatedfederallaborlawjudge-rules>.

³ Daniel Wiessner, *Google should be forced to bargain with contractor's union, US labor agency says*, REUTERS (Jan. 6, 2025), <https://www.reuters.com/technology/google-should-be-forced-bargain-with-contractors-union-us-labor-agency-says-2025-01-06/>.

⁴ *SpaceX accused of unlawfully firing employees who were critical of Elon Musk*, ASSOCIATED PRESS (Jan. 4, 2024), <https://apnews.com/article/spacex-elon-musk-employee-firings-nlr-6d92159b6c6519258757f9e3c58ed74f>.

The *National Labor Relations Act of 1935* (NLRA), which created the NLRB, specifically precludes the President from removing Board Members without good cause and due process. The NLRB was established to adjudicate labor disputes and issue rules to ensure that employees have the freedom to decide whether they would like to be represented by a union. Under *Humphrey's Executor v. United States*,⁵ the Supreme Court ruled that the President is prevented from removing heads of independent agencies, as they serve quasi-legislative and judicial functions established by Congress to be beyond executive control, rather than exercise executive power. In enacting the NLRA, Congress expressly limited the ability of the Executive Branch to remove NLRB Members by specifying that a NLRB Member cannot be removed by the President unless there is notice and a hearing, and the removal is based on a “neglect of duty or malfeasance in office, but for no other cause.”⁶ Having failed to provide Member Wilcox a hearing or to allege proper cause for her removal, the firing of Member Wilcox is unlawful.

Just today, the Department of Justice’s Acting Solicitor General informed the Committee on the Judiciary that your Administration does not intend to defend the constitutionality of statutory tenure protections like the one in the NLRA. In doing so, the Acting Solicitor General implicitly concedes that the firing of Ms. Wilcox and members of other independent federal agencies violates both federal law and Supreme Court precedent.⁷

Setting aside the illegality, the termination of Member Wilcox lacks any merit. It is the express policy of the United States to “encourag[e] the practice and procedure of collective bargaining and by protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing[.]”⁸ Member Wilcox faithfully fulfilled her duties to protect the right of American workers to organize free from intimidation and coercion by employers. Regardless of any Administration’s views, it is directly contrary to longstanding federal law to fire Member Wilcox simply because of disagreement with her commitment to the statutory mission of the NLRB.

Further, the illegal and meritless firing of Member Wilcox undermines the ability of the NLRB to protect American workers. In fact, the rationale provided for Member Wilcox’s termination mirrors the very arguments made by Elon Musk’s SpaceX—who is a member of your Administration⁹—to quash complaints of violating labor law and dismantle the NLRB’s

⁵ 295 U.S. 602 (1935).

⁶ 29 U.S.C. § 153(a).

⁷ Letter from Acting Solicitor General Sarah M. Harris, Department of Justice to Ranking Member Jamie Raskin, Committee on the Judiciary (Feb. 12, 2025), <https://democrats-judiciary.house.gov/uploadedfiles/20250212outraskin530d.pdf>

⁸ 29 U.S.C. § 151.

⁹ Elena Moore et al., *Trump taps Musk to lead a ‘Department of Government Efficiency’ with Ramaswamy*, NPR (Nov. 12, 2024), <https://www.npr.org/2024/11/12/g-s1-33972/trump-elon-musk-vivek-ramaswamy-doge->

independence.¹⁰ Additionally, it is not lost on us that Project 2025—the radical blueprint for the Administration—similarly takes aim at the NLRB to gut workers’ rights.¹¹

For the above-stated reasons, and in keeping with our Committees’ oversight responsibilities, we request any and all information, documents, and communications related to the decision and the termination of Member Wilcox, including the following:

- 1) All communications within the Office of Presidential Personnel (PPO) related to the decision and termination of NLRB Member Gwynne Wilcox;
- 2) All communications within the President’s Transition Team related to the decision and termination of Member Wilcox;
- 3) All communications exchanged between the PPO and private, nongovernmental organizations related to the decision and termination of Member Wilcox;
- 4) All internal documentation produced by the PPO regarding the termination of Member Wilcox;
- 5) All documents and communications from the President’s Transition Team regarding the termination of Member Wilcox, including any documents or communications from Peter Robb, Alice Stock, or any other individual associated with the President’s Transition Team;
- 6) A list, including contact information and professional affiliation, of all individuals representing, employed by, or contracted by private, nongovernmental organizations consulted or otherwise involved in the decision making execution of the termination of Member Wilcox; and
- 7) All documents and communications produced by any individuals representing, employed by, or contracted by private, nongovernmental organizations consulted or otherwise involved in the decision-making execution of the termination of Member Wilcox.

Firing a member of an independent agency without proper notice, hearing, or cause is a clear contravention of the law, separation of powers principles, and over 90 years of Supreme Court

government-efficiency-deep-state; Exec. Order No. 14,158, 90 Fed. Reg. 8441, (Jan. 20, 2025)(See <https://www.whitehouse.gov/presidential-actions/2025/01/establishing-and-implementing-the-presidents-department-of-government-efficiency/>).

¹⁰ Josh Eidelson, *The Email Firing Two NLRB Leaders Cites Conflicts With Trump Agenda*, BLOOMBERG (Jan. 31, 2025), <https://www.bloomberg.com/news/newsletters/2025-01-31/trump-email-firing-nlr-leaders-cites-views-similar-to-elon-musk-s-on-labor>; Haleluya Hadero, *Amazon and Elon Musk’s SpaceX Challenge Labor Agency’s Constitutionality in Federal Court*, ASSOCIATED PRESS (Nov. 18, 2024), <https://apnews.com/article/amazon-nlr-unconstitutional-spacex-elon-musk-ab42977117d883e97110a7bf8e8b257f>.

¹¹ See PROJECT 2025, HERITAGE FOUNDATION, MANDATE FOR LEADERSHIP: THE CONSERVATIVE PROMISE 601 & 603 (Paul Dans & Steven Groves eds. 2023), https://static.project2025.org/2025_MandateForLeadership_FULLL.pdf.

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precedent. It is also a direct attack on workers to remove an official charged with protecting their freedom to organize a union and collectively bargain for a better life, especially at the behest of a billionaire accused of violating the law. We strongly urge you to reverse this unlawful firing and comply with your obligations to the American people under the Constitution and the law passed by Congress.

We appreciate your attention to this matter. Please provide all documents responsive to this request by February 21, 2025. Should you have any questions, please contact the Democratic Staff of the Committee on Education and Workforce, Committee on the Judiciary, and the Committee on Oversight and Government Reform.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Ranking Member
Committee on Education and Workforce



JAMIE RASKIN
Ranking Member
Committee on the Judiciary



GERALD E. CONNOLLY
Ranking Member
Committee on Oversight and
Government Reform

CC: Sergio Gor, Director, Office of Presidential Personnel

Trent Morse, Deputy Director, Office of Presidential Personnel