

MAJORITY MEMBERS:

TIM WALBERG, MICHIGAN, *Chairman*

JOE WILSON, SOUTH CAROLINA  
VIRGINIA FOXX, NORTH CAROLINA  
GLENN THOMPSON, PENNSYLVANIA  
GLENN GROTHMAN, WISCONSIN  
ELISE M. STEFANIK, NEW YORK  
RICK W. ALLEN, GEORGIA  
JAMES COMER, KENTUCKY  
BURGESS OWENS, UTAH  
LISA C. MCCLAIN, MICHIGAN  
MARY E. MILLER, ILLINOIS  
JULIA LETLOW, LOUISIANA  
KEVIN KILEY, CALIFORNIA  
ERIN HOUCHEIN, INDIANA  
MICHAEL RULLI, OHIO  
JAMES C. MOYLAN, GUAM  
ROBERT F. ONDER, JR., MISSOURI  
RYAN MACKENZIE, PENNSYLVANIA  
MICHAEL BAUMGARTNER, WASHINGTON  
MARK HARRIS, NORTH CAROLINA  
MARK B. MESSMER, INDIANA



COMMITTEE ON  
EDUCATION AND WORKFORCE  
U.S. HOUSE OF REPRESENTATIVES  
2101 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-6100

MINORITY MEMBERS:

ROBERT C. "BOBBY" SCOTT, VIRGINIA,  
*Ranking Member*

RAÚL M. GRIJALVA, ARIZONA  
JOE COURTNEY, CONNECTICUT  
FREDERICA S. WILSON, FLORIDA  
SUZANNE BONAMICI, OREGON  
MARK TAKANO, CALIFORNIA  
ALMA S. ADAMS, NORTH CAROLINA  
MARK DESAULNIER, CALIFORNIA  
DONALD NORCROSS, NEW JERSEY  
LUCY MCBATH, GEORGIA  
JAHANA HAYES, CONNECTICUT  
ILHAN OMAR, MINNESOTA  
HALEY M. STEVENS, MICHIGAN  
GREG CASAR, TEXAS  
SUMMER L. LEE, PENNSYLVANIA  
JOHN W. MANNION, NEW YORK

March 21, 2025

The Honorable Marvin E. Kaplan  
Chairman  
National Labor Relations Board  
1015 Half Street, SE  
Washington, DC 20570-0001

Dear Chairman Kaplan:

We write regarding your role in the illegal termination of National Labor Relations Board (NLRB) Member Gwynne Wilcox. While we are pleased that a federal court has affirmed the illegality of President Trump's removal of Member Wilcox,<sup>1</sup> as the head of an independent federal agency, we are seriously concerned with your compliance with and effectuation of an unlawful order by the President and believe several questions must be answered.

The *National Labor Relations Act of 1935* (NLRA), which created the NLRB, expressly precludes any President from removing Board Members without good cause and due process to insulate the agency from political interference. Congress explicitly limited the Executive Branch's ability to remove NLRB Members by requiring notice and a hearing, and that any removal is based on a "neglect of duty or malfeasance in office, but for no other cause[,]"<sup>2</sup> to protect it "from being subject to immediate political reactions at elections."<sup>3</sup> Furthermore, the NLRB's independence ensures it can fairly adjudicate labor disputes, hold law-breaking employers accountable, and issue rules to ensure that employees have the freedom to join or form a union.

The structure of the NLRB was modeled after other independent federal agencies, such as the Federal Trade Commission (FTC),<sup>4</sup> which Supreme Court precedent expressly protects from

---

<sup>1</sup> Order, *Wilcox v. Trump*, No. 1:25-cv-00334 (D.D.C. March 6, 2025).

<sup>2</sup> 29 U.S.C. § 153(a).

<sup>3</sup> GOV'T PUB. OFFC., LEGISLATIVE HISTORY OF THE NATIONAL LABOR RELATIONS ACT 1935 1467 (1st Vol. 1949).

<sup>4</sup> *Id.* at 1428 (Senator Robert Wagner—the architect of the NLRA—on the creation of a national labor board stated that "[t]here is no more reason why the Board should be connected with the Department of Labor than why the Federal Trade Commission should be attached to the Department of Commerce.").

direct presidential interference. Under *Humphrey's Executor v. United States*,<sup>5</sup> the Court ruled that the president is prevented from removing heads of independent agencies—in this particular case, the FTC—as they serve quasi-legislative and judicial functions established by Congress that are beyond executive control, rather than exercise executive power. This precedent has remained binding law for nearly 90 years and remains binding regardless of a presidential administration's personal preferences.

As detailed above, your acquiescence with the Trump Administration's illegal and unconstitutional order runs contrary to your role as head of an independent agency outside of the President's direct control. As Chairman of the NLRB, you have a duty to oversee the administration, operation, and personnel of the Board in service of American workers, not the President. However, despite the law and well-established Supreme Court precedent<sup>6</sup> affirming that agencies such as the NLRB are not directly beholden to the whims of a particular presidential administration, you proceeded to effectively terminate Member Wilcox by cutting off her email access; reclaiming her government-issued laptop, phone, and iPad; and ordering her to clean out her office.<sup>7</sup>

For the above-stated reasons, and in keeping with the Committee's oversight responsibilities, we request any and all information, documents, and communications, including downloads, copies, or screenshots of any messages on any digital communications platform, related to the decision to remove and removal of Member Wilcox from her Senate-confirmed position, including the following:

- 1) All communications between the Chairman's Office and the Trump Administration, including but not limited to the Office of Presidential Personnel, related to the termination of Member Wilcox;
- 2) All communications between the Chairman's Office and the President's Transition Team related to the termination of Member Wilcox;
- 3) All communications between the Chairman's Office and the NLRB's Division of Administration related to the termination of Member Wilcox;
- 4) All communications between the Chairman's Office and the NLRB's Chief Information Officer related to the termination of Member Wilcox;
- 5) All communications within the Chairman's Office related to the decision to carry out the Trump Administration's order and subsequent actions to bar Member Wilcox from continuing to serve out her term as NLRB Member.

Removing Member Wilcox from the NLRB without proper notice, hearing, or cause was a clear contravention of the law, the principle of the separation of powers, and nearly 90 years of

---

<sup>5</sup> 295 U.S. 602 (1935) [hereinafter *Humphrey's Executor*].

<sup>6</sup> See *Humphrey's Executor*, *supra* note 5.

<sup>7</sup> Complaint at 5-6, *Wilcox v. Trump*, No. 1:25-cv-00334 (D.D.C. Feb. 5, 2025).

The Honorable Marvin E. Kaplan

March 21, 2025

Page 3

Supreme Court precedent. Fortunately, a federal court has reinstated Member Wilcox, and she is back at work doing the job the U.S. Senate confirmed her to do. However, Congress and the American people deserve to know the full extent of the NLRB's role in the President's illegal order.

We appreciate your attention to this matter. Please provide all documents responsive to this request by emailing Eleazar Padilla at [Eleazar.Padilla@mail.house.gov](mailto:Eleazar.Padilla@mail.house.gov) by April 4, 2025. Should you have any questions, please contact the Mason Pesek with the Democratic Staff of the Committee on Education and Workforce at [Mason.Pesek@mail.house.gov](mailto:Mason.Pesek@mail.house.gov).

Sincerely,



---

**ROBERT C. "BOBBY" SCOTT**  
Ranking Member



---

**MARK DESAULNIER**  
Ranking Member  
Subcommittee on Health,  
Employment, Labor, and Pensions



---

**GREG CASAR**  
Vice Ranking Member