

July 9, 2013

Senator Mitch McConnell
317 Russell Senate Office Building
Washington, DC 20510

Dear Senator McConnell:

We are writing to express our serious concern over recent press reports detailing your position regarding the National Labor Relations Board (NLRB). Specifically, your office stated that the Senate will not vote on the full package of Board nominees unless current Board members Ms. Sharon Block and Mr. Richard Griffin are replaced. This is nothing more than a blatant and cynical attempt to shut down the NLRB's lawful ability to investigate and remedy unfair labor practices.

As you are well aware, the United States Court of Appeals for the District of Columbia Circuit (DC Circuit), *Noel Canning v. NLRB*, decision to invalidate the President Obama's recess appointments of Ms. Block and Mr. Griffin is not the final legal say on the matter. Therefore, their current nominations should not be disqualified. The President has asked the Supreme Court to review the decision, and there is pending litigation in at least five other district courts. Demanding the resignation of Ms. Block and Mr. Griffin is counterproductive and ignores both legal process and precedent.

At the moment, only three members are sitting on the NLRB, with one member's term due to expire in August. As a result, the Board is at risk of being unable to function. Furthermore, employers are already using the *Noel Canning* decision to challenge the NLRB's decisions and the DC Circuit Court is putting these cases on hold, leaving workers without remedy when they are illegally fired or when their employer refuses to negotiate in good faith.

These delays and the uncertainty that they cause have real world consequences for American workers. For example, Marcus Hedger from Illinois has lost his family home while waiting for a final decision on his illegal firing¹. In September 2012 a unanimous bipartisan panel of the NLRB determined in that Mr. Hedger was terminated as a result of union activity and ordered that he be reinstated with back pay. However, the company appealed that decision to the DC Circuit Court. In January, the case was delayed due to the *Noel Canning* decision, leaving Mr. Hedger without any remedy. It has been several years since the situation began and he still is struggling for justice.

The NLRB provides critical protections to American workers and gives businesses much needed labor certainty. Each day that the Board sits idle is one in which workers' lawful rights are put at risk. This continued ideological obstructionism is denying hardworking Americans the crucial worker protections that the NLRB provides. We urge you to withdraw this partisan demand and

¹ www.nlr.gov/case/13-CA-046331

allow the Senate to fulfill its constitutional responsibility to consider presidential appointments, and to do so without continued delay.

Sincerely,

Linda T Sánchez
Member of Congress

Joe Courtney
Member of Congress

André Carson
Member of Congress

Gregorio Kilili Camacho Sablan
Member of Congress

Robert A. Brady
Member of Congress

Donald Payne, Jr.
Member of Congress

Tammy Duckworth
Member of Congress

Kurt Schrader
Member of Congress

James Langevin
Member of Congress

Debbie Wasserman Schultz
Member of Congress

Jim Himes
Member of Congress

David Cicilline
Member of Congress

Ann McLane Kuster
Member of Congress

Lloyd Doggett
Member of Congress

Kathy Castor
Member of Congress

Frederica Wilson
Member of Congress

Jackie Speier
Member of Congress

Joaquin Castro
Member of Congress

Michelle Lujan Grisham
Member of Congress

David Scott
Member of Congress

Mike Thompson
Member of Congress

Frank Pallone, Jr.
Member of Congress

Colleen Hanabusa
Member of Congress

Mike Doyle
Member of Congress

Cedric Richmond
Member of Congress

Anna Eshoo
Member of Congress

James Clyburn
Member of Congress

Tim Bishop
Member of Congress

Mark Pocan
Member of Congress

William Keating
Member of Congress

Brad Schneider
Member of Congress

Dan Kildee
Member of Congress

Ann Kirkpatrick
Member of Congress

John Lewis
Member of Congress

Dina Titus
Member of Congress

John Yarmuth
Member of Congress

Janice Hahn
Member of Congress

Bill Owens
Member of Congress

Karen Bass
Member of Congress

Marc Veasey
Member of Congress

Joyce Beatty
Member of Congress

Dan Maffei
Member of Congress

Gerald E. Connolly
Member of Congress

Dennis Heck
Member of Congress

Alan Grayson
Member of Congress

Pete Gallego
Member of Congress

Filemon Vela
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Jim McGovern
Member of Congress

Suzanne Bonamici
Member of Congress

Eric Swalwell
Member of Congress

Tulsi Gabbard
Member of Congress

Elizabeth Esty
Member of Congress

Alan Lowenthal
Member of Congress

Cheri Bustos
Member of Congress

Julia Brownley
Member of Congress

Ted Deutch
Member of Congress

Rob Barber
Member of Congress

Tim Walz
Member of Congress

Jim McDermott
Member of Congress

Lois Frankel
Member of Congress

Earl Blumenauer
Member of Congress

Loretta Sanchez
Member of Congress

Mike Quigley
Member of Congress

Sam Farr
Member of Congress

Terri Sewell
Member of Congress

Robert C. "Bobby" Scott
Member of Congress

Jerry McNerney
Member of Congress

Pedro Pierluisi
Member of Congress

Rush Holt
Member of Congress

Joe Kennedy III
Member of Congress

Xavier Becerra
Member of Congress

Allison Schwartz
Member of Congress

Sander Levin
Member of Congress

Kyrsten Sinema
Member of Congress

Jim Costa
Member of Congress

Grace Meng
Member of Congress

Chellie Pingree
Member of Congress

Raul Ruiz, M.D.
Member of Congress

Steve Horsford
Member of Congress

Hakeem Jeffries
Member of Congress

Zoe Lofgren
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John Carney
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Ami Bera
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Ed Perlmutter
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Michael E. Capuano
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Matt Cartwright
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Tim Ryan
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Derek Kilmer
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Jared Polis
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Joe Crowley
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Joe Garcia
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John Larson
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Ron Kind
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Mark Allan Takano
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Tony Cardenas
Member of Congress

Donna Christensen
Member of Congress

Raul Grijalva
Member of Congress

Patrick Murphy
Member of Congress

Judy Chu
Member of Congress

Susan Davis
Member of Congress

Dave Loebsack
Member of Congress

Sean Patrick Maloney
Member of Congress

Carol Shea-Porter
Member of Congress

Jim Cooper
Member of Congress

Juan Vargas
Member of Congress

Niki Tsongas
Member of Congress

Gary Peters
Member of Congress

Grace Napolitano
Member of Congress

Jared Huffman
Member of Congress

John Delaney
Member of Congress

Gloria Negrete McLeod
Member of Congress

Steny Hoyer
Member of Congress

Chris Van Hollen
Member of Congress

Michael M. Honda
Member of Congress

Betty McCollum
Member of Congress

Dan Lipinski
Member of Congress

Beto O'Rourke
Member of Congress

Bill Enyart
Member of Congress

Michael Michaud
Member of Congress

Suzan DelBene
Member of Congress

Edward Markey
Member of Congress

Collin Peterson
Member of Congress

Jerrold Nadler
Member of Congress

Corrine Brown
Member of Congress

Bill Foster
Member of Congress

Rick Larsen
Member of Congress

Stephen Lynch
Member of Congress

Peter DeFazio
Member of Congress

Eleanor Holmes Norton
Member of Congress

Danny K. Davis
Member of Congress

Sheila Jackson Lee
Member of Congress

Eliot Engel
Member of Congress

David Price
Member of Congress

Marcy Kaptur
Member of Congress

Al Green
Member of Congress

John Barrow
Member of Congress

Henry A. Waxman
Member of Congress

George Miller
Member of Congress

Richard E. Neal
Member of Congress

Maxine Waters
Member of Congress

Jose E. Serrano
Member of Congress

Lois Capps
Member of Congress

Gregory Meeks
Member of Congress

Elijah Cummings
Member of Congress

John Tierney
Member of Congress

Henry C. "Hank" Johnson, Jr.
Member of Congress

Brad Sherman
Member of Congress

Keith Ellison
Member of Congress

Gwen Moore
Member of Congress

James P. Moran
Member of Congress

Pete Visclosky
Member of Congress

Ruben Hinojosa
Member of Congress

Bruce Braley
Member of Congress

Adam Smith
Member of Congress

Robert E. Andrews
Member of Congress

Barbara Lee
Member of Congress

Bobby Rush
Member of Congress

Chaka Fattah
Member of Congress

Nydia Velazquez
Member of Congress

Peter Welch
Member of Congress

G. K. Butterfield
Member of Congress

Nick Rahall, II
Member of Congress

Carolyn Maloney
Member of Congress

John D. Dingell
Member of Congress

Lucille Roybal-Allard
Member of Congress

Emanuel Cleaver
Member of Congress

Albio Sires
Member of Congress

Marcia Fudge
Member of Congress

Carolyn McCarthy
Member of Congress

Yvette Clarke
Member of Congress

Alcee Hastings
Member of Congress

Charles Rangel
Member of Congress

Nita Lowey
Member of Congress

Jan Schakowsky
Member of Congress

Diana DeGette
Member of Congress

Bill Pascrell, Jr.
Member of Congress

Steve Cohen
Member of Congress

Luis V. Gutierrez
Member of Congress

Scott Peters
Member of Congress

Adam Schiff
Member of Congress

Rosa DeLauro
Member of Congress

Dutch Ruppersberger
Member of Congress

William Lacy Clay
Member of Congress

Robin Kelly
Member of Congress

John Conyers
Member of Congress

Sanford Bishop, Jr.
Member of Congress

Doris Matsui
Member of Congress

John Garamendi
Member of Congress

John Sarbanes
Member of Congress

Donna Edwards
Member of Congress

Ben Ray Lujan
Member of Congress

Rick Nolan
Member of Congress

Steve Israel
Member of Congress

Brian Higgins
Member of Congress

Paul Tonko
Member of Congress

Ed Pastor
Member of Congress

Bennie Thompson
Member of Congress

Eddie Bernice Johnson
Member of Congress

Louise M. Slaughter
Member of Congress

Gene Green
Member of Congress