



United States Government

NATIONAL LABOR RELATIONS BOARD

Office of the General Counsel

1015 Half Street, SE

Washington, DC 20570

January 20, 2021

Amb. Cathy Russell
Assistant to the President & Director
Office of Presidential Personnel
The White House
1600 Pennsylvania Avenue
Washington, D.C.

Dear Ms. Russell:

I write in response to your email sent at 12:23 pm today requesting my resignation as General Counsel of the National Labor Relations Board (NLRB) by 5 p.m. today and threatening my removal from that office if I do not resign by that time. Needless to say, I was surprised by the email as no one has previously discussed this issue with me. For the reasons discussed below, I respectfully decline to resign from my Senate-confirmed four-year term appointment as General Counsel of the NLRB less than 10 months before the expiration of my term.

First, the removal of an incumbent General Counsel of the NLRB prior to the expiration of the term by a President of the United States is unprecedented since the nascence of the National Labor Relation Act (NLRA) and the NLRB. One of the key amendments to the NLRA that occurred in 1947 was to create an independent General Counsel.

Most important, however, the removal of a General Counsel would set an unfortunate precedent for the labor relations of this country that will permanently undermine the structure and thus the proper functioning of the NLRB and the NLRA. In particular, such action undermines Congress's intent that the Office of the General Counsel be independent of the Board and the Executive Branch so that the General Counsel, as chief prosecutor of the NLRA, can prosecute potential violations of the NLRA free from political influence and pressure. Indeed, my own experience, as well as my conversations with those who held this position before me, have confirmed the need for the NLRB General Counsel to act independently without constant fear of removal.

It was my understanding that the incoming administration intended to foster civility and unity in this country and in the governing of this country, promising to adhere to the rule of law and enabling its chief law enforcement officers the independence, free from White House interference, to enforce the laws of the United States. A presidential removal of the NLRB's General Counsel prior to the expiration of his or her term violates these promises and principles. The prosecution of violations of the NLRA will now be subject to the political influence of the

White House, in violation of Congressional action to improve the function of the NLRB to achieve the NLRA's mission to fairly resolve labor disputes in the United States.

Finally, I am concerned that the abrupt manner in which this is being done will cause unnecessary interference with immediate Agency operations.

I would be happy to discuss any aspect of this with you.

Sincerely,

Peter B. Robb
General Counsel