

AFL-CIO

LEGISLATIVE ALERT

September 25, 2017

Dear Senators:

Working people depend on the National Labor Relations Board to protect their right to organize with their co-workers and advocate for improvements at work through collective bargaining with their employers. These rights – established by the National Labor Relations Act of 1935, whose purpose was and remains to encourage and promote the practice of collective bargaining – are more important now than ever, with incomes stagnant and wealth increasingly going to the top 1%. Without a private right of action, working people must depend on the NLRB to enforce their rights. The NLRB's decisions and actions have a significant impact on the lives of working Americans.

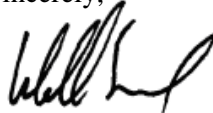
By tradition, Presidents appoint a majority of members to the NLRB from their own political party, and in keeping with that tradition, President Trump has named longtime management lawyer William Emanuel to a vacant seat on the NLRB. Unfortunately, after reviewing his record and statements at his confirmation hearing, the AFL-CIO has concluded that we must oppose Emanuel and urge the Senate to reject his nomination.

Notwithstanding the clear purpose and mission of the agency to which he has been nominated – to protect and encourage the practice of collective bargaining -- nothing in his background or previous statements provides any assurance that Emanuel would be guided and motivated by this basic mission. Emanuel has exclusively represented employers, most recently at the notorious union-busting law firm Littler Mendelson. He confirmed at his confirmation hearing that he has never represented a worker or union in an employment matter – not even in pro bono work. Nothing he said at the confirmation hearing would give working people any confidence that he would vigorously enforce the NLRA consistent with the law's purpose of protecting workers' right to organize and promoting collective bargaining.

In recent years, some in Congress and in the business community have launched relentless attacks on the NLRB and sought to get key NLRB decisions and actions overturned. Emanuel has been part of these attacks, and he said nothing at the confirmation hearing to distance himself from these attacks or suggest that he would bring a less hostile and more pro-NLRA view to his work, should he be confirmed to the NLRB. Nor did he make adequate commitments to recuse from cases and issues where there is real concern, based on his prior work and writings, that he has prejudged the issue and would not approach it with an open, unbiased mind.

For these reasons, the AFL-CIO opposes the nomination of William Emanuel to the NLRB.

Sincerely,



William Samuel, Director
Government Affairs Department

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