

Congress of the United States

Washington, DC 20515

February 2, 2021

Mr. Chris Lu
Team Lead, Department of Labor
Biden-Harris Presidential Transition Team
1401 Constitution Ave., NW
Washington, D.C. 20230

Dear Mr. Lu,

We write to request information regarding the circumstances surrounding the removal of the National Labor Relations Board (NLRB) General Counsel Peter Robb and Deputy General Counsel Alice Stock. Just twenty-two minutes after speaking of unity and embracing an orderly transition of power, President Biden requested Mr. Robb resign, prior to the completion of his Senate-confirmed four-year term.¹ With 10 months of his term left, Mr. Robb declined to resign. President Biden then fired him on January 20 as one of his very first actions as President. The next day, Mr. Robb's replacement, Deputy General Counsel Alice Stock was told to resign by 5pm or she would be dismissed as well.² She declined to resign and was also fired. Given the timing of Mr. Robb's and Ms. Stock's firings, we want to understand whether they were removed for partisan political purposes, as retaliation for some action they undertook at the NLRB, or other reasons.

Mr. Robb's removal is unprecedented. The National Labor Relations Act established an independent General Counsel in 1947. No General Counsel has been asked to resign since 1950 and Mr. Robb is first to be fired from the position.³ Congress constructed the General Counsel's office to be free from political influence, ensuring it is free to investigate and prosecute potential violations of the law. By firing Mr. Robb and Ms. Stock, President Biden is setting a disturbing precedent for politicizing an office created to be independent from political pressure.

Further, firing Mr. Robb on day one of the new Administration creates needless complications and inefficiencies for the NLRB, which expected to have Mr. Robb's leadership until the completion of his term in the fall.⁴ The subsequent firing of his deputy the following day creates even more chaos for the NLRB, as their two top lawyers have been removed without appropriate transition time. The NLRB plays a vital role in protecting American worker's rights

¹ Letter from Peter B. Robb, General Counsel, Nat'l Labor Relations Board, to Amb. Cathy Russell, Assistant to the President & Dir., Office of Presidential Personnel (Jan. 20, 2021), <https://aboutblaw.com/VaB>.

² Rebecca Rainey, *Trump officials at labor board ousted by Biden after resisting removal*, POLITICO (Jan. 21, 2021), <https://www.politico.com/news/2021/01/20/trump-labor-board-460978>.

³ Ian Kullgren & Josh Eidelson, *Biden Fires NLRB General Counsel After He Refuses to Resign*, BLOOMBERG LAW (Jan. 20, 2021), <https://news.bloomberglaw.com/daily-labor-report/biden-moves-to-oust-top-labor-board-attorney-robb>.

⁴ Letter from Peter B. Robb, Gen. Counsel, Nat'l Labor Relations Board, to Amb. Cathy Russell, Assistant to the President & Dir., Office of Presidential Personnel (Jan. 20, 2021), <https://aboutblaw.com/VaB>.

in the workplace. Abruptly removing the General Counsel and the Deputy General Counsel of an independent agency—tasked with investigating cases where employers or unions are harming the American worker—will cause unnecessary delays, potentially disrupt ongoing litigation, and may result in actions by the Office of the General Counsel that are ultra vires and later deemed null and void.

Prior to President Biden's inauguration, the Service Employees International Union, one of the country's largest and most powerful labor unions, sent a memo to Mr. Biden's transition team arguing for the removal of Mr. Robb.⁵ Additionally, there have been reports of at least one other union, the Communications Workers of America, broaching the subject with the Biden-Harris transition team.⁶ This raises questions about the rationale for dismissing Mr. Robb and Ms. Stock.

To ensure that the NLRB maintains its independence and is not being influenced by partisan political schemes, we request that you produce the following documents and information to the Committee no later than February 16, 2021:

1. All documents and communications between the Biden-Harris Transition and any outside persons or organizations, including the Service Employees International Union, related to requesting the resignation and/or removal of any employee in the NLRB Office of General Counsel, including Peter Robb and Alice Stock.
2. All documents and communications between the Biden-Harris Transition and the White House related to requesting the resignation and/or removal of any employee in the NLRB Office of General Counsel, including Mr. Robb and Ms. Stock.
3. All documents and communications between the Biden-Harris Transition team and the NLRB related to requesting the resignation and/or removal of any employee in the NLRB Office of General Counsel, including Mr. Robb and Ms. Stock.
4. All internal documents and communications between and among Biden-Harris Transition employees relating to requesting the resignation and/or removal of any employee in the NLRB Office of General Counsel, including Mr. Robb and Ms. Stock.

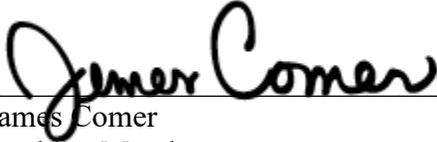
⁵ Dave Jamieson, *Union Allies Call on Joe Biden to Fire Trump's Labor Board Attorney Immediately*, HUFF. POST (Jan. 14, 2021), https://www.huffpost.com/entry/joe-biden-peter-robb-nlr-union_n_6000a47cc5b62c0057bb6301.

⁶ Braden Campbell, *Will Joe Biden Fire The Labor Board's Top Cop?*, LAW360 (Dec. 1, 2020), <https://www.law360.com/articles/1333508>.

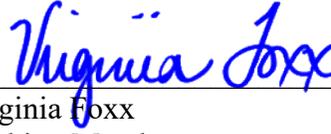
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If you have any questions about this request, please contact Oversight Committee staff at (202) 225-5074. Thank you in advance for your cooperation with this inquiry.

Sincerely,



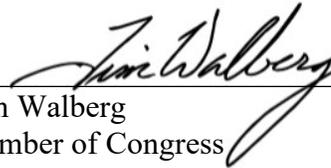
James Comer
Ranking Member
Committee on Oversight and Reform



Virginia Foxx
Ranking Member
Committee on Education and Labor



Michael Cloud
Member of Congress



Tim Walberg
Member of Congress

cc: The Honorable Carolyn B. Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Robert C. Scott, Chairman
Committee on Education and Labor