

Congress of the United States  
Washington, DC 20515

February 2, 2021

Ms. Dana Remus  
Counsel to the President  
The White House  
1600 Pennsylvania Avenue NW  
Washington, D.C. 20500

Dear Ms. Remus,

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.<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup> 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

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<sup>1</sup> 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>.

<sup>2</sup> 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>.

<sup>3</sup> 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>.

<sup>4</sup> 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>.

appropriate transition time. The NLRB plays a vital role in protecting American worker's rights 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.<sup>5</sup> 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.<sup>6</sup> 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 White House and any outside persons or organizations, including the Service Employees International Union, from January 20, 2021, to present 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 White House and the Biden-Harris Transition 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 White House 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 White House 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.

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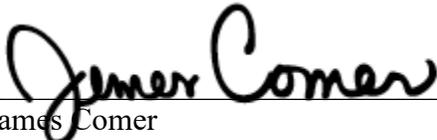
<sup>5</sup> Dave Jamieson, *Union Allies Call on Joe Biden to Fire Trump's Labor Board Attorney Immediately*, HUFF. POST (Jan. 14, 2021), [https://www.huffpost.com/entry/joe-biden-peter-robb-nlr-union\\_n\\_6000a47cc5b62c0057bb6301](https://www.huffpost.com/entry/joe-biden-peter-robb-nlr-union_n_6000a47cc5b62c0057bb6301).

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

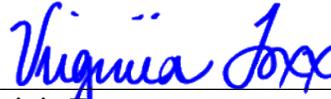
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If you have any questions about this request, please contact Oversight Committee staff at (202) 225-5074. Thank you in advance for your cooperation with this inquiry.

Sincerely,



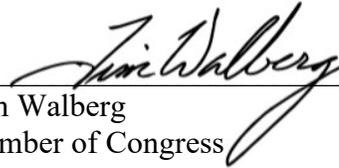
James Comer  
Ranking Member  
Committee on Oversight and Reform



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