

United States Senate

WASHINGTON, DC 20510-2101

February 1, 2011

President Barack Obama
The White House
Washington, DC 20500

Dear President Obama,

We are writing to urge you to withdraw the nomination of Craig Becker to be a Member of the National Labor Relations Board (NLRB).

We were disappointed that you chose to put Mr. Becker on the Board by recess appointment even after the Senate voted against advancing his nomination. After examination of his writings and a hearing before the Senate Health, Education, Labor and Pensions Committee, the Senate opposed his confirmation because of his record of supporting an expanded role for the NLRB beyond current law without Congressional authorization and his multiple conflicts-of-interest.

Last March, many of us wrote to you and urged you not to make this recess appointment in direct contravention of the will of the Senate. Unfortunately, the appointment was made and during his ten month tenure, Mr. Becker has not alleviated our concerns. He has led the Board to re-open and reverse settled decisions, made discrete cases a launching point for broad changes to current labor law, and used an 18 year-old petition to initiate a rulemaking proposal that likely exceeds the Board's statutory authority. At the same time, the NLRB is threatening four states with lawsuits based on constitutional provisions protecting secret-ballot union elections that were adopted by the voters of those states. Yet, the Board has ignored provisions in other states that conflict with federal law but benefit unions over employers, including state laws that restrict employers' free speech rights during the union organizing process. These actions will ensure conflict with the Congress, entangle the NLRB in legal challenges for many years and result in an even more politicized, polarized, and unworkable NLRB.

The mission of the Members and staff of the NLRB is to enforce current law, and to protect the rights of working Americans to make their own decisions about whether or not to form and join labor unions. Changes to statutory law should be pursued solely through Congress, with the opportunity for debate, stakeholder input and amendment, followed by a vote.

Of equal concern, Mr. Becker assured Senators at his confirmation hearing that he would recuse himself from any Board matter in which his previous union employers were a party, for at least two years. Yet, when asked to recuse himself in 13 pending cases involving former employers, he refused in 12 of them. Disregard for the NLRB's appearance of impartiality is of great concern.

We urge you to respect the will of the Senate and withdraw this nomination. We would be pleased to work with you to identify a replacement nominee capable of receiving swift confirmation.

Sincerely,

Michael R. Enzi

Orin Hatch

Pat Roberts

Johnny Isakson

Tom Coburn

Lamar Alexander

Tim Wirth

Chuck Grassley

Sally Pauer

Jeff Sessions

Markwayne Mullins

Tim Scott

Susan Collins

Pat Rooney

Richard's Lager

Mike G

Jim Conroy

Joe Burns

John Boyman

Mike McCarroll

Olympic Home

Jerry Moran

Don Kuhl

John Ensign

Paul Coleman

Rob Pantman

Raywick

Jeff Sevier

John Hovine

Scott Brown

John Gray

Jim DePiet

Ray Johnson

Rosecrance

Richard Shelby

Ray Bennett

Don Cook

Kay Bailey Hutchison

Lee Richardson

Jan Kin

John Thune

Wing L. E.

Rand Paul

John McCain

Kelly A. Ayotte

Mike Croop