

United States Senate

WASHINGTON, DC 20510

December 19, 2011

President Barack Obama
The White House
Washington, DC

RE: NLRB Nominations

Dear Mr. President:

We are writing to urge you not to undermine the Senate's advice and consent role by attempting to place your recently announced nominees to National Labor Relations Board, Sharon Block and Richard Griffin, in those positions through recess appointments. Moreover, we urge to instead allow for a full and thorough review of their qualifications through regular order in the Senate.

Appointments to the NLRB have traditionally been made through prior agreement of both parties to ensure that any group of nominees placed on the board represents an appropriate political and philosophical balance. Indeed, the very statutory design of the Board is meant to ensure a basic level of bipartisanship in the appointment of Members. As you are undoubtedly aware, appointments to Board that depart from this tradition have resulted in some of the most contentious, divisive struggles we face in the Senate. Your controversial recess appointment of NLRB Member Craig Becker is an example of an NLRB nominee having been appointed over the objection of the Senate and the result of that decision has been unending controversy throughout Member Becker's entire term on the Board, which has undermined the credibility of the entire NLRB.

We urge you to avoid attempting to give your latest NLRB nominees - Ms. Block and Mr. Griffin - recess appointments at any point, especially during the mandatory adjournment between sessions of the 112th Congress, which will undoubtedly be very brief. While some have publicly suggested doing so would be an appropriate course of action with regard to other nominations, it would, at the very least, set a dangerous precedent that would most certainly be exploited in future cases to further marginalize the Senate's role in confirming nominees and could needlessly provoke a constitutional conflict between the Senate and the White House.

We are certain that we all want to avoid any further conflict over additional recess appointments to the NLRB. It would be especially unfortunate if the Senate was never given an opportunity to fully explore their qualifications and suitability to be Members of the NLRB through a careful and deliberative hearings and confirmation process.

Thank you for your attention regarding this important matter.

Sincerely,





Roy Wickes

John Conyn

Susan M. Collins

Jim DeMint

Conn Cox

Fred Cochran

Richard S. Lugar

Chuck Grassley

Kelly Ayotte

John McLean

Ron Johnson

Mike Crapo

Pat Romney

Tommy L

Randy L

Rand Paul

J. R. L.

M. K. L.

John L.

M. K.

John B.

John L.

Benson

John L.

~~John L.~~

John L.

Van Allen

Richard H.

Mike Johnson

Kay Bailey Hutchison

John Barrasso

Olympic Snow

Rob Portman

Jerry Moran

Jim Cooper

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Don Coats

Clayton Kopp

Jim Kirk

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Joe Manchin

Clara Kim

Jeff Sessions

Karl P. Braun

Will B. Sini