

Josh Kaul
Wisconsin Attorney General



P.O. Box 7857
Madison, WI 53707-7857

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AG Kaul Calls on Court to Keep Labor Board Functioning

Coalition of 20 attorneys general argues the unlawful dismissal of NLRB board member undermines the functioning of the NLRB and the enforcement of labor laws across America

MADISON, Wis. – Today, Attorney General Josh Kaul joined a coalition of 20 attorneys general in [filing](#) an amicus brief in *Wilcox v. Trump* in the U.S. District Court for the District of Columbia supporting Gwynne Wilcox, a member of the National Labor Relations Board (NLRB), in her lawsuit against President Donald Trump.

On January 27, 2025, President Trump purported to dismiss Wilcox from the NLRB during the middle of her five-year appointment, leaving just two members remaining on the five-member Board. As the NLRB cannot act without a quorum of at least three members, it has been incapacitated by Wilcox's purported dismissal. The amici states argue that a functioning NLRB is necessary for the enforcement of labor laws across the United States and urge the court to order the defendants to allow Wilcox to continue performing her responsibilities as an NLRB member.

“This unlawful firing would effectively shut the NLRB down for a period of time, substantially undermining protections for workers’ rights,” said AG Kaul. “The court must stop this unlawful effort and protect the independence and basic functioning of the NLRB.”

In 1935, President Roosevelt signed the National Labor Relations Act (NLRA) into law, which guarantees to American workers the right to join a union, bargain for

better wages and working conditions, and engage in activities like strikes and pickets, and which protects workers from retaliation due to certain union-related activities. The Act also created the NLRB, an independent, quasi-judicial federal agency with the authority to enforce the NLRA, investigate violations of labor laws, adjudicate labor disputes, and certify the results of union elections.

In their brief, the states note that Supreme Court precedent gives the NLRB broad authority over the conduct of labor relations and preempts states from regulating that conduct. As a result, if the NLRB cannot issue rules or adjudicate unfair labor practices, it creates a significant vacuum that harms workers everywhere. By purporting to remove Wilcox and incapacitating the NLRB, the amici states argue that the Trump Administration has left American workers without the entity authorized to ensure the guaranteed ability to join a union and engage in collective bargaining, protections which workers have relied on for decades. This regulatory vacuum is deeply troubling given the importance and scale of the work done by the NLRB. In the past decade, the NLRB reviewed almost 3,000 allegations of unfair labor practices. In fact, there are currently over 158 cases of unfair labor practices pending in Wisconsin alone.

The amici states make the case that this regulatory vacuum would be damaging given the general stability of labor relations provided by the NLRB as well as the economic benefits that unions provide. The states note in their filing that union employees earn higher wages and receive better benefits than their non-union counterparts, and that even non-union employees benefit from this as an increase in private-sector union membership often coincides with an increase in wages for non-union workers.

For these reasons, the amici states urge the Court to grant Wilcox's motion for expedited summary judgment and order the defendants to allow her to continue performing her responsibilities as an NLRB member.

Joining AG Kaul in submitting this brief, which is led by Minnesota Attorney General Keith Ellison, are the attorneys general from Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawai'i, Illinois, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, and Vermont.