

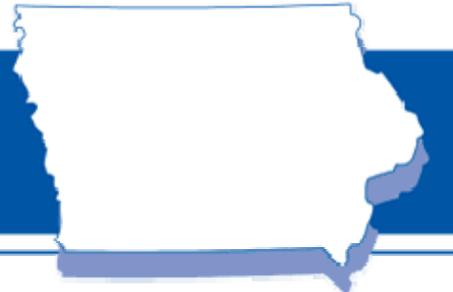
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*U.S. Senator*

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## **STATEMENT OF CHAIRMAN TOM HARKIN (D-IA)**

### **AT HELP COMMITTEE EXECUTIVE SESSION ON PENDING NOMINEES**

*\*As Prepared for Delivery\**

"Today we are taking up the President's nominees for a number of positions that perform important roles in our society – defending workers' rights, protecting the Constitutional right to counsel, and preserving our rich national traditions in the humanities. I thank Senator Enzi and his staff for working cooperatively with us to move these nominees through the process.

"I would like to say a few words about the National Labor Relations Board. The NLRB is a small agency, but its mission is a large one – to 'encourag[e] the practice and procedure of collective bargaining and . . . protect the exercise by workers of full freedom of association.' In today's challenging economy, when workers are vulnerable and worried about the future, it is critically important to have strong leadership at the Board to guide the agency in its core mission.

"Unfortunately, in recent years the Board seems to have strayed off course. The agency doesn't seem to be doing all it can to inform workers of their rights, or to appropriately punish repeat violators of our labor laws. I am also concerned about the excessive delays at the Board – justice delayed is justice denied, and all too often these delays mean there is no real penalty for violating workers' rights.

"It will be a serious challenge to restore the core mission of this agency, but I think today's nominees are up to the task. They bring a wealth of practical experience and a varied set of perspectives that will be an asset to the Board.

"Mark Pearce has spent his career practicing labor law. He worked as an attorney in the Regional Offices of the NLRB, dealing with the nuts and bolts of the election process. As a District Trial Specialist, he traveled around the country handling some of the most complex litigation pending before the Board. Mr. Pearce later entered private practice and spent the last 15

years representing unions and workers before state and federal courts.

"Brian Hayes also began his career at the NLRB, clerking for the Board's chief administrative law judge, and then serving as counsel to the Board's chairman, before embarking on a successful career as a management-side labor lawyer. Most recently, he has served as Labor Policy Director for Senator Enzi. I know that members and staff on both sides of the aisle have greatly enjoyed working with Brian, and we thank him for his dedicated service to Senator Enzi and to this Committee.

"Our third nominee, Craig Becker, is one of the preeminent labor law thinkers in the United States, and a proud son of the State of Iowa. He has taught labor law at some of our finest law schools, and has authored numerous articles on labor and employment issues. Mr. Becker is an experienced attorney who has advocated for workers' interests in virtually every federal court of appeals and the United States Supreme Court. I have met with him and spoken with him at length, and I can say with great confidence that he will be an invaluable addition to the NLRB.

"As an academic Mr. Becker has written extensively on a variety of legal topics. He has taken a critical approach to existing law and pushed the boundaries of convention in his field. It's clear, however, that he understands and respects the distinction between being an intellectual advocate and serving as an adjudicator on the Board. He is fully aware that as a member of the Board his role will be – and I quote from his responses to the Committee's questions here: – to 'implement Congress's intent as expressed in the law, to fairly consider all views ... to deliberate with my fellow Board members, to utilize the wealth of knowledge and experience possessed by the Board's career staff, and to fairly and impartially decide cases based on the relevant facts and applicable law.'

"Also, while Mr. Becker has been a dedicated union lawyer for many years – and he has achieved an impressive record of success in that field – I am confident that he will approach his new position objectively and without bias.

"Most labor lawyers devote their careers either to representing unions and workers or to representing management. We have confirmed Board members with both union-side and management-side backgrounds in the past without cause for concern. Like these past members, I am sure that Mr. Becker will approach the job with an impartial and open mind.

"There is no question that Mr. Becker has been thoroughly vetted for this position. He has answered 282 written questions from Republicans. Everyone on the Committee has had ample time to review his record. As has been the tradition in our Committee, we will vote on this group of nominees en bloc. I urge my colleagues to support all three nominees.

"In addition, we have five nominees for the Legal Services Corporation (LSC) Board of Directors. Our promise of 'equal justice under law' rings hollow if those who are most vulnerable are denied access to quality legal representation. LSC and LSC-funded attorneys provide invaluable assistance to our most vulnerable citizens who need legal help to keep their homes, obtain needed benefits, or protect themselves and their children from abusive relationships. As a former legal aid attorney, I am particularly pleased at the outstanding qualifications of these nominees. I am confident that they will improve LSC's corporate governance and help LSC fulfill its mission to provide equal access to our system of justice.

"Finally, we are also taking up two nominations for the National Council on the Humanities, Rolena Adorno and Marvin Krislov. Both of these nominees are well-qualified to serve on this important Board, and I strongly support their confirmation."