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STATEMENT OF CHAIRMAN TOM HARKIN (D-IA)

AT THE HELP COMMITTEE HEARING ON THE NOMINATION OF CRAIG BECKER TO SERVE ON THE NATIONAL LABOR RELATIONS BOARD

“We are here, today, to take the rather unusual step of holding a hearing on a nominee for the National Labor Relations Board. It has not been the standard practice of this Committee to hold hearings on NLRB nominations. In the past 25 years, we have confirmed 28 new members to the Board, and have held only one hearing in all that time, for a nominee for Chairman in 1993. We have not had a hearing on a nominee to serve as a regular member of the Board since 1980 – three decades ago.

“However, my colleagues on the other side of the aisle have requested a hearing. And while I am reluctant to further prolong the consideration of an obviously well-qualified nominee, I was willing to accommodate that request because I think the work of the NLRB is tremendously important and deserves this Committee’s attention.

“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, these rights are more important than ever.

“When the economy is bad, workers are insecure and more vulnerable to abuse. It becomes much harder for them to join together to insist on fair treatment. It becomes much riskier to speak out about unsafe working conditions. It becomes an act of real bravery to stand up and say: ‘We deserve to be treated with fairness, decency, and respect.’

“American workers have the right to do and say all these things, because they are protected by the National Labor Relations Act. Even for the majority of workers who may never hold a union card, just having these rights available is an invaluable deterrent against abuse.

“But the system only works if there is a strong NLRB to enforce these rights. I have made no secret of the fact that I am troubled by some aspects of the Board’s recent performance. In recent years, the Board doesn’t seem to be doing all it can to inform workers of their rights, or to assess appropriate penalties for repeat violators of our labor laws. I am also concerned about 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.

“Most alarming of all, there seems to be almost universal acknowledgement that the current Board is driven by a particular ideology, and has lost sight of its core mission to protect workers’ rights.

“It will be a serious challenge to restore balance and to revitalize the core mission of this agency, but I am confident that Mr. Becker can be an important part of that effort.

“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, including Georgetown, UCLA and the University of Chicago, and has authored numerous articles on labor and employment issues. Mr. Becker is also a skilled litigator, who has advocated for workers’ interests in the highest courts of the land, arguing cases in virtually every federal court of appeals and before 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. He is an expert on the law, he knows the Board, and he brings a tremendous depth of experience to this important position.

“Despite Mr. Becker’s superb qualifications for the Board, some of my colleagues have expressed concern about his nomination. Much of this concern is focused on Mr. Becker’s academic writings.

“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.

“There is nothing wrong with that – that’s what academics are supposed to do. They are supposed to contribute to the marketplace of ideas.

“I do not share my colleagues’ concern that Mr. Becker would be unable to separate his own scholarly views about labor law from his role as a Board member.

“He made clear in his responses to this Committee’s written questions that he understands and respects the distinction between his current role as an intellectual advocate, and the role he would play on the Board as an impartial adjudicator. He is fully aware what his duty as a member of the Board will be.

“Some other critics seem to object to Mr. Becker simply because he was a union lawyer – and a good one. But this is hardly cause for concern for a Board member. 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. As with 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 met personally with all interested Senators. He has answered more than 280 written questions from

Senate Republicans – more questions than were asked even of Justice Sotomayor. Everyone on the Committee has had ample time to review his record and his responses.

“I am sure that Mr. Becker will have valuable insights to share with us today. I hope that today’s hearing will bring us to the end of this lengthy process, and that we can move quickly to confirm Mr. Becker’s nomination and let him start his important work.”