



For Immediate Release

Contact: Craig Orfield  
(202) 224-6770

Tuesday, August 25, 2009

## **Enzi Asks President to Withdraw Labor Solicitor's Nomination**

*White House Nominee Ill Suited for Position*

**WASHINGTON, D.C.** – U.S. Senator Mike Enzi (R-Wyo.), Ranking Member of the Senate Health, Education, Labor and Pensions (HELP) Committee, yesterday requested President Obama withdraw the nomination of Patricia Smith for Solicitor of the U.S. Labor Department based on inconsistent statements and testimony before the HELP Committee.

“The Solicitor of Labor must accurately and candidly interact with the Congress. Patricia Smith has unfortunately fallen short in her interactions with our Committee,” remarked Enzi.

During a HELP Committee confirmation hearing and again in subsequent questions for the record, Smith, who is currently the Commissioner of the New York State Labor Department, made at least four significant statements while testifying about a program called Wage and Hour Watch that contradict documents supplied to the Committee.

“The Department of Labor and the American people deserve to have a Solicitor of Labor that can be counted on to fairly enforce the law and who has the full confidence of the Congress. Unfortunately, Smith is not the right candidate for the job.” Enzi concluded.

A copy of the Senator's request to President Obama is below.

###

EDWARD M. KENNEDY, MASSACHUSETTS, CHAIRMAN

CHRISTOPHER J. DODD, CONNECTICUT  
TOM HARKIN, IOWA  
BARBARA A. MIKULSKI, MARYLAND  
JEFF BINGAMAN, NEW MEXICO  
PATTY MURRAY, WASHINGTON  
JACK REED, RHODE ISLAND  
BERNARD SANDERS (I), VERMONT  
SHERROD BROWN, OHIO  
ROBERT P. CASEY, JR., PENNSYLVANIA  
KAY R. HAGAN, NORTH CAROLINA  
JEFF MERKLEY, OREGON  
AL FRANKEN, MINNESOTA

MICHAEL B. ENZI, WYOMING  
JUDD GREGG, NEW HAMPSHIRE  
LAMAR ALEXANDER, TENNESSEE  
RICHARD BURR, NORTH CAROLINA  
JOHNNY ISAKSON, GEORGIA  
JOHN MCCAIN, ARIZONA  
ORRIN G. HATCH, UTAH  
LISA MURKOWSKI, ALASKA  
TOM COBURN, M.D., OKLAHOMA  
PAT ROBERTS, KANSAS

## United States Senate

COMMITTEE ON HEALTH, EDUCATION,  
LABOR, AND PENSIONS

WASHINGTON, DC 20510-6300

J. MICHAEL MYERS, STAFF DIRECTOR AND CHIEF COUNSEL  
FRANK J. MACCHIAROLA, REPUBLICAN STAFF DIRECTOR

<http://help.senate.gov>

August 24, 2009

President Barack Obama  
The White House  
Washington, D.C. 20500

Dear Mr. President:

I write to express my concern about the nomination of Patricia Smith to Solicitor of the Department of Labor. While I recognize and respect Ms. Smith's professional accomplishments, I believe that she is not qualified for the position for which she has been nominated as her statements before the Committee are in direct contradiction to documents subsequently supplied to the Committee. I respectfully request that you withdraw her nomination.

The Solicitor of Labor is a very important position, playing a key role in nearly every policy, regulatory and enforcement decision. As the number three official at the Department of Labor and the head law enforcement officer, the Solicitor of Labor leads one of the largest legal offices in the federal government with a staff of more than 400 attorneys.

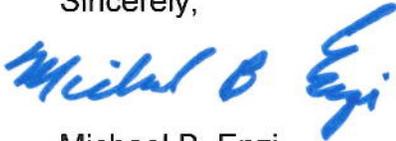
During Ms. Smith's HELP Committee confirmation hearing and again in subsequent questions for the record, she was asked about a program called Wage and Hour Watch that she and her deputies created and implemented for the State of New York. There are at least four significant inconsistencies between Ms. Smith's statements for the record and documents related to the Wage and Hour Watch Program that have been provided by the State of New York. Though I have no reason to believe Commissioner Smith intentionally misled the Senate, her statements to the Committee are in direct contradiction with the documents provided to the HELP Committee. If it was her intention to mislead the Senate, then I must oppose her nomination. If she unintentionally gave inaccurate statements to the Senate, then I question her ability to manage a large operation, since she does not have a clear understanding of what is taking place in her own Department in New York.

In addition, I have significant concerns about Ms. Smith's ability to work with small businesses. While Wage and Hour Watch was clearly designed to target small- and medium-sized businesses, Ms. Smith did not consult any small business owners or stakeholders in the development and implementation of the program. It was only after

small business owners raised concerns that she agreed to meet with them and then it was more than a month after Wage and Hour Watch was well underway.

The Department of Labor deserves to have a Solicitor who can be counted on to fairly enforce the law and who has the full confidence of the Congress. I would be pleased to work with you to identify a replacement nominee capable of receiving swift confirmation, but under the circumstances I cannot support your current nominee. I would be willing to discuss my concerns in detail with your staff.

Sincerely,



Michael B. Enzi  
Ranking Member

cc: Rahm Emanuel, White House Chief of Staff  
The Honorable Hilda Solis  
The Honorable Edward M. Kennedy, Chairman  
The Honorable Judd Gregg  
The Honorable Lamar Alexander  
The Honorable Richard Burr  
The Honorable Johnny Isakson  
The Honorable John McCain  
The Honorable Orrin G. Hatch  
The Honorable Lisa Murkowski  
The Honorable Tom Coburn, M.D.  
The Honorable Pat Roberts