

OPENING STATEMENT – HARRY JOHNSON

Chairman Harkin, Ranking Member Alexander, and other Committee Members, thank you for the privilege of being here with you today and of allowing me to meet previously with some of you and your staff members. Senator Dorgan, thank you also for such a gracious introduction. Thanks, finally, to the three Democratic nominees and the other Republican nominee for their personal courtesy to me as we moved through the post-nomination process together.

I would also appreciate the privilege of briefly introducing you to some people whom I would like to thank as well. I would like you to meet my wife Monica, sitting here behind me, who has had an impressive career in her own right from Harvard Law School through private practice as a lawyer and mediator, and then who chose to create a home for our family. I could not be before you here today without her support. I would like to introduce the Committee to our ten-year-old daughter, Sophia, and eight-year-old daughter, Natalia. They are both impressive students, hardworking athletes (especially at basketball), and most importantly to us, young people with kind and generous hearts.

I would like to introduce you to my parents, Captain Harry I. Johnson, Jr. (retired) who enlisted in the Navy in World War Two, served on the U.S.S Wisconsin as an electrician's mate and later in the Naval Reserves as a physician for a total of 43 years, and my mother Jolene Johnson, Lieutenant Commander (retired), who served in the United States Navy Nurse Corps for 21 years. And I would like to introduce you to my brother, Dr. Scott Johnson, an accomplished economist. They have all been my constant guidance and inspiration. Finally, I thank my friends who have travelled here from my hometown of Roanoke, Virginia to attend today.

This is the second half of the most important job interview that I have ever had. Confirmation by the Senate is a crucial part of this process, and with my remaining time, I hope to give you a brief window into who I am and what I believe.

I am currently in private practice with the law firm of Arent Fox LLP, founded in the District in 1942, with its founding partners having come from distinguished careers in government service. I work in the firm's Los Angeles office. My practice since I graduated from Harvard Law School in 1994 has been in employment law, mostly representing companies, from the very large to the very small. That has included a good deal of traditional labor law, representing employers in both adversarial proceedings and representation cases before the National Labor Relations Board.

In the end, however, that is merely a list of relevant achievements and qualifications. For a nomination to the Board, beliefs are just as important. Let me tell you what I believe concerning the National Labor Relations Act.

The Board is one of the oldest federal agencies, and thanks to the hard work of its dedicated career staff serves an incredibly important and multifaceted role in our country and its free enterprise system. I believe in free enterprise. But we cannot have a free enterprise system in a modern America without labor law, just like we cannot have a free enterprise system without property law or contract law. I believe that the Board must serve as an honest broker when it decides labor law cases and should never attempt to pick winners and losers based on ideology rather than the law. In my mind, the Board should always remember that if good faith employers cannot operate because of a regulatory environment that suffocates their ability to create economic success, then there will not be jobs, there will not be employees, and ultimately there cannot be viable labor unions. I think we would all be justifiably saddened by those results.

We cannot choose the times in which we live. And I did not choose the time – back in July of last year – when someone would call and ask me to serve my country in this capacity. If I could have chosen, I would have preferred my potential service on the Board to have come at a time when the agency was not enmeshed in profound constitutional and political disagreements. But here we are, and here I am, because I said “yes.” If confirmed, I would translate that “yes” into working as hard as I could that we have a functioning Board fairly adjudicating the important issues coming before it. To paraphrase Winston Churchill, I can only give the American people my blood, toil, tears and sweat, but that is exactly what I will give you, along with nearly two decades of salient experience. Thank you and I look forward to answering all of your questions.