



STATE OF HAWAI'I
KA MOKU 'ĀINA O HAWAI'I

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KA 'OIHANA O KA LOIO KUHINA

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**ATTORNEY GENERAL ANNE LOPEZ CALLS ON COURT TO KEEP
NATIONAL LABOR BOARD FUNCTIONING**

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HONOLULU – Today, Attorney General Anne Lopez 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.

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. 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 130 cases of unfair labor practices pending in Hawai'i alone.

The amici 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 Attorney General Lopez in submitting this brief, are the attorneys general from Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont and Wisconsin.

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