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## **Attorney General Brown Calls on Court to Keep Labor Board Functioning** *20 Attorneys General Argue Unlawful Dismissal of NLRB Board Member Undermines the Functioning of the NLRB and Enforcement of Labor Laws Across America*

**BALTIMORE, MD (February 28, 2025)** – Attorney General Anthony G. Brown today 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 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 coalition argues that a functioning NLRB is necessary for the enforcement of labor laws across the United States and urges the court to order the defendants to allow Wilcox to continue performing her responsibilities as an NLRB member.

“The president’s unlawful actions have paralyzed the agency responsible for protecting workers’ rights,” **said Attorney General Brown**. “I will always stand up for unions and their critical role in ensuring fair and safe workplaces.”

The National Labor Relations Act (NLRA), signed into law in 1935 by President Franklin D. Roosevelt, establishes the fundamental right of most private-sector employees to, form, join, or assist labor organizations, and to engage in concerted activities, such as strikes and picketing, for mutual aid and protection. The NLRA also prohibits employers from engaging in unfair labor practices, including retaliating against employees for exercising these rights. To administer and enforce the NLRA, the Act created the NLRB, an independent federal agency with the authority to investigate and prosecute unfair labor practices, conduct elections to determine whether employees wish to be represented by a union, and adjudicate disputes that arise under the Act.

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. By purporting to remove Wilcox, the Trump administration has left American workers without the entity authorized to effectively conduct union elections and enforce workers' rights to organize and bargain collectively, protections relied upon for decades. 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.

The coalition argues that this regulatory vacuum would undermine the stability of labor relations provided by the NLRB and diminish the economic benefits unions provide. The 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 coalition urges 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 Brown in submitting this brief are the attorneys general of Arizona, California, Colorado, Connecticut, Delaware, the District of Columbia, Hawai'i, Illinois, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and Wisconsin.

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