



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

DEPARTMENT OF THE ATTORNEY GENERAL
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**JUDGE RULES TRUMP TERMINATION OF NATIONAL LABOR
RELATIONS BOARD MEMBER UNLAWFUL AND VOID**

Ruling follows an amicus brief AG Anne Lopez filed in support of Wilcox

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FOR IMMEDIATE RELEASE

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HONOLULU – Today, a federal court declared that Gwynne Wilcox remains a full member of the National Labor Relations Board (NLRB), finding she was unlawfully dismissed by President Donald Trump. After her purported dismissal, Wilcox filed a lawsuit against the Trump Administration. On February 28, Attorney General Anne Lopez joined a coalition of 20 attorneys general in filing an [amicus brief](#) in support of Ms. Wilcox.

In its [ruling](#), the court stated that, “in the ninety years since the NLRB’s founding, the president has never removed a member of the board. His attempt to do so here is blatantly illegal, and his constitutional arguments to excuse this illegal act are contrary to Supreme Court precedent and over a century of practice.”

On January 27, 2025, President Trump announced the dismissal of Wilcox from the NLRB during the middle of her five-year appointment, leaving just two members remaining on the five-member board. This denied the NLRB a quorum, incapacitating it.

The amici states argued that a functioning NLRB is necessary for the enforcement of labor laws across the United States.

The NLRB has broad authority to enforce significant pieces of American labor law, including protections for joining a union, engaging in collective bargaining and more. The amici states argued that the unlawful firing of Wilcox and incapacitating of the NLRB created a dangerous regulatory vacuum.

While the president appoints members of the NLRB, the president can only fire board members for neglect of duty or malfeasance in office. This was done intentionally by Congress to grant the board some level of political independence. The court found that Ms. Wilcox was not dismissed for neglect or malfeasance, but rather because she did not share the political objectives of the Trump Administration. In its ruling confirming Wilcox's status on the board, the court noted that, "as an entity entrusted with making impartial decisions about sensitive labor disputes, the NLRB's character and perception as neutral and expert-driven is damaged by plaintiff's unlawful removal."

In their amicus brief, the states argued that the NLRB's independence is crucial to the board, as it prevents the NLRB from completely changing its approach to enforcing American labor laws every few years. The result of that independence is stability and predictability that are broadly beneficial to labor relations across America.

Attorney General Lopez was joined in submitting the amicus brief by the attorneys general of 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.

The court order for summary judgement can be found [here](#). The court memorandum opinion is [here](#).

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