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**ROB BONTA***Attorney General*

Court Finds That Trump's Termination of NLRB Member Gwynne Wilcox Was Unlawful and Void

Press Release / *Court Finds That Trump's Termination of NLRB Member Gwynne...*

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Contact: (916) 210-6000, agressoffice@doj.ca.gov

Ruling follows an amicus brief filed by Attorney General Bonta in support of Wilcox

Judge calls Wilcox's firing "blatantly illegal"

OAKLAND – The U.S. District Court for the District of Columbia issued an order granting summary judgment in *Wilcox v. Trump*. The order declares that Gwynne Wilcox remains a full member of the National Labor Relations Board (NLRB) and finds that she was unlawfully dismissed by President Donald Trump. Following her purported dismissal from NLRB, Wilcox filed a lawsuit against the Trump Administration. On February 28, California Attorney General Bonta joined a coalition of 20 attorneys general in filing an amicus brief in support of Wilcox, underscoring that the purported removal was unlawful, exceeded

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."

"The Court rightfully held that the President's attempt to dismiss NLRB Member Wilcox without cause was both illegal and void. No one is above the law – not even the President," **said Attorney General Bonta**. "Workers across the country rely on the NLRB to protect their rights by preventing unfair labor practices and safeguarding their ability to unionize. Trump's attempt to remove Member Wilcox jeopardized these rights by denying the NLRB a quorum and leaving the field open for bad actors to trample on workers' rights. We're pleased the NLRB and Member Wilcox can continue their work to protect workers across our country."

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. 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 is an independent federal agency that enforces U.S. labor laws related to workers' rights, union representation, and collective bargaining. It oversees union elections, ensuring that employees can freely choose whether to be represented by a union. The board also investigates and resolves unfair labor practice charges against employers and unions, addressing issues like retaliation, unlawful firings, and refusal to bargain in good faith. 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 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 a stability and predictability that are broadly beneficial to labor relations across America.

In submitting the amicus brief, Attorney General Bonta joined the attorneys generals of Minnesota, Arizona, Colorado, Connecticut, Delaware, the District of Columbia, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Nevada, New Jersey, New Mexico, New York, Oregon, Rhode Island, Vermont, and Wisconsin.

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