



United States Government  
**NATIONAL LABOR RELATIONS BOARD**  
OFFICE OF THE GENERAL COUNSEL  
Washington, DC 20570  
[www.nlrb.gov](http://www.nlrb.gov)

July 29, 2011

The Honorable Darrell Issa, Chairman  
Committee on Oversight and Government Reform  
House of Representatives  
2157 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Issa:

I regret that you have declined to apply your fair and balanced ruling from the June 17, 2011 field hearing to the Agency's ongoing production of documents to your Committee.

I understand and acknowledge the authority of Congress to conduct oversight. I continue, however, to believe that public disclosure of evidence and documents not currently available to the parties and the administrative law judge in the ongoing hearing in Seattle, Washington, risks harm to the integrity of the ongoing legal proceedings and could advantage one litigant over another. I fail to see how that outcome could be avoided if the Agency made available to the Committee, and indeed the entire House of Representatives, all of the documents in our case file.

Accordingly, I respectfully urge you not to issue a subpoena compelling production of documents in a case being actively litigated. Instead, I hope you will continue to work with me to find a compromise that allows me to allay your concerns, while protecting our legal processes and the fundamental right of parties to a fair trial.

To date, Agency staff has met with Committee staff to answer their questions, we have provided the Committee with over 1,000 pages of documents related to this case, and I appeared at a field hearing in North Charleston, South Carolina to answer Committee Members' questions about the case. In addition, along with this letter and pursuant to my previous offer, I will provide the Committee with additional documents that are part of the trial record in this case. I trust that this information will continue to provide meaningful insight about the legal basis for the complaint.

I sincerely hope that we can reach a compromise to this unnecessary controversy. In that regard, please do not hesitate to contact Jose Garza, Special Counsel for Congressional and Intergovernmental Affairs, at 202-273-3700, to explore a mutually satisfactory solution.

Sincerely,

A handwritten signature in black ink that reads 'Lyle E. Solomon'. The signature is written in a cursive style with a long horizontal line extending to the right.

Lyle E. Solomon  
Acting General Counsel

cc: The Honorable Elijah E. Cummings, Ranking Minority Member  
Committee on Oversight and Government Reform