

Washington Post Editorial Board Opinion: Overreach on oversight

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THE HOUSE Oversight and Government Reform Committee has long been a muscular overseer — regardless of which party was at the helm. That remains true today under the current chairman, Rep. Darrell E. Issa.

Since taking over the panel in January, Mr. Issa (R-Calif.) has set his sights on the Justice Department for its “Operation Fast and Furious,” an admittedly flawed attempt to thwart the flow of illegal guns from the United States into Mexico, and on the National Labor Relations Board. The NLRB is an independent agency established to “safeguard employees’ rights to organize” and to police the private sector for unfair labor practices.

This spring, the board filed a complaint against Boeing Co., claiming that the airplane manufacturer illegally shipped jobs to South Carolina — a right-to-work state — from its Washington state facility in retaliation for strikes by unionized workers in Puget Sound. Critics, including this page, questioned the NLRB action, noting there was no evidence Boeing had cut jobs or retaliated against its union shop. The board’s action also threatened to undermine a company’s ability to consider all legitimate factors, including potential work stoppages, in making business decisions.

But Mr. Issa and his committee have gone beyond questioning the NLRB’s policy to threatening to interfere with a legitimate — even if misguided — legal proceeding. This month, the panel issued a subpoena demanding a slew of documents involving the NLRB action against Boeing. The committee wants to know how the NLRB’s Office of General Counsel decided to target Boeing and whether it did so in cahoots with the White House or a union. The agency has resisted turning over certain documents it says could jeopardize its ability to pursue its case. Lafe Solomon, the NLRB’s acting general counsel, testified before the committee this summer; the board has also turned over more than 1,500 pages related to the Boeing matter.

Boeing tried to obtain many of the same documents sought by Mr. Issa's committee but was rebuffed by a judge under the rules governing NLRB proceedings. If it obtained those documents, there would be nothing to stop Mr. Issa's committee — or other members of Congress who obtain copies or read them — from making available to Boeing information that the judge has denied to it. Even if the committee agreed to keep the documents confidential, it is not difficult to imagine how information gleaned from them could become the topic of a public hearing.

There is a simple and sensible solution that protects both the NLRB's independence and Congress's oversight interests: Most documents become a matter of public record once they are introduced in an NLRB proceeding.

If Mr. Issa's goal is to scrutinize the NLRB — and not just to sabotage the Boeing litigation — a reasonable delay in obtaining Boeing-specific documents should not hurt.