

Joan Flynn

*“Expertness for What?”: The Gould Years at the NLRB and the Irrepressible Myth of the “Independent” Agency*

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Abstract by Rosy Lor

This piece analyzes and critiques Stanford labor law professor William B. Gould IV’s record as chair of the National Labor Relations Board (NLRB) during the Clinton Administration. Prior to entering academia, Gould had worked for a union, a management-side law firm, and the NLRB. The author suggests that Gould’s balanced and varied background made him a “near-perfect” nominee on paper. Gould had the practical experience of both a union and management-side lawyer, but he also possessed the objectivity of a career government employee, which would make him less prone to partisan ties. In addition, the author notes that Gould’s academic background provided him with creativity and intellectual independence. In evaluating Gould’s background against his record as NLRB chair, the author concedes that Gould’s decisional record reflected a high degree of objectivity and intellectual independence. However, the author argues that Gould lacked political skills in his relationship with both Congress and other members of the NLRB. The article discusses how Gould’s public statements on controversial labor issues and pending legislation alienated him and the NLRB from the Republican-dominated Congress. Gould’s public criticism of NLRB members also created tension within the agency and strained his working relationship with colleagues. The author raised the question of whether Gould’s background in academia contributed to his political naïveté. However, the author concluded that an academic background did not necessarily indicate a lack of political skills as there had been other NLRB members with backgrounds in academia who demonstrated a high level of political savvy.