

United States Senate

WASHINGTON, DC 20510

April 15, 2026

Crystal Stowe Carey
General Counsel
National Labor Relations Board
1015 Half St. SE
Washington, D.C. 20003

Dear Ms. Carey:

We write regarding our concerns about the National Labor Relations Board (NLRB)'s recent decision to drop its charges against Space Exploration Technologies Corporation (SpaceX) for illegally firing employees who voiced concerns about sexual harassment allegations made against SpaceX CEO Elon Musk. Given Mr. Musk's extraordinary financial support for President Trump in the 2024 election,¹ his substantial influence in the Trump Administration and interest in the NLRB's work as head of the Department of Government Efficiency (DOGE) and President Trump's "first buddy,"² and his continuing relationship with the President and other key administration officials,³ we seek answers to determine if the decision to drop the case may have been based on political considerations rather than the facts at hand.

In 2022, sexual abuse accusations made against Mr. Musk six years earlier resurfaced.⁴ In 2016, Mr. Musk had reportedly paid \$250,000 to silence a SpaceX flight attendant who alleged he exposed himself to her, touched her without her consent, and offered her a gift in exchange for an erotic massage.⁵ When these allegations became public in 2022, Mr. Musk's response was to "mock[]"⁶ them on Twitter with a series of lewd "jokes."⁷ Mr. Musk's reaction reportedly alarmed some employees at SpaceX,⁸ who responded with a public letter calling on the company

¹ Politico, "Elon Musk is flexing his political muscle again – and the GOP is responding," Meredith Lee Hill, Mia McCarthy, and Jordain Carney, January 28, 2026, <https://www.politico.com/news/2026/01/28/elon-musk-gop-comeback-00751572>.

² The Wall Street Journal, "Spotlight on Elon Musk, Trump's 'First Buddy,'" Jason Dean, January 20, 2025, <https://www.wsj.com/livecoverage/trump-inauguration-president-2025/card/spotlight-on-elon-musk-trump-s-first-buddy/>.

³ The Wall Street Journal, "How Vance brokered a truce between Trump and Musk," Elizabeth Dwoskin, Natalie Allison, and Faiz Siddiqui, December 29, 2025, <https://www.washingtonpost.com/technology/2025/12/29/musk-trump-vance-maga-alliance/>.

⁴ Business Insider, "A SpaceX flight attendant said Elon Musk exposed himself and propositioned her for sex, documents show. The company paid \$250,000 for her silence," Rick McHugh, May 19, 2022, <https://www.businessinsider.com/spacex-paid-250000-to-a-flight-attendant-who-accused-elon-musk-of-sexual-misconduct-2022-5>.

⁵ *Id.*

⁶ The New York Times, "SpaceX illegally fired workers critical of Musk, federal agency says," Noam Scheiber, January 3, 2024, <https://www.nytimes.com/2024/01/03/business/spacex-elon-musk-nlr-workers.html>.

⁷ The New York Times, "SpaceX workers write letter to executives with concerns about Elon Musk's tweets," Ryan Mac, June 16, 2022, <https://www.nytimes.com/2022/06/16/technology/spacex-employees-musk-tweets.html>.

⁸ *Id.*

to “[p]ublicly address” and “explicitly separate itself from” Mr. Musk’s behavior, to more “[c]learly define” SpaceX’s sexual harassment policies and “enforce them consistently,” and to confront what they characterized as the “wider culture” of sexual harassment at SpaceX.⁹ But, according to the NLRB, SpaceX responded by firing eight workers who had been involved with the letter.¹⁰

These fired workers then turned to the NLRB for help, filing charges against SpaceX for “committ[ing] an unfair labor practice when it fired [them] for engaging in protected concerted activity at work.”¹¹ Under the National Labor Relations Act (NLRA), it is illegal to fire employees for joining together to speak up about their working conditions.¹² The NLRB stated that these workers did exactly that when they “distribut[ed] an open letter that detailed workplace concerns” and, accordingly, the NLRB brought charges against SpaceX on behalf of the illegally fired workers.¹³

But soon after President Trump took office, despite there being no changes in the facts of this case, or in the law, the NLRB’s position changed.¹⁴ The agency did not dispute that SpaceX fired these workers for joining together to speak up about their working conditions or that this would be illegal under the NLRA. Instead, an NLRB official explained in a set of letters that the National Mediation Board (NMB) had, at the behest of the NLRB, given its opinion that it had jurisdiction over SpaceX pursuant to the Railway Labor Act (RLA).¹⁵ The official then stated

⁹ The Verge, “SpaceX employees draft open letter to company executives denouncing Elon Musk’s behavior,” Loren Grush, June 16, 2022, <https://www.theverge.com/2022/6/16/23170228/spacex-elon-musk-internal-open-letter-behavior>.

¹⁰ The New York Times, “SpaceX illegally fired workers critical of Musk, federal agency says,” Noam Scheiber, January 3, 2024, <https://www.nytimes.com/2024/01/03/business/spacex-elon-musk-nlr-workers.html>.

¹¹ Charge Against Employer, *Space Exploration Technologies Corporation*, No. 31-CA-307446 (NLRB Nov. 16, 2022), <https://nlrbresearch.com/docketpdfs/09031d45839038e6.pdf>; Charge Against Employer, *Space Exploration Technologies Corporation*, No. 31-CA-307532 (NLRB Nov. 16, 2022), <https://nlrbresearch.com/docketpdfs/09031d45839038be.pdf>; Charge Against Employer, *Space Exploration Technologies Corporation*, No. 31-CA-307539 (NLRB Nov. 16, 2022), <https://nlrbresearch.com/docketpdfs/09031d45839038e7.pdf>; Charge Against Employer, *Space Exploration Technologies Corporation*, No. 31-CA-307546 (NLRB Nov. 16, 2022), <https://nlrbresearch.com/docketpdfs/09031d45839038d4.pdf>; Charge Against Employer, *Space Exploration Technologies Corporation*, No. 31-CA-307551 (NLRB Nov. 16, 2022), <https://nlrbresearch.com/docketpdfs/09031d45839038db.pdf>; Charge Against Employer, *Space Exploration Technologies Corporation*, No. 31-CA-307555 (NLRB Nov. 16, 2022), <https://nlrbresearch.com/docketpdfs/09031d45839038d5.pdf>; Charge Against Employer, *Space Exploration Technologies Corporation*, No. 31-CA-307514 (NLRB Nov. 16, 2022), <https://nlrbresearch.com/docketpdfs/09031d4583903b7e.pdf>; Charge Against Employer, *Space Exploration Technologies Corporation*, No. 31-CA-307525 (NLRB Nov. 16, 2022), <https://nlrbresearch.com/docketpdfs/09031d45839038bd.pdf>.

¹² 29 U.S.C. §§ 157, 158(a)(1); *Meyers Industries, Inc.*, 281 NLRB 882 (1986).

¹³ Order Consolidating Cases, Consolidated Complaint, and Notice of Hearing, *Space Exploration Technologies Corporation*, No. 31-CA-307446, January 3, 2024, p. 4, <https://nlrbresearch.com/docketpdfs/09031d4583c00986.pdf>.

¹⁴ Law360, “NLRB Gets OK To Gather Mediation Board’s Take On SpaceX,” Braden Campbell, May 6, 2025, <https://www.law360.com/employment-authority/articles/2336173/nlr-gets-ok-to-gather-mediation-board-s-take-on-spacex>.

¹⁵ Dismissal Letter, *Space Exploration Technologies Corporation*, No. 31-CA-307551 (NLRB Feb. 10, 2026), p. 1,

that “[a]ccordingly, the [NLRB] lacks jurisdiction over the Employer and, therefore, I am dismissing your charge[s].”¹⁶

In facilitating this change of agency, the NLRB was effectively killing the case: these workers’ wrongful termination charges cannot proceed at the NMB because the NMB’s governing law does not protect the same kinds of concerted activities as the NLRB’s does.¹⁷

The NLRB’s decision to dismiss the charges on jurisdictional grounds was based on questionable legal reasoning. According to the RLA, the NMB has jurisdiction over “railway and airline carriers.”¹⁸ SpaceX is neither. In its memo to the NLRB, the NMB opined that SpaceX is a “carrier by air” because its rockets travel through the air before reaching space.¹⁹ The NMB further reasoned that SpaceX is a common carrier by air because it transports cargo and (a few) passengers, like an airline.²⁰ SpaceX is more realistically viewed as an aerospace manufacturer like Boeing (subject to the NLRB, not the NMB).²¹ Finally, the NMB also absurdly argued SpaceX is a “carrier by air transporting mail for or under contract with the United States Government” because letters sometimes hitch a ride to and from the ISS on SpaceX rockets and SpaceX holds contracts with NASA, which “involve” delivering these letters.²²

But these determinations are absurd on their face. By the company’s own one-sentence description, “SpaceX designs, manufactures and launches the world’s most advanced rockets and spacecraft.”²³ It is not — for either legal or practical purposes — an air carrier, nor a government mail transport service.

The NLRB previously opposed²⁴ and rejected²⁵ the attempt to move SpaceX to NMB jurisdiction in February and March of 2024, and the agency has not given a reasoned explanation for its

<https://nlrbresearch.com/docketpdfs/09031d45841bd5d4.pdf>; Dismissal Letter, *Space Exploration Technologies Corporation*, No. 31-CA-307555 (NLRB Feb. 10, 2026), p. 1,
<https://nlrbresearch.com/docketpdfs/09031d45841bd65a.pdf>; Dismissal Letter, *Space Exploration Technologies Corporation*, No. 31-CA-307514 (NLRB Feb. 9, 2026), p. 1,
<https://nlrbresearch.com/docketpdfs/09031d45841bcce6.pdf>; Dismissal Letter, *Space Exploration Technologies Corporation*, No. 31-CA-307525 (NLRB Feb. 9, 2026) (wrong file uploaded); Dismissal Letter, *Space Exploration Technologies Corporation*, No. 31-CA-337373 (NLRB Feb. 10, 2026), p. 1,
<https://nlrbresearch.com/docketpdfs/09031d45841bd755.pdf>; Dismissal Letter, *Space Exploration Technologies Corporation*, No. 31-CA-337385 (NLRB Feb. 10, 2026), p. 1,
<https://nlrbresearch.com/docketpdfs/09031d45841bd880.pdf>.

¹⁶ *Id.*

¹⁷ Bloomberg, “US Labor Board Gives Up Oversight of Musk’s SpaceX,” Josh Eidelson, February 9, 2026, <https://www.bloomberg.com/news/articles/2026-02-09/us-nlrb-gives-up-oversight-of-elon-musk-s-spacex>; 45 U.S.C. § 152.

¹⁸ Congressional Research Service, “Federal Labor Relations Statutes: An Overview,” Jon O. Shimabukuro and Julie M. Whittaker, September 5, 2014, <https://www.congress.gov/crs-product/R42526>.

¹⁹ Letter from NMB General Counsel Maria-Kate Dowling to NLRB General Counsel Crystal Stowe Carey, January 14, 2026, pp. 34-35, https://nmb.gov/NMB_Application/wp-content/uploads/2026/01/53-NMB-8.pdf.

²⁰ *Id.* at pp. 35-37.

²¹ Bloomberg, “US Labor Board Gives Up Oversight of Musk’s SpaceX,” Josh Eidelson, February 9, 2026, <https://www.bloomberg.com/news/articles/2026-02-09/us-nlrb-gives-up-oversight-of-elon-musk-s-spacex>.

²² Letter from NMB General Counsel Maria-Kate Dowling to NLRB General Counsel Crystal Stowe Carey, January 14, 2026, pp. 37-38, https://nmb.gov/NMB_Application/wp-content/uploads/2026/01/53-NMB-8.pdf.

²³ X, “SpaceX,” as of April 14, 2026, <https://x.com/SpaceX>.

subsequent change in position or even, seemingly, asked its Division of Advice for an Advice Memorandum on the subject.²⁶ Instead, on March 6, 2025, the NLRB’s Acting General Counsel received a letter from SpaceX requesting he give the NMB the option to claim jurisdiction and he promptly complied.²⁷

The fact pattern surrounding the NLRB’s sudden change in position after President Trump took office and its quick acquiescence to the NMB raises questions about the motivation for this decision, and whether Mr. Musk, either directly or indirectly, influenced this decision. In 2024, Mr. Musk, the richest man in the world,²⁸ reportedly spent more than \$260 million to elect President Trump and his allies.²⁹ After his reelection, President Trump appointed Mr. Musk as head of DOGE, where he wielded immense power in the federal government.³⁰ With Mr. Musk in charge, DOGE took a special interest in the NLRB — an agency that had been a thorn in Mr. Musk’s side throughout his career by repeatedly finding violations by Mr. Musk’s companies³¹ — reportedly visiting its offices and extracting huge amounts of private data from its internal systems,³² which set off oversight alarm bells in Congress.³³

²⁴ General Counsel’s Opposition to Respondent’s Motion to Dismiss, *Space Exploration Technologies Corporation*, No. 31-CA-307446 (NLRB Feb. 9, 2024), <https://nrbresearch.com/docketpdfs/09031d4583c69ce5.pdf>.

²⁵ Order, *Space Exploration Technologies Corporation*, No. 31-CA-307446 (NLRB Mar. 11, 2024), <https://nrbresearch.com/docketpdfs/09031d4583ca4c1a.pdf>.

²⁶ National Labor Relations Board, Advice Memos, as of April 14, 2026, <https://www.nlr.gov/guidance/memos-research/advice-memos>.

²⁷ Joint Motion to Modify Or Clarify Injunction Pending Appeal And to Hold Case in Abeyance, *SpaceX v. NLRB*, No. 24-40315 (5th Cir. Apr. 23, 2025), p. 2, <https://storage.courtlistener.com/recap/gov.uscourts.ca5.219009/gov.uscourts.ca5.219009.223.0.pdf>. Counsel for the Acting General Counsel’s Motion to Remand Case to the Regional Director to Refer to the National Mediation Board, *Space Exploration Technologies Corporation*, No. 31-CA-307446 (NLRB May 7 2025), p. 2, <https://nrbresearch.com/docketpdfs/09031d4583fe7646.pdf>.

²⁸ Forbes, “The Real-Time Billionaires List,” as of February 20, 2026, <https://www.forbes.com/real-time-billionaires/>.

²⁹ Politico, “Elon Musk is flexing his political muscle again – and the GOP is responding,” Meredith Lee Hill, Mia McCarthy, and Jordain Carney, January 28, 2026, <https://www.politico.com/news/2026/01/28/elon-musk-gop-comeback-00751572>.

³⁰ Time, “What DOGE Is Doing Across the Federal Government,” Mik Popli, February 21, 2025, <https://time.com/7222251/doge-musk-federal-workers-government/>.

³¹ Labor Relations Update, “Tesla and Musk Get a Shock from the NLRB – Tesla CEO Ordered to Delete Union Tweet and Eliminate Overly Broad Confidentiality Policy,” Michael Lebowich, Joshua Fox, and Abigail Rosenblum, April 1, 2021, <https://www.laborrelationsupdate.com/2021/04/tesla-and-musk-get-a-shock-from-the-nlr-tesla-ceo-ordered-to-delete-union-tweet-and-eliminate-overly-broad-confidentiality-policy/>; The New York Times, “SpaceX illegally fired workers critical of Musk, federal agency says,” Noam Scheiber, January 3, 2024, <https://www.nytimes.com/2024/01/03/business/spacex-elon-musk-nlr-workers.html>; CNBC, “SpaceX hit with new NLRB complaint over severance agreements, dispute resolution rules,” Lora Kolodny and Dan Mangan, March 22, 2024, <https://www.cnbc.com/2024/03/22/elon-musks-spacex-hit-with-nlr-complaint-over-severance.html>.

³² National Public Radio, “A whistleblower’s disclosure details how DOGE may have taken sensitive labor data,” Jenna McLaughlin, April 15, 2025, <https://www.npr.org/2025/04/15/nx-s1-5355896/doge-nlr-elon-musk-spacex-security>.

³³ House Committee on Oversight and Government Reform, “Bombshell Reporting & Whistleblower Disclosure Lead Ranking Member Connolly to Demand Investigations into Musk Conflicts of Interest, DOGE Disruptions at NLRB and DOL,” press release, April 16, 2025, <https://oversightdemocrats.house.gov/news/press-releases/bombshell-reporting-whistleblower-disclosure-lead-ranking-member-connolly>.

The Trump Administration is the most corrupt Presidency in our nation's history, with a now-long record of letting corporate criminals off the hook,³⁴ allowing former lobbyists and industry insiders to run amok as key officials in charge of the executive branch agencies responsible for regulating their former allies,³⁵ and giving handouts and special access to billionaires at the expense of American families.³⁶ By dismissing its case against SpaceX under highly questionable circumstances, the NLRB has added to the cloud of corruption surrounding Mr. Musk and the Trump Administration.

In order to help us understand how this decision was made, please answer the following questions by April 29, 2025:


1. Please explain the NLRB's change in position over whether it or the NMB had jurisdiction over SpaceX.
 - a. Please explain the reasoning behind the NLRB's initial decision to fight SpaceX's attempt to refer the jurisdictional question to the NMB.
 - i. Why did the NLRB think it had jurisdiction then?
 - b. Please explain the reasoning behind the NLRB's later decision to seek out the NMB's opinion.
 - i. What accounts for this change in position?
2. Did the NLRB refer this question to its Division of Advice?
 - a. If not, why not?
 - b. If so, did the Division of Advice produce an Advice Memorandum?
 - i. If so, please provide that memorandum.
 - ii. If not, why not?
3. Did the NLRB take into consideration that ceding jurisdiction to the NMB would effectively moot the employees' wrongful termination claims?
 - a. If so, what effect did this consideration have on the NLRB's decision making?
 - b. If not, why not?
4. Did any NLRB officials communicate with Mr. Musk or his representatives regarding the decision to dismiss this case or the decisions to shift jurisdiction to the NMB? If so, please provide a list of all such communications, and the nature of any discussions that took place.
5. Is there any on-point precedent for the determination that SpaceX — because letters sometimes hitch a ride to and from the ISS on SpaceX rockets and SpaceX holds contracts with NASA, which “involve” delivering these letters — is a “carrier by air transporting mail for or under contract with the United States Government”?

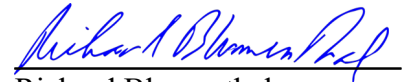
³⁴ NBC News, “Trump's pardons forgive financial crimes that came with hundreds of millions in punishments,” Owen Auston-Babcock and Megan Shannon, January 20, 2026, <https://www.nbcnews.com/politics/trump-administration/trumps-pardons-forgive-financial-crimes-came-hundreds-millions-punishm-rcna248277>.

³⁵ U.S. Senator Elizabeth Warren, “Warren, Kim, Ryan, Ross Call for Investigation into Former Lobbyists, Influence-Peddlers in Top Trump Admin Roles,” press release, February 18, 2026, <https://www.warren.senate.gov/newsroom/press-releases/warren-kim-ryan-ross-call-for-investigation-into-former-lobbyists-influence-peddlers-in-top-trump-admin-roles>.

³⁶ U.S. Senator Elizabeth Warren, “Warren Probes Meta, Microsoft, Target, Companies on Mass Layoffs Despite Strong Financials and Trump Tax Handouts,” press release, March 16, 2026, <https://www.warren.senate.gov/newsroom/press-releases/warren-probes-meta-microsoft-target-companies-on-mass-layoffs-despite-strong-financials-and-trump-tax-handouts>.

Sincerely,


Elizabeth Warren
United States Senator


Richard Blumenthal
United States Senator