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Obama Choice for Labor Post Advances but Then Meets a G.O.P. Roadblock

By [STEVEN GREENHOUSE](#)

The New York State labor commissioner, [President Obama](#)'s nominee to be the Labor Department's top enforcement official, won approval from a Senate committee Wednesday but immediately encountered a roadblock when the committee's senior Republican said he would put a "hold" on the nomination.

Such action by a senator can significantly delay a confirmation vote in the full chamber, by requiring 60 votes there for the nomination to be taken up.

The nominee, M. Patricia Smith, who would fill the post of Labor Department solicitor, has run into strong Republican opposition in Washington despite enthusiastic support from business leaders in her home state. Republican members of the Senate committee, on Health, Education, Labor and Pensions, point to inaccurate statements she made at her confirmation hearing in May. Some have also objected to the close ties between New York unions and Ms. Smith, a labor advocate for more than three decades who would be the department's No. 3 official.

Wednesday's committee vote to approve the nomination was 13 to 10, along party lines. The intention to place a hold was then promptly announced by the ranking Republican, [Senator Michael B. Enzi](#) of Wyoming.

Mr. Enzi first urged Mr. Obama to withdraw the nomination in August, complaining of the inaccuracies in Ms. Smith's testimony concerning New York Wage Watch, a program created by her department in which labor unions and groups advocating on behalf of low-wage immigrants work with state officials to uncover wage and hour violations.

At one point in her confirmation hearing, Ms. Smith said she had not had discussions about expanding Wage

Watch. At another, she said the idea for Wage Watch had been developed within her department, before outsiders were approached about the program.

Ms. Smith, who declined to be interviewed for this article, has acknowledged since the hearing that she “misspoke.” In saying she had not discussed the program’s expansion, she had intended to say only that she had not authorized the expansion, her Democratic defenders say. And, they say, as for her testifying that the idea for the program originated within the department, she had not known that one of her deputies had consulted with a labor group about it.

“It is clear that these were inadvertent errors, not an attempt to mislead the committee,” the panel’s Democratic staff wrote in an internal paper circulated in recent days. “There is no reason for Smith to hide anything from the committee about this program, because nothing improper occurred.”

But Mr. Enzi stepped up his opposition on Monday, sending a letter signed by all the committee’s Republicans that urged the chairman, [Senator Tom Harkin](#), Democrat of Iowa, not to move forward with the nomination.

Since the hearing, “subsequent statements by Ms. Smith intended to clarify the discrepancies do not alleviate our concerns about her candor and raise additional concerns about her ability to manage the solicitor’s office,” the Republicans wrote. “We regret that in light of Ms. Smith’s statements before Congress, we lack confidence in her ability to serve as solicitor of Labor.”

Mr. Harkin replied that the accusations were “clearly an effort to try to delay the confirmation of the government’s top advocate for our nation’s workers.”

In his letter to Mr. Obama in August, Mr. Enzi said that in creating Wage Watch, Ms. Smith had often ignored the concerns of small-business owners. And several Republicans have complained that two unions involved in Wage Watch hoped to use it to organize low-wage workers.

But this summer Kenneth Adams, president of the [Business Council of New York State](#), the state’s leading business group, wrote to the committee in support of Ms. Smith, saying that she had been “thorough, fair and judicious” in enforcing labor laws and that her “communication with us” had been “open, honest, candid and frequent.”

Some Democrats maintain that the Republicans are delaying confirmation in retaliation for the Democrats' delay on President [George W. Bush](#)'s nominee for Labor Department solicitor in 2001. Mr. Bush was ultimately able to install that nominee, Eugene Scalia, son of Justice Antonin Scalia of the Supreme Court, by appointing him while Congress was in recess.

Republicans deny any effort at retaliation.

Many worker advocates are impatient for Ms. Smith to be confirmed, saying wage violations are widespread nationally. One such advocate, Chris Owens, executive director of the [National Employment Law Project](#), noted that Mr. Obama had been president for nearly nine months and still did not have the department's top enforcement officials in place.

Like Ms. Smith, Lorelei Boylan, the president's nominee to head the department's wage and hour division, continues to await confirmation. Ms. Boylan is currently director of New York State's wage and hour division.

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