

No. 25-332

IN THE
Supreme Court of the United States

DONALD J. TRUMP, PRESIDENT OF THE UNITED STATES,
ET AL.,

Petitioners,

v.

REBECCA KELLY SLAUGHTER, ET AL.,

Respondents.

On Writ of Certiorari Before Judgment
to the United States Court of Appeals
for the District of Columbia Circuit

**BRIEF OF AMICI 207 MEMBERS OF CONGRESS
IN SUPPORT OF RESPONDENTS**

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TABLE OF CONTENTS

TABLE OF AUTHORITIES	iii
INTEREST OF THE AMICI CURIAE	1
INTRODUCTION AND SUMMARY OF ARGUMENT	2
ARGUMENT	4
I. Where the Constitution’s text is unclear regarding the separation of powers, history and tradition resolve its meaning	4
II. Founding-era history and unbroken tradition settle the constitutionality of for-cause protection for multimember boards of independent agencies.....	7
A. Congress has created independent agencies with multimember boards throughout the history of the Nation.....	8
B. This history and tradition reflects a reasonable settlement between the political branches	17
1. Article I gives Congress broad power to structure agencies to best effectuate their missions	18
2. For-cause removal protection for board members of independent agencies respects the President’s Article II powers	19
3. Insulating independent agency board members from at-will removal is consistent with broader constitutional values.....	22

III. The Court should not only reaffirm <i>Humphrey's</i> but also resist arguments to limit its reach to only certain independent agencies	29
CONCLUSION	35
APPENDIX	
List of Amici Signatories	1a

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Bowsher v. Synar</i> , 478 U.S. 714 (1986)	20
<i>Buckley v. Valeo</i> , 424 U.S. 1 (1976)	18
<i>CFPB v. Community Fin. Servs. Ass’n</i> , 144 S. Ct. 1474 (2024)	5, 6
<i>Collins v. Yellen</i> , 141 S. Ct. 1761 (2021)	35
<i>Free Enter. Fund v. Pub. Co. Acct. Oversight Bd.</i> , 561 U.S. 477 (2010)	8, 31, 32
<i>Freytag v. Comm’r of Internal Revenue</i> , 501 U.S. 868 (1991)	18
<i>Gonzales v. Raich</i> , 545 U.S. 1 (2005)	19
<i>Ex Parte Hennen</i> , 38 U.S. 230 (1839)	7
<i>Humphrey’s Executor v. United States</i> , 295 U.S. 602 (1935)	2, 8, 11, 12, 30, 35
<i>Marbury v. Madison</i> , 5 U.S. (1 Cranch) 137 (1803)	5
<i>McCulloch v. Maryland</i> , 17 U.S. (4 Wheat.) 316 (1819)	4, 10, 19
<i>Myers v. United States</i> , 272 U.S. 52 (1926)	7, 9, 18
<i>NLRB. v. Noel Canning</i> , 573 U.S. 513 (2014)	4, 5, 6, 8

<i>PHH Corp. v. CFPB</i> , 881 F.3d 75 (2018).....	11, 20–23, 26, 27, 30
<i>The Pocket Veto Case</i> , 279 U.S. 655 (1929)	5
<i>Seila Law v. CFPB</i> , 140 S. Ct. 2183 (2020)	2, 9, 11, 19–21, 23, 32, 33
<i>Trump v. Wilcox</i> , 145 S. Ct. 1415 (2025).....	29, 33
<i>United States v. Arthrex</i> , 141 S. Ct. 1970 (2021).....	38
<i>United States v. Comstock</i> , 560 U.S. 126 (2010)	19
<i>United States v. Curtiss-Wright Export Corp.</i> , 299 U.S. 304 (1936)	5
<i>Wiener v. United States</i> , 357 U.S. 349 (1958).....	2, 12, 13, 31
<i>Williams v. Pennsylvania</i> , 579 U.S. 1 (2016)	28
<i>Zivotofsky v. Kerry</i> , 576 U.S. 1 (2015).....	5, 6

Constitutional Provisions

U.S. Const. art. I, § 8, cl. 5 (Coinage Clause).....	19
U.S. Const. art. I, § 9, cl. 7 (Appropriations Clause).....	6
U.S. Const. art. II, § 2	21
U.S. Const. art. II, § 2, cl. 1	18
U.S. Const. art. II, § 3	19

Statutes

5 U.S.C. § 1202(d).....	15
5 U.S.C. § 7104(b).....	15
10 U.S.C. § 942(c)	16
15 U.S.C. § 2053(a).....	16
15 U.S.C. § 8404	17
16 U.S.C. § 1852(b)(6)	15
22 U.S.C. § 4605(f)	16
25 U.S.C. § 2704(b)(6)	15
28 U.S.C. § 991(a).....	15
29 U.S.C. § 153(a).....	15
29 U.S.C. § 661(b).....	16
30 U.S.C. § 823(b)(1)(B)	16
38 U.S.C. § 7253(f)(1)	15
39 U.S.C. § 202(a)(1)	14
39 U.S.C. § 502(a).....	14
41 U.S.C. § 7105(b)(3)	16
42 U.S.C. § 254j(b)(1)	16
42 U.S.C. § 1975(e).....	15
42 U.S.C. § 1975a	15
42 U.S.C. § 5841(e).....	15
42 U.S.C. § 7171(b)(1)	15
42 U.S.C. § 7412(r)(6)(B).....	16
46 U.S.C. § 46101(b)(5)	14
49 U.S.C. § 1111(c)	16
49 U.S.C. § 1301(b)(3)	15
Act of March 3, 1863, Chapter 92, § 1, 12 Stat. 765 (1863).....	10

An Act to Incorporate the Subscribers to the Bank of the United States, 1 Stat. 191, ch. 10 (1791)	9
An Act to Incorporate the Subscribers to the Bank of the United States, 3 Stat. 266, ch. 44 (1816)	10
An Act Making Provision for the Reduction of the Public Debt, 1 Stat. 186, ch. 47 (1790).....	9
An Act to Regulate Commerce, Pub. L. 49- 104, 24 Stat. 379, ch. 104 (1887).....	11, 14
Banking Act of 1935, Pub. L. No. 74-305, § 203(b), 49 Stat. 704-05 (1935)	13
Energy Reorganization Act of 1974, Pub. L. 93-438, 88 Stat. 1233 (1974).....	26
Federal Reserve Act, Pub. L. 63-43, ch. 6, 38 Stat. 251 (1913).....	12, 14
Federal Power Act, 16 U.S.C. §§791a et seq.....	25
Federal Trade Commission Act, Pub. L. 63-203 (1914).....	14
Merchant Marine Act of 1936, Pub. L. 74- 835, 49 Stat. 1985 (1936).....	14
National Labor Relations Act, ch. 372, 49 Stat. 449 (1935).....	13
Restore Online Shoppers' Confidence Act, Pub. L. No. 111-345, 124 Stat. 3618 (2010).....	17
Take it Down Act, Pub. L. No. 119-12, 139 Stat. 55 (2025).....	16, 17
War Claims Act of 1948, Pub. L. 80-896, 62 Stat. 1240 (1948).....	15

Rules

S. Ct. Rule 37.6.....	1
-----------------------	---

Legislative Materials

51 Cong. Rec. 10,376 (1914).....	24
79 Cong. Rec. 9722-9725H (June 19, 1935)	13
S. Rep. 93-1252 (1974)	26
H.R. Rep. No. 63-69 (1913)	12
H.R. Rep. No. 95-518 (1977)	31
1 Annals of Congress (1789)	18
Letter from Jim Jordan, Chairman, House Jud. Comm., et al., to Lina Khan, Chair, Fed. Trade Comm’n, et al. (Feb. 14, 2023)	28

Other Authorities

Admin. Conf. of the U.S., Sourcebook of United States Executive Agencies (Jennifer L. Selin & David E. Lewis eds., 2018)	13, 31
Barkow, Rachel E., <i>Insulating Agencies: Avoiding Capture Through Institutional Design</i> , 89 Tex. L. Rev. 15 (2010).....	24, 28
Baude, William, <i>Constitutional Liquidation</i> , 71 Stan. L. Rev. 1 (2019).....	5, 6, 30
Bessette, Joseph M., <i>The Mild Voice of Reason: Deliberative Democracy and American National Government</i> (1994).....	27
Blattner, Tobias et al., <i>The Predictability of Monetary Policy</i> , European Central Bank (2008)	25

Chabot, Christine K., <i>Is the Federal Reserve Constitutional? An Originalist Argument for Independent Agencies</i> , 96 Notre Dame L. Rev. 1 (2020)	9
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Dichio, Michael et al., “To Render Prompt Justice”: <i>The Origins and Construction of the US Court of Claims</i> , Studies Am. Pol. Dev. (2022)	10, 11
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The Federalist No. 37, (James Madison), in <i>The Federalist</i> (Jacob E. Cooke ed., 1961)	5
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Husted, Lucas et al., <i>Monetary Policy Uncertainty</i> , Board of Governors Federal Reserve System (2017)	25
Manning, John F., <i>Separation of Powers as Ordinary Interpretation</i> , 124 Harv. L. Rev. 1939 (2011)	9
Passachoff, Eloise, <i>The President’s Budget as a Source of Agency Policy Control</i> , 125 Yale L.J. 2182 (2016)	22

Phillips, Todd, <i>Commission Chairs</i> , 40 Yale J. on Reg. 277 (2023)	20
3 Story, Joseph, <i>Commentaries on the Constitution of the United States</i> (1833)	7
8 <i>Writings of James Madison</i> (G. Hunt ed., 1908)	5

INTEREST OF AMICI CURIAE

Amici are members of Congress, appearing in their institutional capacities, listed in full in Appendix A. With the constitutional authority to create “Departments” and “Officers,” *Amici* are familiar with the Federal Trade Commission and the critical work it does to protect the public from unfair, deceptive, and anti-competitive business practices. They also are familiar with other independent agencies with multimember boards or commissions, whose members by statute are removable only for cause. Among other things, *Amici* have been involved in appropriations, oversight, and legislation related to these agencies. Many *Amici* are Senators who participated in the “Advice and Consent” process that resulted in the confirmation of board members of these agencies with the expectation these members would serve their full terms, should they choose to do so. *Amici* accordingly are here to defend Congress’s constitutionally allocated powers as relevant to this case—and to describe the critical role the Federal Trade Commission and other independent agencies play in regulating interstate commerce.¹

¹ Pursuant to Rule 37.6, counsel for *Amici* states that no counsel for a party authored this brief in whole or in part, and that no person other than *Amici* or their counsel made a monetary contribution to this brief.

INTRODUCTION AND SUMMARY OF ARGUMENT

Throughout our Nation’s history, Congress has created dozens of federal agencies, such as the Federal Trade Commission (FTC), run by bipartisan multimember boards whose members serve staggered terms and can be removed by the President only for cause. These are conventionally referred to as “independent” agencies. These agencies have been created by Congress on a bipartisan basis, regardless of which party was in the majority. Over the past century-plus, 15 different Presidents—7 Republicans and 8 Democrats—have signed bills creating such agencies into law. And this Court has twice upheld Congress’s power to legislate in this manner—in two cases decided unanimously by eighteen different Justices. *Humphrey’s Executor v. United States*, 295 U.S. 602 (1935); *Wiener v. United States*, 357 U.S. 349 (1958).

The current President now asks this Court to hold that conferring for-cause removal protection upon members of the Federal Trade Commission and the members of the boards of other independent agencies violates the separation of powers. The Solicitor General tries to present the President’s request as little more than a modest extension of this Court’s decision in *Seila Law v. CFPB*, 140 S. Ct. 2183 (2020). But all *Seila* did was invalidate a novel removal protection for a new agency headed by a single director—a structure the Court took pains to emphasize lacked any foundation in our history and tradition. By contrast, agencies headed by multimember boards protected from at-will presidential removal—ranging from the FTC to the

Merit Systems Protection Board, to the Federal Reserve—are a deeply entrenched feature of our governmental structure. There are dozens such agencies currently operating. And they have a long history of being recognized as constitutional by legislators, executive officials, courts and the general public.

What’s more, the consequences of striking down federal statutes giving agencies led by multimember boards a measure of independence would be sweeping and profound. The implicated agencies touch nearly every part of Americans’ lives. For example, the FTC protects consumers from a wide range of deceptive and unfair practices—including telemarketing scams, pyramid schemes, and elder fraud—while also protecting businesses and consumers from unfair methods of competition. Other independent agencies ensure the products Americans use every day do not cause death or injury, oversee the wellbeing of our financial system, and keep our government informed and accountable.

With the current Executive unwilling to defend—indeed, attacking—these long-standing federal statutes, including the century-old statute at issue here, *Amici* Members of Congress file this brief to defend the governmental interests at stake. *Amici* advance a simple argument: Where the text of the Constitution does not expressly resolve a separation-of-powers issue, this Court looks to the practical construction of the Constitution reflected in the time-honored practices of the political Branches. And that canon controls here. Against the backdrop of constitutional silence regarding removals of principal officers, independent agencies with multimember

boards represent a longstanding compromise—stretching back to the earliest days of the Republic—between the Legislative and Executive Branches that respects the core interests of each branch. The Judicial Branch should not upset that compromise. All the more because this Court itself has approved it twice before—inducing congressional reliance on this form of regulatory design and leaving its ongoing desirability for *the people* to decide.

If the President believes that there is reason to reconsider the removal protection for the FTC or other independent agencies, he can certainly make that argument to Congress, and ultimately to the people themselves. But the Court should leave the current debate over the ongoing desirability of the for-cause removal provisions where it belongs—within the legislative process.

ARGUMENT

I. Where the Constitution’s text is unclear regarding the separation of powers, history and tradition resolve its meaning.

In one of this Court’s foundational decisions, Chief Justice Marshall explained that where the Constitution does not speak clearly to a legal issue, the issue’s resolution “receive[s] a considerable impression” from “the practice of the government.” *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316, 401 (1819). The Court has followed this approach ever since, reaffirming that where the Constitution is indeterminate, “a regular course of practice” by Congress and the President can “liquidate & settle the meaning” of the document. *NLRB. v. Noel Canning*, 573 U.S. 513, 525 (2014) (quoting Letter to Spencer

Roane (Sept. 2, 1819), in 8 *Writings of James Madison* 447, 450 (G. Hunt ed., 1908)); *see also* The Federalist No. 37, at 236 (James Madison), in *The Federalist* (Jacob E. Cooke ed., 1961) (same when the Constitution is “obscure”).

That is particularly true in separation-of-powers cases, where this Court places “significant weight upon historical practice” to “inform [its] determination of ‘what the law is.’” *NLRB v. Noel Canning*, 573 U.S. 513, 524-25 (2014) (quoting *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 177 (1803)); *see Zivotofsky v. Kerry*, 576 U.S. 1, 23 (2015); *see also* William Baude, *Constitutional Liquidation*, 71 *Stan. L. Rev.* 1, 49 n.296 (2019). The aim of our Constitution, after all, is to facilitate a system of self-government. That begins with the people’s representatives deciding questions of governmental design. Accordingly, “[l]ong settled and established practice is a consideration of great weight” when interpreting constitutional provisions about the structure and operation of government. *The Pocket Veto Case*, 279 U.S. 655, 689 (1929). Indeed, a “legislative practice” regarding the separation of powers, “evidenced not by only occasional instances, but marked by the movement of a steady stream for a century and a half of time, goes a long way in the direction of proving the presence of unassailable ground for the constitutionality of the practice.” *United States v. Curtiss-Wright Export Corp.*, 299 U.S. 304, 327-28 (1936).

In that respect, both “founding-era history” and this Nation’s “continuing tradition” delineate the contours of the relationship among the branches of government. *CFPB v. Community Fin. Servs. Ass’n*, 144 S. Ct. 1474, 1492 (2024) (Kagan, J., concurring);

see also Baude, *supra*, at 62. Particularly when one branch not only “acquiesced in the [other’s] exercise” of power at the Founding but also has declined to contest it when enacting or signing new bills, this Court has regularly accepted the political branches’ agreed-upon arrangement as constitutional. *Zivotofsky v. Kerry*, 576 U.S. 1, 23 (2015); *Community Fin. Servs.*, 144 S. Ct. at 1490-92 (Kagan, J., concurring).

A couple of recent examples illustrate these precepts. In *Noel Canning*, the Court explicated the President’s power to make recess appointments. It stressed that “Presidents have made recess appointments since the beginning of the Republic” and that “[t]heir frequency” throughout our history “suggests that the Senate and President have recognized that recess appointments can be both necessary and appropriate in certain circumstances.” 573 U.S. at 526. In light of that tradition, the Court refused “to upset the compromises and working arrangements that the elected branches of Government themselves have reached.” *Id.* And in *CFPB v. Community Financial Services Association*, the Court held that the funding mechanism for the CFPB comported with the Appropriations Clause. 144 S. Ct. at 1490. Concurring in that decision, Justice Kagan—joined by Justices Sotomayor, Kavanaugh, and Barrett—explained that “[t]he way our Government has actually worked, over our entire experience,” provided “reason to uphold Congress’s decision about how to fund the CFPB.” *Id.* at 1492 (Kagan, J., concurring).

This process of settling a separation-of-powers issue becomes even more worthy of respect where not

just the political branches, but also the Judicial Branch, has participated in settling the issue. The traditional *stare decisis* factors, of course, carry their own independent weight, and respondent persuasively explains why they counsel fidelity to precedent here. *See* Resp. Br. 31-40. But when it comes to prior decisions of this Court validating particular governmental designs, the case for stability takes on an extra dimension. In a democracy, the political branches—elected, as they are, by the citizenry—are best positioned to decide questions of governmental structure. So when this Court has determined that a particular governmental design is constitutional, the decision whether to upend the political branches’ agreement should be all the more reserved to the people and the legislative process.

II. Founding-era history and unbroken tradition settle the constitutionality of for-cause protection for multimember boards of independent agencies.

Statutory arrangements governing removal of executive officers are a paradigmatic example of constitutional liquidation. The Constitution is “silent” as to the President’s power to remove the heads of executive agencies from office. *Ex Parte Hennen*, 38 U.S. 230, 258 (1839). What’s more, the issue “was not discussed in the Constitutional Convention,” *Myers v. United States*, 272 U.S. 52, 109-10 (1926), and it was the subject of widely varying views in the years following ratification, *see, e.g.*, 3 Joseph Story, *Commentaries on the Constitution of the United States* §§ 1531-37, at 389-95 (1833).

With scant constitutional text and no definitive contemporaneous understanding to guide the Court’s

inquiry, the contours of Congress’s ability to condition removal on certain determinations should instead be defined through the “working arrangements that the elected branches of Government themselves have reached.” *Noel Canning*, 573 U.S. at 526. Those longstanding arrangements confirm the constitutionality of for-cause removal protection for multimember boards of independent agencies.

A. Congress has created independent agencies with multimember boards throughout the history of the Nation.

From the time of the First Congress, the Legislative and Executive Branches have worked together to create independent agencies whose board members have been protected by for-cause removal provisions. In *Humphrey’s Executor*, 295 U.S. 602 (1935), this Court unanimously approved this regulatory approach. And for the past ninety years, Congress and many Presidents, in reliance on that precedent, have continued to create, grant powers to, consult and collaborate with, appoint members to, and fund independent agencies across all areas of government.

1. *Pre-Humphrey’s Practice.* Most historical discussions of the permissibility of restrictions on the President’s power to fire federal officials begin with the so-called Decision of 1789. As the First Congress created “the first executive departments,” it debated whether it had the power to condition the removal of the Secretary of Foreign Affairs upon Senatorial advice and consent. *Free Enter. Fund v. Pub. Co. Acct. Oversight Bd.*, 561 U.S. 477, 492 (2010). Congress was fiercely divided on the issue. Ultimately, Vice President Adams cast the tie-breaking Senate vote on

the question in the negative. *Myers*, 272 U.S. at 109-15. This Court has considered this debate to be “weighty evidence” that the Executive’s Article II powers include “a power to oversee executive officers through removals.” *Seila*, 140 S. Ct. at 2197 (citations and quotation marks omitted).

But that takeaway—important as it is—does not resolve the question presented here. The Decision of 1789 restricted Congress’s ability to participate directly in actual removal decisions. But it did not limit Congress’s authority merely to place legislative conditions on the President’s exercise of his authority to remove officials who perform executive functions. John F. Manning, *Separation of Powers as Ordinary Interpretation*, 124 Harv. L. Rev. 1939, 1964 n.135 (2011).

Indeed, right after the Decision of 1789, the very same Congress twice exercised just that authority. In 1790, Congress enacted, and President Washington signed, a statute creating the Sinking Fund Commission. The Commission handled monetary policy. *See* Christine K. Chabot, *Is the Federal Reserve Constitutional? An Originalist Argument for Independent Agencies*, 96 Notre Dame L. Rev. 1, 47-52 (2020). Two of its five members were protected from at-will removal by the President. *Id.* at 6 & n.22 (citing An Act Making Provision for the Reduction of the Public Debt, ch. 47, 1 Stat. 186 (1790)). The following year, Congress shielded all members of the First Bank of the United States from removal by the President absent due cause. An Act to Incorporate the Subscribers to the Bank of the United States, ch. 10, § 4, 1 Stat. 191, 192-93 (1791). No one ever challenged

the constitutionality of these for-cause protections in court.

When Congress and President Madison created the Second Bank of the United States in 1816, the legislation similarly restricted the President’s power to remove twenty of the bank’s twenty-five members. An Act to Incorporate the Subscribers to the Bank of the United States, ch. 44, § 8, 3 Stat. 266, 269 (1816). In *McCulloch v. Maryland*, 17 U.S. (4 Wheat.) 316 (1819), this Court upheld this legislation, explaining that the Constitution had given Congress the flexibility to deal with future structural imperatives that the Framers may have “seen dimly,” if at all. *Id.* at 415. To be sure, the removal provisions of the legislation were not directly at issue in *McCulloch*. But this Court’s reasoning implicitly endorsed Congress’s power to establish and design agencies critical to the Nation’s economy as it saw fit.

As other types of pressing administrative and regulatory challenges emerged, Congress relied on the blueprints from the Sinking Fund Commission and the Second Bank. To begin, Congress established the multimember Court of Claims, a legislative court exercising delegated authority on behalf of the Treasury whose members were removable only by impeachment. Act of March 3, 1863, ch. 92, § 1, 12 Stat. 765 (1863). *See generally* Michael Dichio et al., “*To Render Prompt Justice*”: *The Origins and Construction of the US Court of Claims*, Studies Am. Pol. Dev. (2022). Prior to the establishment of the Court of Claims, private claims against the government had taken up “such an enormous share of Congress’s time” that it prevented Congress “from dealing with pressing public business.” Dichio et al.,

supra, at 120. And like “present-day Article I administrative courts,” the Court of Claims took on “an advisory role for the executive branch.” *Id.* at 121.

A little over two decades later, in 1887, Congress and President Cleveland created the Interstate Commerce Commission (ICC), which this Court has characterized as the first modern independent agency. An Act to Regulate Commerce, ch. 104, 24 Stat. 379 (1887); *see also Seila*, 140 S. Ct. at 2232; *Humphrey’s Executor*, 295 U.S. at 629. Congress designed the ICC in response to “the growing power of the railroads” over the economy. *Seila*, 140 S. Ct. at 2232. Because of this concern, Congress wanted to ensure that the ICC was protected from undue political influence. Congress thus enacted for-cause removal provisions that allowed the five ICC Commissioners to be removed only “for inefficiency, neglect of duty, or malfeasance in office.” An Act to Regulate Commerce, ch. 104, § 11, 24 Stat. 379, 383 (1887).

In the decades that followed, Congress created several other independent agencies with multimember boards. One such agency is the FTC, which protects the public from unfair, deceptive, and anti-competitive business practices. These entities “were designed as non-partisan expert agencies that could neutrally and impartially issue rules, initiate law enforcement actions, and conduct or review administrative adjudications.” *PHH Corp. v. CFPB*, 881 F.3d 75, 169 (2018) (Kavanaugh, J., dissenting).² Congress also

² Unless otherwise indicated, all citations in this brief to *PHH Corp. v. CFPB*, 881 F.3d 75 (D.C. Cir. 2018), are to then-Judge Kavanaugh’s dissent in that case. In that opinion, then-Judge Kavanaugh argued that the single-Director structure of

created the Federal Reserve and granted the Federal Reserve Board for-cause protection. Federal Reserve Act, ch. 6, § 10, 38 Stat. 251, 260-61 (1913). The Board was designed to stabilize the American banking system in the wake of financial “panics and crises.” H.R. Rep. No. 63-69, at 28 (1913). Congress therefore deemed it essential that the board members be insulated from the whims or short-term thinking of any given president.

2. *Humphrey’s Executor and Wiener.* In *Humphrey’s Executor*, the Court considered whether the for-cause removal protection for FTC commissioners impinged upon the President’s Article II powers. The Court unanimously held that it did not, declaring it “plain under the Constitution” that Congress could condition the President’s power to remove “officers of [such] character” upon a for-cause finding. *Humphrey’s Executor*, 295 U.S. at 629.

Two decades later, the Court reaffirmed *Humphrey’s* and applied it to uphold the War Claims Commission’s implicit for-cause removal protection. *See Wiener v. United States*, 357 U.S. 349, 356 (1958). The Court, per Justice Frankfurter, explained that “[t]he philosophy of *Humphrey’s Executor*, in its explicit language as well as its implications, preclude[d]” the claim that Article II gave the President the power to “remove [a member of the commission] merely because he wanted his own appointees” to carry out its work. *Id.*

3. *The Past Ninety Years.* In the ninety years since *Humphrey’s*, Congress and successive

the CFPB violated Article II and distinguished the CFPB from independent agencies with multimember boards.

Presidents have relied on its holding and “philosophy,” *Wiener*, 357 U.S. at 356, to confer express for-cause removal protection upon members of over two dozen agencies—and then, in reliance on the agencies’ settled independence, to confer additional powers upon many of them. *See* Admin. Conf. of the U.S., Sourcebook of United States Executive Agencies at 45-48 (Jennifer L. Selin & David E. Lewis eds., 2018) (collecting agencies). These agencies deal with all manner of specialized areas—from banking, to employment, to public health and safety. *Id.* at 52-56. Indeed, it is hard to find any precedent in the U.S. Reports upon which the political branches—not to mention others who interact on a daily basis with the federal government—have relied for so long, and in such a profound way.

Just two months after *Humphrey’s* was decided, Congress and President Franklin Roosevelt established the National Labor Relations Board (NLRB) as an independent agency. National Labor Relations Act, ch. 372, § 3, 49 Stat. 449, 451 (1935). Expressly relying on *Humphrey’s* to ensure the agency’s constitutionality, the legislation designed the NLRB as an agency outside of the Department of Labor. 79 Cong. Rec. 9722-9725H (June 19, 1935). It granted board members staggered five-year terms and protected their tenure absent “neglect of duty or malfeasance in office.” 49 Stat. at 451. One month later, Congress reaffirmed the for-cause removal protection of Federal Reserve Board members. Banking Act of 1935, Pub. L. No. 74-305, § 203(b), 49 Stat. 704-05 (1935).

In almost every decade since, Congress has passed—and Presidents have signed—statutes

establishing new agencies with multimember boards whose members (per the express language of the laws) are removable only for cause. The following chart sets forth a comprehensive taxonomy of these agencies, including those created before *Humphrey's*:

Subject Matter	Agencies
Economy, Commerce & Transportation	• 1887 – Interstate Commerce Commission, Pub. L. 49-104, 24 Stat. 379 (abolished 1995) • 1913 – Federal Reserve Board of Governors, Federal Reserve Act, Pub. L. 63-43, 38 Stat. 251 • 1914 – Federal Trade Commission, Federal Trade Commission Act, Pub. L. 63-203, 38 Stat. 717 • 1936 – United States Maritime Commission, Merchant Marine Act of 1936, Pub. L. 74-835, 49 Stat. 1985 • 1961 – Federal Maritime Commission, 46 U.S.C. § 46101(b)(5) • 1970 – Postal Service Board of Governors, 39 U.S.C. § 202(a)(1) • 1970 – Postal Regulatory Commission, 39 U.S.C. § 502(a)

	• 1976 – Regional Fishery Management Councils, 16 U.S.C. § 1852(b)(6) • 1988 – National Indian Gaming Commission, 25 U.S.C. § 2704(b)(6) • 1995 – Surface Transportation Board, 49 U.S.C. § 1301(b)(3)
Employment	• 1935 – National Labor Relations Board, 29 U.S.C. § 153(a) • 1978 – Merit Systems Protection Board, 5 U.S.C. § 1202(d) • 1978 – Federal Labor Relations Authority, 5 U.S.C. § 7104(b)
Energy	• 1974 – Nuclear Regulatory Commission, 42 U.S.C. § 5841(e) • 1977 – Federal Energy Regulatory Commission, 42 U.S.C. § 7171(b)(1)
Resolution of Legal Claims	• 1948 – War Claims Commission, War Claims Act of 1948, Pub. L. 80-896, 62 Stat. 1240 (read into statute in <i>Wiener</i>) • 1957 – Commission on Civil Rights, 42 U.S.C. § 1975(e) and 42 U.S.C. § 1975a • 1984 – United States Sentencing Commission, 28 U.S.C. § 991(a) • 1988 – Court of Appeals for Veterans Claims, 38 U.S.C. § 7253(f)(1)

	• 1989 – Court of Appeals for the Armed Forces, 10 U.S.C. § 942(c) • 2006 – General Services Administration: Civilian Board of Contract Appeals, 41 U.S.C. § 7105(b)(3)
Public Safety	• 1970 – Occupational Safety and Health Review Commission, 29 U.S.C. § 661(b) • 1972 – Consumer Product Safety Commission, 15 U.S.C. § 2053(a) • 1975 – National Transportation Safety Board, 49 U.S.C. § 1111(c) • 1976 – National Advisory Council on National Health Service Corps, 42 U.S.C. § 254j(b)(1) • 1977 – Federal Mine Safety and Health Review Commission, 30 U.S.C. § 823(b)(1)(B) • 1984 – United States Institute of Peace, 22 U.S.C. § 4605(f) • 1990 – Chemical Safety and Hazard Investigation Board, 42 U.S.C. § 7412(r)(6)(B)

On top of all this, Congress has regularly given existing independent agencies additional investigative or enforcement authority. Early this year, for example, Congress overwhelmingly enacted the Take It Down Act, which prohibits the nonconsensual online

publication of intimate visual depictions of individuals, both authentic and computer-generated. Pub. L. No. 119-12, 139 Stat. 55 (2025). The Act provides that the FTC “shall enforce this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as though all applicable terms and conditions of the [FTC] Act were incorporated.” *Id.* § 3(b)(2)(A). In 2010, Congress included parallel language in the Restore Online Shoppers’ Confidence Act, which forbids online companies from imposing charges on consumers arising from certain types of aggressive internet sales tactics that Congress found to be unfair and deceptive. Pub. L. No. 111-345, 124 Stat. 3618 (2010); *see* 15 U.S.C. § 8404 (codifying FTC’s enforcement). If not for the bipartisan, independent nature of agencies like the FTC, Congress might not have been willing to enact such important legislation.

A moment’s reflection on this persistent array of legislative enactments makes one thing clear: It would be an unprecedented exertion of judicial power to nullify Congress’s work—endorsed by over a dozen different Presidents and two unanimous decisions from this Court—creating an array of multimember independent agencies that have served our Nation well for over a century. Never before has the Court issued a decision that would alter the structure and operation of the federal government as dramatically as gutting *Humphrey’s* would.

B. This history and tradition reflects a reasonable settlement between the political branches.

The structure of multimember independent agencies is not only entrenched by history and

tradition. It also reflects an eminently reasonable interpretation of Congress’s array of Article I powers, respects the President’s Article II authority, and comports with broader constitutional values.

1. Article I gives Congress broad power to structure agencies to best effectuate their missions.

Establishing for-cause removal protection for board members of independent agencies falls well within several strands of Congress’s constitutionally granted authority.

To start, Congress has the “authority to create offices,” *Freytag v. Comm’r of Internal Revenue*, 501 U.S. 868, 883 (1991), and “Departments” administered as part of the Executive Branch. U.S. Const. art. II, § 2, cl.1; *see also Buckley v. Valeo*, 424 U.S. 1, 134 (1976) (“The authority of Congress to create an office or a commission . . . is broad indeed.”). And as Madison explained during the removal debate of 1789, Congress has the authority to “determine[] the powers, the honors, and emoluments of an office.” *Myers*, 272 U.S. at 128-29 (citing 1 Annals of Congress, 581, 582 (1789)). That is, “Congress under its legislative power” may prescribe that officeholders have “reasonable and relevant qualifications;” set “rules of eligibility” for appointments, including partisan balancing in membership; establish or change an officer’s salary; provide fixed terms of officeholding; require divestment and prohibit other conflicts of interest; and set any number of other conditions on executive offices. *Myers*, 272 U.S. at 128-29.

In addition, the Commerce Clause—along with related enumerated powers, such as the power to

“regulate the Value” of money, U.S. Const. art I. § 8, cl. 5—gives Congress the authority to pursue various substantive policy goals. Creating agencies to fine-tune and effectuate such policy, prepare reports, and adjudicate disputes is a natural and constitutionally sanctioned way to implement these powers. For example, through the FTC Act, Congress is regulating the “quintessentially economic” spheres of interstate competition and trade. *See Gonzales v. Raich*, 545 U.S. 1, 25-26 (2005).

Finally, the Necessary and Proper Clause “grants Congress the legislative authority” to enact laws and protections that are “rationally related to” any constitutionally enumerated power. *United States v. Comstock*, 560 U.S. 126, 134 (2010). Thus, when Congress regulates in policy areas such as the economy, the Necessary and Proper Clause gives it “discretion” to structure agencies and set officer qualifications as it sees fit to advance its chosen legislative ends. *McCulloch*, 17 U.S. (4 Wheat.) at 421.

2. For-cause removal protection for board members of independent agencies respects the President’s Article II powers.

Statutes granting board members of independent agencies for-cause removal protection do not diminish the President’s authority to “take care that the Laws be faithfully executed.” U.S. Const. art. II, § 3. That is because the President may always choose—without any congressional involvement—to fire anyone who acts with “inefficiency, neglect, or malfeasance.” *Seila*, 140 S. Ct. at 2191. “[I]n practical terms,” that power

ensures presidential “control over the execution of the laws.” *Bowsher v. Synar*, 478 U.S. 714, 726 (1986).

Granted, the Court has held that Article II does not permit Congress to require cause to fire a “single individual” director of an agency who is “accountable to no one.” *Seila*, 140 S. Ct. at 2203. But for a bevy of reasons Justice Kavanaugh has previously catalogued, conditioning the President’s removal authority on inefficiency, neglect, or malfeasance when it comes to *multimember* boards does not transgress his Article II authority.

a. To begin, the President’s power (in most instances) to redesignate the chairperson of multimember boards assures him the ability, from the moment he takes office, to “bring the agency in line with [his] preferred policies.” *Seila*, 140 S. Ct. at 2204; *see also PHH Corp.*, 881 F.3d at 189 (stressing that this redesignation power is “important”).

The chair is “ordinarily [the board’s] most dominant figure.” *PHH Corp.*, 881 F.3d at 189 (quoting Datla & Revesz, *Deconstructing Independent Agencies*, 98 Cornell L. Rev. 769, 819 (2013)). In particular, “chairs of multimember agencies have been granted budget, personnel, and agenda control.” Datla & Revesz, *supra*, at 818; *see also* Todd Phillips, *Commission Chairs*, 40 Yale J. on Reg. 277, 310 (2023) (“[C]ommission chairs have nearly unfettered authority to direct their agencies.”). Through these non-voting powers, the chair sets the commission’s agenda and can thereby move its action toward the President’s priorities. *See* Phillips, *supra*, at 285. And because chairs of independent agencies hold their role

at the pleasure of the President, it is unsurprising that, in practice, they regularly coordinate with the White House on policy matters. Datla & Revesz, *supra*, at 820.

What's more, chairs from previous administrations traditionally resign from their commissions altogether when a new administration takes power. Daniel E. Ho, *Measuring Agency Preferences: Experts, Voting, and the Power of Chairs*, 59 DePaul L. Rev. 333, 338 (2010). Therefore, the President usually has an immediate opportunity—regardless of any initiative on his own part—to nominate a new board chair to his liking. And given that statutes often require multimember independent commissions to keep close to partisan balance, that one resignation usually gives the President the immediate opportunity to ensure a majority of the board is aligned with his party's policy goals.

b. Board members of independent agencies like the FTC also have staggered appointments. Plus, when vacancies arise, the President has the power to appoint members (who are principal officers) of independent agencies. U.S. Const. art. II, § 2. Presidents are therefore guaranteed to have “ever increasing influence” over agencies during their tenure. *PHH Corp.*, 881 F.3d at 190; *cf. Seila*, 140 S. Ct. at 2203-04. In this way, multimember boards balance the value of continuity of stewardship with presidential control.

c. The President also may exert significant influence over independent agencies such as the FTC by partially controlling independent agencies' budget requests to Congress. The President can, for example,

modify the amount the agency requests Congress to appropriate on specific enforcement priorities, propose an expanded or contracted budget allocation for rulemaking, or reduce the agency's request to Congress for overhead costs. All of these potential adjustments can affect an agency's operations, particularly where the agency "do[es] more of its work through spending programs than through regulation." Eloise Passachoff, *The President's Budget as a Source of Agency Policy Control*, 125 Yale L.J. 2182, 2204 (2016).

3. Insulating independent agency board members from at-will removal is consistent with broader constitutional values.

Multimember boards with removal protection are also consonant with "the larger values of the Constitution." *PHH Corp.*, 881 F.3d at 187. Specifically, multimember boards reinforce the constitutional design of dividing power among multiple actors. They also promote democratic accountability and effective governance, protect individual liberty, and ensure due process.

a. In general, the Constitution seeks to "divid[e] power among multiple entities and persons." *PHH Corp.*, 881 F.3d at 187. The Framers understood "the basic commonsense principle" that multimember bodies "do better than single-member bodies in avoiding arbitrary decisionmaking and abuses of power." *Id.* The Founding generation codified that understanding directly in the Constitution when creating the Legislative Branch and the Supreme Court. *Id.*

A multimember board of an independent agency is consistent with the Constitution’s general approach to dividing power. *PHH Corp.*, 881 F.3d at 187. If the head of an agency has “no colleagues to persuade” before implementing or enforcing policy, that concentrated power can readily be put to ill-advised uses. *Seila*, 140 S. Ct. at 2204. By contrast, “[i]n a multimember independent agency, no single commissioner or board member can *affirmatively* do much of anything.” *PHH Corp.*, 881 F.3d at 183. Most major actions like rulemaking, adjudicating appeals, and issuing major legislative reports require a majority vote. *See, e.g.*, Federal Trade Commission, *Office of the Secretary Procedures Manual* 26-33 (1994), <https://perma.cc/W9S5-Q9VY>. So members of independent agencies must convince enough of their colleagues to form a majority to make any significant decisions.³

This “profound” difference between independent agencies with single directors and those with multimember boards renders for-cause removal protection a feature, not a bug, of agency design. *PHH Corp.*, 881 F.3d at 183. The very point of a multimember structure is to create friction. *Id.* at 186 n.14. Those benefits would be lost if this Court were to give the President the power to threaten board members with removal simply for exercising

³ The exception is the chair of the board or commission. *PHH Corp.*, 881 F.3d at 189-90. But even board chairs may not adjudicate a claim or pass a rulemaking alone; their powers are limited to affecting internal agency processes. And in any event, the President generally has unrestricted power to appoint or designate new board chairs. *See supra* at 20-21.

independent judgment over whether, for instance, to approve a merger.

b. For-cause protection also promotes stability, democratic accountability, and effective governance. Because independent agencies employ staggered terms as part of their leadership structure, they maintain some continuity from presidency to presidency, accumulating collective experience along the way. This structure allows agencies to make policy judgments oriented toward long-term economic growth and public safety, without fear of political retribution or complete agency turnover.

For example, Congress created “an administrative board” to lead the FTC, designed to “have precedents and traditions and a continuous policy.” 51 Cong. Rec. 10,376 (1914). *See generally* Rachel E. Barkow, *Insulating Agencies: Avoiding Capture Through Institutional Design*, 89 Tex. L. Rev. 15 (2010) (describing this choice). That design enables the Commission to protect the public from unfair, deceptive, and anti-competitive business practices according to time-tested legal principles, as opposed to political expediency or the President’s personal relationships.

Market actors also depend on independent agencies’ stable leadership to make investment decisions, implement legal compliance regimes, and plan for the long term. For example, American businesses rely on stable leadership and a predictable policy process from the Federal Reserve. Congress, therefore, has insisted that members of the Board of Governors or the Open Market Committee have a measure of “distance and independence” from politics. Peter Conti-Brown, *The Institutions of Federal*

Reserve Independence, 32 Yale J. on Reg. 257, 287 (2015). Were the President able to remove such members at will, the Board would likely change interest rates to suit the immediate political interests of the President. In turn, companies could not rely on rates remaining largely stable over time and changing only at set intervals. The resulting monetary policy uncertainty would prevent companies from effectively using the bond markets to plan capital investments and insure against market risk. *See, e.g.*, Lucas Husted et al., *Monetary Policy Uncertainty*, Bd. of Governors Fed. Reserve Sys. (2017) (monetary policy uncertainty chills investment); Tobias Blattner et al., *The Predictability of Monetary Policy*, Eur. Cent. Bank, at 12-13 (2008) (same).

As with the FTC and Federal Reserve, Congress prized stable and predictable governance when designing other agencies that regulate vital sectors of our economy. Take, for instance, the Federal Energy Regulatory Commission (FERC), which regulates the price of electricity transmitted in interstate commerce. *See* Federal Power Act § 204 (codified as amended in scattered sections of 16 U.S.C.). To set these rates, FERC makes technical judgments based on financial criteria, such as a utility's annual cost of service and the projected depreciation of its capital investments. *Id.* §§ 204, 205; *see also* FERC, *Formula Rates in Electric Transmission Proceedings* (2022), <https://perma.cc/C89T-GQBH>.

If the President had excessive influence over FERC via at-will removals, the President could push FERC Commissioners to set electricity rates based on political or personal opportunism rather than on their judgment, based on their collective experience,

concerning how best to carry out their statutory directives. And because private parties invest in electricity companies based on the utilities' predictable rates of return, this instability could reduce grid investment and ultimately disrupt the long-term development of energy infrastructure across the United States.

Moreover, stable and effective governance is sometimes critical to ensure public safety. When creating the Nuclear Regulatory Commission (NRC)—the agency responsible for regulating non-military nuclear sites—Congress recognized the “importance of qualifications for [its] members in various technical areas.” S. Rep. 93-1252 at 32 (1974) (Conf. Rep.); *see* Energy Reorganization Act of 1974 § 201 (1974). If the NRC's commissioners lacked for-cause removal protection, the President would be able to direct the Commission to weigh short-term economic benefits over safety considerations—even when the commissioners' experience, as accumulated through their staggered terms, counseled against such a determination. That scenario would expose Americans to increased risks to their health and safety.

c. Independent agencies with multimember boards also “reduce[] the risk of arbitrary decisionmaking and abuse of power,” thereby providing a check against undemocratic impulses in the Executive Branch. *PHH Corp.*, 881 F.3d at 165. This is so for three reasons—each of which would be canceled out if a president could simply fire board members because they belong to another political party.

First, the multimember structure of independent agencies “foster[s] more deliberative decisionmaking.” *PHH Corp.*, 881 F.3d at 165 (citation omitted). The

Founders believed deliberation before policymaking better effectuated the public interest. *See* Joseph M. Bessette, *The Mild Voice of Reason: Deliberative Democracy and American National Government* 26-28 (1994). Ensuring that policies are the product of vigorous debate and internal collaboration was thus core to the Constitution's design.

Replicating that design within administrative agencies parallels the structure of our founding charter. Just as multimember appellate courts often benefit from diverse perspectives and dissenting voices, so too may agencies make better decisions when board members' assumptions and logic are tested by bipartisan discussion and debate. And when consensus cannot be reached, the presence of divergent viewpoints ensures that well-informed insiders can inform Congress and the public of their misgivings.

Second, not only does the multimember structure encourage improved internal decision-making, but it also protects against improper external influence. Private "capture" can infringe upon individual liberty by "prevent[ing] a neutral, impartial agency assessment" of how an agency should promulgate rules, resolve adjudications, or enforce the law. *PHH Corp.*, 881 F.3d at 185. Multimember boards are better protected from this improper influence because those aiming to gain sway within an agency "must capture a majority of the membership rather than just one individual." *Id.* (citation omitted).

Third, the multimember structure of independent boards facilitates the ability of the political branches to check each other, thereby enhancing democratic accountability. In particular, for-cause protection

enables board members to publicly dissent from their colleagues' decisions, giving rise to a "built-in monitoring system" for interests on all sides. Barkow, *supra*, at 41. Such dissenting statements often serve as the impetus for governmental oversight efforts.⁴ They also foster political reform more generally.

d. Lastly, for-cause removal protection ensures due process and thereby promotes the impartial administration of justice. Describing the judicial system, this Court has observed that "[b]oth the appearance and reality of impartial justice are necessary to the public legitimacy" of adjudications and "thus to the rule of law itself." *Williams v. Pennsylvania*, 579 U.S. 1, 16 (2016). So too with regard to regulatory bodies.

Companies, individuals, and consumers rely on expert judgement and impartiality from regulatory agencies when applying for licenses, requesting government benefits, or expecting accountability. That is all the more true when it comes to appeals of agency adjudications: Agencies like the Federal Mine Safety and Health Review Commission (mine safety) and Federal Maritime Commission (international shipping rates) adjudicate issues of immense economic importance to consumers and companies. The parties and the public at large have a strong interest in the fairness of the decisionmaking that occurs in such proceedings, for this decisionmaking carries out the agencies' democratically agreed-upon objectives.

⁴ See, e.g., Letter from Jim Jordan, Chairman, House Jud. Comm., et al., to Lina Khan, Chair, Fed. Trade Comm'n, et al., at 2-3 (Feb. 14, 2023), <https://perma.cc/Q7XA-YTR5> (quoting from a dissenting statement of Commissioner Christine Wilson).

Indeed, at-will removals of commissioners of independent agencies would lead regulated entities and the public to believe that the President is able to pick winners and losers in the American economy through intervening in individual cases. That would detrimentally alter the way the public interacts with these regulators, and, consequently, the economic choices the regulators make. For example, two agencies may review arbiters' awards following labor disputes: the NLRB and the Federal Labor Relations Authority (FLRA). Were their members fireable at will, neither employers nor employees could negotiate disputes without fear that their carefully crafted settlements could be vacated at the president's whim via a sham agency adjudication.

III. The Court should not only reaffirm *Humphrey's* but also resist arguments to limit its reach to only certain independent agencies.

Perhaps trying to appear measured, the Solicitor General maintains that the Court need not overrule *Humphrey's* to side with the President here. U.S. Br. 21-30. It is enough, the Solicitor General argues, to restrict *Humphrey's* reach to only certain independent agencies—perhaps only to the FTC as the Court supposedly thought it existed in 1935, or perhaps some larger set of agencies including ones actually operating today. This Court has also suggested that the Federal Reserve might deserve special treatment, allowing it to remain independent while nullifying identical for-cause removal provisions that apply to other agencies with multimember boards. *See Trump v. Wilcox*, 145 S. Ct. 1415, 1417 (2025).

Of course, preserving *Humphrey's* applicability to at least some agencies would be better for the country

than holding that for-cause provisions are categorically unconstitutional. But upholding *Humphrey's* as to *all* independent agencies with multimember boards would be far better yet. That's because a ruling rendering *Humphrey's* applicable to only certain agencies would contravene past precedent and usurp power properly left to the political branches.

1. In *Humphrey's*, the Court did not uphold for-cause removal protection just for FTC commissioners. Still less did the Court uphold such protection only as the FTC existed in 1935. The Court's unanimous opinion also "repeatedly emphasized the multimember structure of the FTC. In doing so, *Humphrey's* drew (at least implicitly) [a] distinction between multimember agencies and single-Director agencies." *PHH Corp.*, 881 F.3d at 194. That categorical distinction cemented the blueprint for the administrative wing of our federal government. And the distinction went essentially unchallenged for nearly 100 years—more than enough time to result in a "settlement" of the issue between the political branches, as well as in the public at large. William Baude, *Constitutional Liquidation*, 71 Stan. L. Rev. 1, 18-21 (2019).

To be sure, the Court in *Humphrey's* stated that its holding was limited to "officers of the kind [t]here under consideration" and that the constitutionality of other for-cause removal provisions "will depend upon the character of the office." 295 U.S. at 631-32. But that language is fully compatible with understanding *Humphrey's* to hold that such provisions are valid as to members of multimember boards of all independent agencies. Our history and tradition show that the separation of powers leaves the creation—and

protection—of such agencies as matters to be worked out by the political branches. *See supra* at 8-17. These historically sanctioned multimember boards are the “kind” of offices the Court had in mind in *Humphrey’s*.

Indeed, the validity of such protections has become so well-established that the Court and Congress have presumed that statutes creating independent agencies confer removal protection on board members by implication even when they do not do so expressly. *See Free Enter. Fund*, 561 U.S. at 487 (SEC); *Wiener v. United States*, 357 U.S. 349, 354-56 (1958) (War Claims Commission); H.R. Rep. No. 95-518, at 6 (1977) (deleting for-cause removal provision in bill revising design of the International Trade Commission “as unnecessary because the Commission is an independent agency with quasi-legislative and quasi-judicial responsibilities and removal of the commissioners is subject to the standards set down by the Supreme Court” in *Humphrey’s* and *Wiener*). Courts and governmental actors have made the same presumption with respect to other agencies, such as the Federal Deposit Insurance Corporation and the Federal Communications Commission. *See Admin. Conf. of the U.S., Sourcebook of United States Executive Agencies* at 45-48 & n.168 (Jennifer L. Selin & David E. Lewis eds., 2018).

2. Recent cases invalidating removal restrictions on directors of *other kinds* of independent agencies are in accord with understanding such restrictions to be permissible for multimember boards of independent agencies. In 2010, the Court explained that *Humphrey’s* “held that Congress can, under certain circumstances, create independent agencies run by principal officers appointed by the President, whom

the President may not remove at will but only for good cause.” *Free Enter. Fund*, 561 U.S. at 483. And in *Seila Law v. CFPB*, 140 S. Ct. 2183 (2020), the Court emphasized that it did “not revisit *Humphrey’s Executor* or any other precedent.” *Id.* at 2206.

The Solicitor General nevertheless maintains that *Seila* cabined *Humphrey’s* to its facts and instructed that *Humphrey’s* may not be extended beyond the particulars of what the Court in 1935 supposedly perceived to be the FTC’s authority. U.S. Br. 25. This claim overreads the *Seila* opinion.

It is true that the *Seila* Court suggested that *Humphrey’s* must be understood through the lens of “the set of powers the Court considered as the basis for its decision.” *Seila*, 140 S. Ct. at 2200 n.4. The *Seila* Court further suggested that *Humphrey’s* covers independent agencies’ multimember boards only insofar as they “do not wield substantial executive power.” *Id.* at 2199-2200.

But that qualification is easy to understand in light of the relevant history and tradition. Congress has never tried to confer for-cause protection on members of the President’s cabinet or boards or commissions within those departments. Nor has Congress ever created an independent agency designed to exercise a core executive power such as running the military.

By contrast, Congress and fifteen Presidents since the Founding have created dozens of independent agencies, such as the FTC, the NLRB, and the MSPB, headed by bipartisan boards of experts to help implement economic policy assigned to Congress and adjudicate administrative disputes. *See supra* at 8-17. In keeping with Madison’s and this Court’s directives

that experience is the best chart for navigating separation-of-powers issues where the Constitution is silent, that carefully limited history of legislation provides a ready tool for separating existing or hypothetical offices that wield “substantial executive power” from those that do not.

Even if the FTC were found to exercise substantial executive power, there still would be no good reason here to distinguish *Humphrey’s*. Congress has considerable authority on the other side of the equation to set qualifications, terms, and removal rules for commissioners of independent agencies performing work within the Legislative Branch’s Article I powers. *See supra* at 18-19; *see also Seila*, 140 S. Ct. at 2211 (plurality opinion) (stating that Congress could “convert[] the CFPB into a multimember agency,” despite the fact that the CFPB wields significant executive power). And the Executive Branch has acceded (until now) for almost a century since *Humphrey’s* to the separation-of-powers compromise reflected in independent agencies with multimember boards. This Court should not upset that mutual accommodation between the branches.

3. Nor is there any legal basis for limiting the continuing reach of *Humphrey’s* to the Federal Reserve. While the removal protection that applies to the Federal Reserve finds support in “the distinct historical tradition of the First and Second Banks of the United States,” *Wilcox*, 145 S. Ct. at 1417, that regulatory history is part of the much broader tradition described above that spans an array of agencies and subject matters. The impulse to safeguard the Federal Reserve’s independence, therefore, must rest on a belief that it is particularly

important to safeguard the Federal Reserve's ability to set monetary policy free and clear of "short-term political pressures." Amicus Br. of Former Treasury Secretaries et al. 5, *Trump v. Cook*, No. 25A312 (Sept. 25, 2025).

We appreciate the Court's sensitivity to that concern. And we welcome the Court's instinct to respect Congress's determination that the President should not be allowed to fire governors of the Federal Reserve simply because they refuse to privilege the White House's short-term economic objectives at the expense of the Nation's long-term financial health. But that reasoning is no different, as a legal matter, from Congress's determination with regard to the FTC that the regulation of anti-competitive, unfair, and deceptive practices in the marketplace should be carried out with a measure of independence from the President's short-range concerns, personal friendships, and business interests. Nor is it different in kind from similar determinations regarding energy infrastructure or public safety.

The same goes for Congress's determinations that members of the MSPB and Article I courts such as the Court of Appeals for the Armed Forces should be insulated from presidential whim. The former protects against partisan or patronage removals of civil servants. The latter is a bulwark against the politicization of the military.

In other words, any belief that long-term economic security is more important than things like safeguarding public safety and consumer protection would rest solely on *policy* grounds. This Court, however, does not sit to review Congress's policy choices. This is a Court of *law*, and there is no legal

difference between Congress’s decision to protect the Federal Reserve’s independence and its determination that the multimember boards of the other agencies should be similarly independent.

This Court, in fact, has already indicated as much. In *Collins v. Yellen*, 141 S. Ct. 1761 (2021), the Court explained that “[c]ourts are not well-suited to weigh the relative importance of the regulatory and enforcement authority of disparate agencies, and we do not think that the constitutionality of removal restrictions hinges on such an inquiry.” *Id.* at 1785. Consequently, “the nature and breadth of an agency’s authority is not dispositive in determining whether Congress may limit the President’s power to remove” its officers. *Id.* at 1768. Exactly right.

4. Leaving the question of tenure protection for multimember independent agencies to the political branches would have one additional benefit: It would allow Congress and the President to make agency-by-agency distinctions without having to justify them in terms of constitutional law. They can create exceptions, provisos, or patchwork structures for any number of reasons—ranging from relative popular support to the subject matters various agencies regulate. Inasmuch as those sorts of ad hoc distinctions might be advisable here, the Court is best off leaving them to other actors who are empowered to make them.

CONCLUSION

For the foregoing reasons, the decision of the district court should be affirmed.

36

Respectfully submitted,

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November 14, 2025

APPENDIX

TABLE OF CONTENTS

Appendix A, List of Amici Curiae Members of Congress	1a
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APPENDIX A

AMICI CURIAE MEMBERS OF CONGRESS

HOUSE OF REPRESENTATIVES

Jamie Raskin

Representative of Maryland

Frank Pallone, Jr.

Representative of New Jersey

Jerrold Nadler

Representative of New York

Hakeem Jeffries

Representative of New York

Katherine Clark

Representative of Massachusetts

Pete Aguilar

Representative of California

Joe Neguse

Representative of Colorado

Rosa L. DeLauro

Representative of Connecticut

Robert Garcia

Representative of California

2a

Gabe Amo
Representative of Rhode Island

Yassamin Ansari
Representative of Arizona

Jake Auchincloss
Representative of Massachusetts

Becca Balint
Representative of Vermont

Nanette Barragán
Representative of California

Joyce Beatty
Representative of Ohio

Wesley Bell
Representative of Missouri

Donald S. Beyer Jr.
Representative of Virginia

Sanford D. Bishop, Jr.
Representative of Georgia

Suzanne Bonamici
Representative of Oregon

Brendan F. Boyle
Representative of Pennsylvania

3a

Shontel Brown
Representative of Ohio

Julia Brownley
Representative of California

Nikki Budzinski
Representative of Illinois

Salud O. Carbajal
Representative of California

André Carson
Representative of Indiana

Troy A. Carter, Sr.
Representative of Louisiana

Greg Casar
Representative of Texas

Ed Case
Representative of Hawaii

Sean Casten
Representative of Illinois

Kathy Castor
Representative of Florida

Joaquin Castro
Representative of Texas

4a

Sheila Cherfilus-McCormick
Representative of Florida

Judy Chu
Representative of California

Gilbert R. Cisneros, Jr.
Representative of California

Yvette Clarke
Representative of New York

James E. Clyburn
Representative of South Carolina

Steve Cohen
Representative of Tennessee

Herbert C. Conaway, Jr.
Representative of New Jersey

J. Luis Correa
Representative of California

Joe Courtney
Representative of Connecticut

Angie Craig
Representative of Minnesota

Jasmine Crockett
Representative of Texas

5a

Danny K. Davis
Representative of Illinois

Donald G. Davis
Representative of North Carolina

Madeleine Dean
Representative of Pennsylvania

Diana DeGette
Representative of Colorado

Suzan K. DelBene
Representative of Washington

Mark DeSaulnier
Representative of California

Maxine Dexter
Representative of Oregon

Debbie Dingell
Representative of Michigan

Lloyd Doggett
Representative of Texas

Sarah Elfreth
Representative of Maryland

Dwight Evans
Representative of Pennsylvania

6a

Cleo Fields

Representative of Louisiana

Shomari C. Figures

Representative of Alabama

Lizzie Fletcher

Representative of Texas

Bill Foster

Representative of Illinois

Laura Friedman

Representative of California

Maxwell Alejandro Frost

Representative of Florida

John Garamendi

Representative of California

Jesús G. “Chuy” García

Representative of Illinois

Sylvia Garcia

Representative of Texas

Dan Goldman

Representative of New York

Maggie Goodlander

Representative of New Hampshire

7a

Josh Gottheimer
Representative of New Jersey

Josh Harder
Representative of California

Steven Horsford
Representative of Nevada

Chrissy Houlahan
Representative of Pennsylvania

Steny H. Hoyer
Representative of Maryland

Jared Huffman
Representative of California

Glenn F. Ivey
Representative of Maryland

Jonathan L. Jackson
Representative of Illinois

Sara Jacobs
Representative of California

Pramila Jayapal
Representative of Washington

Henry C. "Hank" Johnson, Jr.
Representative of Georgia

8a

Julie Johnson
Representative of Texas

Sydney Kamlager-Dove
Representative of California

Marcy Kaptur
Representative of Ohio

William Keating
Representative of Massachusetts

Robin L. Kelly
Representative of Illinois

Timothy M. Kennedy
Representative of New York

Ro Khanna
Representative of California

Raja Krishnamoorthi
Representative of Illinois

Greg Landsman
Representative of Ohio

John B. Larson
Representative of Connecticut

George Latimer
Representative of New York

9a

Summer L. Lee
Representative of Pennsylvania

Teresa Leger Fernández
Representative of New Mexico

Mike Levin
Representative of California

Ted W. Lieu
Representative of California

Zoe Lofgren
Representative of California

Stephen F. Lynch
Representative of Massachusetts

Seth Magaziner
Representative of Rhode Island

John W. Mannion
Representative of New York

Doris Matsui
Representative of California

Lucy McBath
Representative of Georgia

April McClain Delaney
Representative of Maryland

10a

Jennifer L. McClellan
Representative of Virginia

Betty McCollum
Representative of Minnesota

Morgan McGarvey
Representative of Kentucky

James P. McGovern
Representative of Massachusetts

Gregory W. Meeks
Representative of New York

Robert J. Menendez
Representative of New Jersey

Kweisi Mfume
Representative of Maryland

Grace Meng
Representative of New York

Dave Min
Representative of California

Gwen S. Moore
Representative of Wisconsin

Joseph D. Morelle
Representative of New York

11a

Kelly Morrison
Representative of Minnesota

Jared Moskowitz
Representative of Florida

Seth Moulton
Representative of Massachusetts

Frank J. Mrvan
Representative of Indiana

Kevin Mullin
Representative of California

Richard E. Neal
Representative of Massachusetts

Eleanor Holmes Norton
Representative of the District of Columbia

Alexandria Ocasio-Cortez
Representative of New York

Johnny Olszewski
Representative of Maryland

Jimmy Panetta
Representative of California

Chris Pappas
Representative of New Hampshire

12a

Nancy Pelosi
Representative of California

Scott H. Peters
Representative of California

Chellie Pingree
Representative of Maine

Stacey E. Plaskett
Representative of the Virgin Islands

Mark Pocan
Representative of Wisconsin

Mike Quigley
Representative of Illinois

Delia C. Ramirez
Representative of Illinois

Emily Randall
Representative of Washington

Luz M. Rivas
Representative of California

Deborah K. Ross
Representative of North Carolina

Raul Ruiz
Representative of California

Patrick K. Ryan
Representative of New York

Andrea Salinas
Representative of Oregon

Mary Gay Scanlon
Representative of Pennsylvania

Jan Schakowsky
Representative of Illinois

Bradley Scott Schneider
Representative of Illinois

Kim Schrier, M.D.
Representative of Washington

Robert C. “Bobby” Scott
Representative of Virginia

Terri A. Sewell
Representative of Alabama

Brad Sherman
Representative of California

Adam Smith
Representative of Washington

Darren Soto
Representative of Florida

14a

Melanie A. Stansbury
Representative of New Mexico

Greg Stanton
Representative of Arizona

Haley Stevens
Representative of Michigan

Suhas Subramanyam
Representative of Virginia

Eric Swalwell
Representative of California

Mark Takano
Representative of California

Bennie G. Thompson
Representative of Mississippi

Mike Thompson
Representative of California

Dina Titus
Representative of Nevada

Rashida Tlaib
Representative of Michigan

Paul D. Tonko
Representative of New York

15a

Lori Trahan

Representative of Massachusetts

Lauren Underwood

Representative of Illinois

Juan Vargas

Representative of California

Marc Veasey

Representative of Texas

James Walkinshaw

Representative of Virginia

Debbie Wasserman Schultz

Representative of Florida

Maxine Waters

Representative of California

Bonnie Watson Coleman

Representative of New Jersey

George T. Whitesides

Representative of California

Nikema Williams

Representative of Georgia

Frederica S. Wilson

Representative of Florida

UNITED STATES SENATE

Cory A. Booker

Senator from New Jersey

Charles E. Schumer

Senator from New York

Richard J. Durbin

Senator from Illinois

Maria Cantwell

Senator from Washington

Elizabeth Warren

Senator from Massachusetts

Amy Klobuchar

Senator from Minnesota

Angela D. Alsobrooks

Senator from Maryland

Tammy Baldwin

Senator from Wisconsin

Michael F. Bennet

Senator from Colorado

Richard Blumenthal

Senator from Connecticut

Lisa Blunt Rochester

Senator from Delaware

Christopher A. Coons
Senator from Delaware

Catherine Cortez Masto
Senator from Nevada

Tammy Duckworth
Senator from Illinois

John Fetterman
Senator from Pennsylvania

Ruben Gallego
Senator from Arizona

Kirsten Gillibrand
Senator from New York

Margaret Wood Hassan
Senator from New Hampshire

John W. Hickenlooper
Senator from Colorado

Mazie Hirono
Senator from Hawaii

Tim Kaine
Senator from Virginia

Mark Kelly
Senator from Arizona

Andy Kim

Senator from New Jersey

Ben Ray Luján

Senator from New Mexico

Edward J. Markey

Senator from Massachusetts

Jeffrey A. Merkley

Senator from Oregon

Chris Murphy

Senator from Connecticut

Patty Murray

Senator from Washington

Alex Padilla

Senator from California

Gary C. Peters

Senator from Michigan

Jack Reed

Senator from Rhode Island

Jacky Rosen

Senator from Nevada

Bernard Sanders

Senator from Vermont

Brian Schatz
Senator from Hawaii

Adam B. Schiff
Senator from California

Jeanne Shaheen
Senator from New Hampshire

Elissa Slotkin
Senator from Michigan

Tina Smith
Senator from Minnesota

Chris Van Hollen
Senator from Maryland

Mark R. Warner
Senator from Virginia

Raphael Warnock
Senator from Georgia

Peter Welch
Senator from Vermont

Sheldon Whitehouse
Senator from Rhode Island

Ron Wyden
Senator from Oregon