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**NCLA Asks Fourth Circuit to Uphold Pres. Trump’s Right to Tell CPSC Commissioners, ‘You’re Fired!’**

*Mary Boyle, et al. v. Donald J. Trump, in his official capacity as the President of the United States, et al.*

**Washington, DC (August 18, 2025)** – The New Civil Liberties Alliance filed an *amicus curiae* [brief](#) today in *Boyle v. Trump* urging the U.S. Court of Appeals for the Fourth Circuit to reverse a district court ruling against President Trump’s firing of three Consumer Product Safety Commission (CPSC) commissioners. A Maryland district judge ruled that the President unlawfully terminated Commissioners Mary Boyle, Alexander Hoehn-Saric, and Richard Trumka, Jr. They were briefly reinstated by court order but ultimately removed from office after the Supreme Court stayed that decision in July. NCLA now asks the Fourth Circuit to correct the district judge’s error for good and send the case back to that court for summary judgment in favor of the President, recognizing his absolute constitutional authority to remove CPSC commissioners and all other principal officers of the Executive Branch.

The Constitution vests all executive power in the President. That grant of power is complete and exclusive. It necessarily carries with it the authority to appoint, oversee, direct, and, when necessary, remove officers who wield executive power in the President’s name. Unlike appointment power, the Constitution does not restrict Presidential authority to remove federal officers. Of course, the President must delegate executive authority to subordinates to run the day-to-day operations of the Executive Branch. But those officers exercise executive powers on behalf of the President and so must remain under his control. As the Supreme Court held in *Seila Law v. Consumer Financial Protection Bureau*, the President maintains authority to both “supervise and remove the agents who wield executive power in his stead.” That removal authority must be absolute for the President to uphold his constitutional duty to “take Care that the Laws be faithfully executed.”

The threat of removal is the only certain way the President can control those to whom he delegates such power, ensuring that their actions or inactions remain consistent with his policies and priorities. When they were briefly reinstated, Boyle, Hoehn-Saric, and Trumka tried to impose their own agenda in direct conflict with Pres. Trump’s stated policies, confirming that his absolute removal authority is foundational to our constitutional structure. Otherwise, unelected officials like these three could usurp the will of the American people who elected Trump.

**NCLA released the following statements:**

“The Supreme Court has already checked on multiple occasions the lower courts’ attempts to thwart President Trump’s efforts to execute his policy preferences. While the Supreme Court has yet to rule on the merits in those cases, the Fourth Circuit has the opportunity to do so now, making clear that the President runs the Executive Branch—not unelected bureaucrats.”

— **Margot Cleveland, Of Counsel, NCLA**

“There is no power in the district court to reinstate a terminated principal officer, and the immediate effort by these employees to override the President’s appointees’ actions starkly illustrates why that must be so.”

— **John Vecchione, Senior Litigation Counsel, NCLA**

“The American people elected Trump—not Trumka! The sorry efforts of these three commissioners to hang onto their plum positions despite being fired by the President are wholly misguided. When it comes to principal federal officers, President Trump has every right to tell them, ‘You’re fired!’ The *Humphrey’s Executor* precedent only protects such officers from removal to the extent they do *not* exercise executive power—which these three did.”

— **Mark Chenoweth, President, NCLA**

For more information visit the *amicus* page [here](#).

## **ABOUT NCLA**

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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