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NCLA Asks SCOTUS to End *Humphrey's*, Restore President's Power to Remove Principal Officers

Donald J. Trump, President of the United States, et al. v. Rebecca Slaughter, et al.

Washington, DC (October 20, 2025) – The New Civil Liberties Alliance has filed an *amicus curiae* [brief](#) in *Trump v. Slaughter* urging the U.S. Supreme Court to overturn *Humphrey's Executor v. U.S.*, a 1935 precedent that federal district court judges have said prevents the President from firing Federal Trade Commission (FTC) commissioners at will. President Trump fired former Commissioner Rebecca Slaughter for reasons other than “inefficiency, neglect of duty, or malfeasance in office,” which are the only permissible reasons the FTC statute provides. NCLA asks the Justices to erase this element of the statute that violates core constitutional principles.

Contrary to the premise of *Humphrey's Executor*, FTC commissioners exercise executive power, while Article II of the Constitution requires all executive power to remain in the President's hands so he can “take Care that the Laws be faithfully executed.” To uphold his duty, the President must have unlimited ability to remove FTC commissioners and any other principal officers who wield executive power in a manner contrary to the President's instructions. By passing a statute purporting to limit the President's removal authority over FTC commissioners, Congress violated the constitutional separation of powers, a transgression that *Humphrey's* mistakenly upheld.

Humphrey's has been used to justify limits on the President's removing executive officials in a variety of agencies this year. When agencies act independently of the President, they become free to rule Americans without electoral accountability, calling into question the democratic nature and legitimacy of our government.

NCLA released the following statements:

“This case is not about the President but about Americans and whether the Supreme Court will ensure that the headless Fourth Branch of government remains accountable to We the People.”

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

“*Humphrey's Executor* was wrong the day it was decided. The vast growth in executive power since 1935 makes it more important than ever that Executive Branch principal officers be accountable through Presidential removal.”

— **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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