



## **Meeting the Moment Insights**

### **How Politics Can Undermine the Rule of Law in Federal Agencies**

Federal agencies play a critical role in our lives, creating and enforcing rules that protect public safety, support the economy, and maintain essential public services. These agencies ensure food and drug safety, protect our health and the environment, regulate transportation and workplaces, and provide services such as disaster relief and consumer protection.

An agency's legitimacy rests on a delicate balance of presidential priorities, congressional delegation, judicial review, and professional expertise to ensure that power is exercised within the bounds of law and without undue influence. Recent massive shifts in presidential priorities, agency leadership, policymaking, and internal norms have strained this balance, raising concerns about adherence to the rule of law. By disregarding established precedent, undermining the independence of career civil servants, and pressuring agencies to serve personal or partisan interests, this administration has challenged the capacity of federal institutions to function as intended.

#### **Agency Structure and Presidential Control**

##### **Executive Agencies**

Executive agencies carry out the President's policies and are led by the 15 Cabinet secretaries, each of whom heads a major department such as Defense, State, Treasury, or Health and Human Services. These departments oversee numerous agencies that manage everything from national security to education and agriculture. Cabinet secretaries are appointed by the President, confirmed by the Senate, and serve at the President's discretion.

##### **Independent Agencies**

Independent agencies are created by Congress to operate with greater insulation from day-to-day political pressure. Often led by bipartisan commissions or officials with fixed terms, these agencies are designed to provide stability and expert judgment across administrations. Well-known examples include the Federal Reserve System, the Federal Trade Commission, the Social Security Administration, and the U.S. Postal Service. Their leaders are typically appointed by the President and confirmed by the Senate, but they cannot always be removed at will.



Limits set by Congress on when and how officials can be removed are an important means for checking presidential power. Officials who are meant to act independently—such as watchdogs or regulators serving the public interest—cannot function effectively if the president is free to fire them without cause or because they are not deemed sufficiently loyal.

Presidential limitations on firing the head of an independent agency were thought to be settled when the Supreme Court ruled in 1935 that President Roosevelt could not do so without cause. However, the issue is now before the Supreme Court, in *Trump v. Slaughter*, in a case that could decide the fate of the president’s ability to control many independent agencies. The case arose after President Trump removed an FTC Commissioner who disagreed with his policy priorities.

Critics—including LDAD—argue that eliminating “for-cause” removal protections would erode the independence and expertise of regulatory commissions, making them more political and less neutral while shifting power toward the executive branch and reducing the checks and balances that help ensure laws are applied consistently, predictably, and independently of political influence. Moreover, expanding executive authority would not meaningfully improve accountability. Instead, it centralizes power in the presidency, giving one individual broad power with limited constraints and leaving effective checks largely postponed until the next election. See LDAD [Trump v. Slaughter Amicus Brief](#).

### **Practices That Threaten Federal Agencies and the Rule of Law**

The following are examples of recent actions that have made it harder for agencies to function as intended—that is, to make decisions based on facts, expertise, and law—not on personal or political interests.

**1. Putting loyalists in key positions instead of experts.** Agencies rely on leaders who understand the issues they regulate. Filling top jobs based on loyalty rather than expertise jeopardizes neutral decision making and creates openings for industry and other self-interested influence, shifting regulatory power away from the public and toward those with the most to gain.

**2. Pressuring agencies to reach preferred outcomes.** Every administration sets policy goals, but there is a difference between guiding an agency and telling it to ignore evidence or established procedures. Political pressure that pushes agencies toward conclusions that are consistent with an administration’s agenda rather than the facts results in unreliable agency actions that can endanger the public.



**3. Undermining career civil servants.** Most of the federal workforce is made up of non-political professionals who stay through different administrations. They provide stability and expertise. When these workers are sidelined, attacked publicly, or removed for disagreeing with political appointees, agencies lose the experienced people who facilitate the effective implementation of programs. This makes government less effective and more chaotic.

**4. Disregarding norms that protect agency independence.** Agencies like the Department of Justice and financial regulators are designed to operate with extra independence so their decisions stay fair and unbiased. When a president tries to influence investigations, enforcement actions, or regulatory decisions for personal or political benefit, it erodes the public's trust in its decisions and actions.

**5. Ignoring internal agency controls.** Inspectors General monitor agency conduct and ethics. Since January 20, 2025, at least 17 have been removed without cause and without adherence to the statutory requirements for removing Inspectors General. The resulting vacancies that weaken agencies' capacity to self-police and ensure conformity with the rule of law.

## **Conclusion**

Ultimately, the efficient functioning of our federal agencies—and the statutory framework created by Congress that they support—depends on all three branches of the federal government acting to prevent politics from overwhelming expertise, fairness, and established safeguards. When leaders ignore norms and the rule of law, pressure agencies for partisan goals, weaken removal protections, and undermine internal oversight, these institutions are unable to function as intended. Protecting agency independence and professionalism is essential not only for effective governance, but for preserving meaningful accountability and preventing the concentration of unchecked executive power. It is all essential to protect the health and safety of all of us.

***This overview was prepared by LDAD Meeting the Moment Volunteer Jim Rowan.***