
LAWYERS DEFENDING AMERICAN DEMOCRACY

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Amicus Brief Warns Court: Eroding Civil Service Law Threatens Rule of Law

Boston, M.A. — February 16, 2026 — Lawyers Defending American Democracy (LDAD) filed an [amicus curiae brief](#) today in the U.S. District Court for the District of Columbia urging the court to uphold longstanding civil service protections for senior career officials at the **Federal Bureau of Investigation (FBI), warning that weakening those safeguards would invite political interference in federal law enforcement and undermine the rule of law.**

The case focuses on the removal of three highly respected Senior Executive Service (SES) FBI officials—Brian J. Driscoll, Jr., Steven J. Jensen, and Spencer L. Evans—each of whom is protected by federal statutes requiring “for-cause” removal. According to the record, Driscoll and Jensen were terminated due to their involvement in the investigation of the January 6 attack on the U.S. Capitol, while Evans was dismissed for his role in administering FBI protocols related to the agency’s COVID-19 response.

LDAD argues that these statutory protections, enacted by Congress and upheld across administrations of both parties, are essential to ensuring that federal law enforcement decisions are driven by law and evidence—not political pressure, personal loyalty, or retaliation.

“The Constitution, the civil service laws, and more than two centuries of historical practice reflect a consistent bipartisan commitment to apolitical enforcement of the law,” the brief explains. From the Pendleton Act of the late nineteenth century to post-Watergate reforms, Congress and presidents alike have repeatedly acted to prevent the misuse of investigative and prosecutorial power for partisan or personal ends.

LDAD emphasizes that for-cause removal protections do not prevent the President from managing the executive branch. Rather, they permit the removal of officials for misconduct or poor performance while guarding against arbitrary or politically motivated dismissals — thereby reinforcing, not undermining, the President’s constitutional duty to ensure the faithful execution of the laws.

This case comes at a moment of heightened concern about political interference in federal law enforcement and growing efforts to expand presidential control over career civil servants. If statutory protections for senior FBI officials can be set aside based solely on the nature of investigations they oversaw or policies they administered, the independence of federal law enforcement—across administrations of either party—is fundamentally at risk. The court’s decision will help determine whether the nation’s longstanding commitment to equal justice under law endures, or whether federal investigative power becomes subject to political loyalty and retribution.

“The ability of the executive to replace career civil servants with political and personal loyalists is a classic and momentous step on the road to an authoritarian regime,” said Mitt Regan, an LDAD Board member and McDevitt Professor of Jurisprudence at Georgetown University Law Center.

LDAD urged the court to uphold the existing statutory safeguards, calling them “a narrow, longstanding, and essential protection against the politicization of federal law enforcement” and a vital component of the Constitution’s system of checks and balances.

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Lawyers Defending American Democracy (LDAD) was founded in 2019 and is a 501(c)(3) organization dedicated to the protection of the rule of law, the Constitution, and democracy. LDAD's work includes authoring Calls-to-Action, amicus briefs, and articles calling for adherence to the rule of law and encouraging the legal profession and the public to join in speaking out against threats to the norms, freedoms, and principles of our democratic institutions. LDAD's most recent initiative is Meeting the Moment, a call to lawyers across the country to engage with their communities in response to the attacks on our democratic institutions. For further information about LDAD, see <https://ldad.org/>