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LDAD Supports Immigration Judges' Challenge to Ruling That Threatens Federal Civil Service Protections

Lawyers Defending American Democracy (LDAD) has filed an [amicus curiae brief](#) in *Jackler v. Merit Systems Protection Board*, supporting two immigration judges challenging their removal without cause and warning that the MSPB's ruling threatens longstanding protections for the federal civil service.

The MSPB upheld the judges' removal on the ground that immigration judges exercise policymaking authority, concluding that statutory protections limiting their removal unconstitutionally interfere with presidential authority. LDAD's brief argued that the decision represents a significant expansion of presidential removal powers that could enable the politicization of a broad swath of the federal workforce.

The brief traces more than a century's bipartisan efforts by Congress and Presidents to replace the patronage-based "spoils system" with a professional civil service based on merit, expertise, and adherence to law rather than political or personal loyalty. The MSPB's decision, the brief warns, "would revive a 'spoils system' as the basis for federal employment that has been vigorously condemned by all three branches of government."

"*Jackler* is currently the lead case addressing the constitutionality of the Civil Service Reform Act," said LDAD volunteer Jill Ruhnke. "The appeal will have far-reaching implications not only for the plaintiffs but for the approximately two million civil servants whose careers and livelihoods are protected by the CSRA, as well as the hundreds of millions of Americans who rely every day on the integrity, continuity, and competence of federal institutions that serve the public interest rather than the partisan or personal interests of one temporary office holder."

Georgetown Law Professor Mitt Regan, who coordinated work on the brief, said the MSPB decision "threatens to dismantle a carefully constructed statutory scheme that encourages the development in the federal government of expertise and professional judgment free of partisan influence while providing for accountability to the president. The idea that such accountability can only occur through removal by the president without cause is radical and unfounded."

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