No. 25-332

IN THE

Supreme Court of the United States

DONALD J. TRUMP, PRESIDENT
OF THE UNITED STATES, *et al.*,

Petitioners,

v.

REBECCA KELLY SLAUGHTER, *et al.*,

Respondents.

ON WRIT OF CERTIORARI BEFORE JUDGMENT TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

BRIEF *AMICI CURIAE* OF PROFESSORS OF ADMINISTRATIVE LAW, LEGISLATION AND THE REGULATORY STATE, AND SEPARATION OF POWERS IN SUPPORT OF RESPONDENTS

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INTEREST OF *AMICI CURIAE*[1]

Amici are law professors who teach and write in the areas of administrative law, legislation and the regulatory state, and separation of powers. Based on their scholarship and experience, they have concluded that Congress under the Constitution has broad discretion to assign adjudication of disputes governed by federal law to Article I tribunals, including so-called "legislative courts" and administrative agencies performing predominantly adjudicatory functions, and to protect such adjudicators from at-will removal before expiration of their terms. Such removal protections, in their view, are essential to the integrity of adjudications of federal law disputes, and Congress properly can choose to assign such tasks to Article I or Article III tribunals that feature removal protections for adjudicators, rather than to executive departments that may not.[2]

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1. Pursuant to Rule 37.6, *amici* state that no party, counsel for any party, or any person other than *amici* and their counsel authored this brief or made any monetary contribution for its preparation or submission.

2. This brief deals only with the first question presented in the Government's petition for review: "Whether the statutory removal protections for members of the Federal Trade Commission violate the separation of powers and, if so, whether Humphrey's Executor v. United States, 295 U.S. 602 (1935), should be overruled." Br. for Pet. (I).

SUMMARY OF ARGUMENT

I. Petitioners have not met their burden of demonstrating that statutory protections against at-will removal of members of the Federal Trade Commission (FTC) prior to expiration of their terms—protections that have been the law for over a century—interfere with a substantial power that the Constitution assigns to the President alone.

Petitioners assert that the FTC as of 1935 exercised "substantial executive power" under *Seila Law LLC v. CFPB*, 591 U.S. 197, 218 (2020), but provide no sound basis for this contention. As the Court noted in *Humphrey's Executor v. United States*, 295 U.S. 602 (1935), the Commission principally performed reporting and adjudicatory functions. Under Section 6 of the 1914 FTC Act, 15 U.S.C, §46, the agency could initiate an administrative proceeding against persons or entities for possible violations of the Act. If it found a violation after an evidentiary hearing, it could issue a cease-and-desist order and seek its enforcement in a federal court of appeals (just as the party subject to the order could seek to overturn it). The Court in *Humphrey's Executor*, 295 U.S. at 628, deemed these functions "quasi-legislative" and "quasi-judicial"—terms previously used by the Court in describing agency adjudications, rulemaking and other actions. This usage, however quaint to modern ears, does not gainsay the fact that the 1935 FTC was a reporting and adjudicatory agency. Petitioners readily acknowledge that the 1935 FTC did not have the authority to issue rules having the force of law, Br. for Pet. 26. Moreover, contrary to Petitioners' assertions, the Court has never held that investigation of disputes governed by federal law or the

ability to seek court enforcement of adjudicative orders (which even private parties can do under many laws) are inherently exclusive executive powers.

Petitioners then move their challenge to the post-1935 powers of the FTC, noting that the agency now exercises "quite a bit" of executive power: the FTC now can "seek monetary penalties, injunctions, and other relief," "make substantive rules," have its orders "take effect without judicial enforcement," and "even negotiate agreements with foreign law-enforcement agencies and assist their investigations." Br. for Pet. 7. Petitioner have a point with respect to some of these added authorities but not necessarily all of them. For example, legislative rulemaking has been viewed by the Court as "quasi-legislative," *see* note 3 *infra,* and has never been held by the Court to be an exclusive executive function. Moreover, in light of the Court's decision in *Loper Bright Enterprises v. Raimondo*, 144 S.Ct. 2244 (2024)—limiting the binding authority of an agency's interpretation of its own authorizing statute, save where Congress has in fact delegated such interpretive authority—judicial review of rulemaking will no longer be restrained by doctrines of deference, and there will be a stronger basis for treating agency rules as closely linked to the authorizing law.

If the Court determines that Petitioners have met their burden of showing that post-1935 additions to the FTC's role interfere with an exclusive executive power, the Court should sever the unconstitutional additional authorities rather than end the removal protections for Commissioners Congress thought necessary to maintain the stability, integrity and acceptability of FTC

adjudications for over a century, and that this Court upheld in *Humphrey's Executor*.

The choice for the Court here is between severing the removal protections or severing the post-1935 authorities that unconstitutionally interfere with the President's exclusive power. If the FTC Act as of 1935 was constitutional, despite its removal protections, because the agency performed principally reporting and adjudicatory functions, then the Court should excise the post-1935 amendments that invade powers the Constitution assigns to the President alone.

II. All the Justices in *Freytag v. Commissioner*, 501 U.S. 868, 889 (1991); *id.* at 990 (Scalia, J., concurring in part & concurring in the judgment); *see* note 6 *infra*, reaffirmed the Court's longstanding view that Congress enjoys wide discretion in assigning adjudication of disputes involving federal law among the three branches. Article I tribunals, including administrative agencies, play an essential role in adjudicating a vast number of such disputes that if assigned to Article III courts could fundamentally alter their character. Many of the laws establishing Article I tribunals, like the FTC Act, protect adjudicators from at-will removal before expiration of their term—in part to promote the experience and expertise that come with continuity in office but, more essentially, because Congress views such protection to be necessary to safeguard the integrity and acceptability of these adjudications.

ARGUMENT

I. Petitioners Cannot Demonstrate that Statutory Removal Protections for FTC Commissioners, in Place for Over a Century, Transgress an Exclusive Power of the President, and that the Appropriate Remedy is Eliminating the Protections Rather than Severing any Unconstitutional Authorities Added in Post-1935 Amendments.

A. The Burden of Persuasion is on Petitioners to Demonstrate a Violation of Article II and that Ending Removal Protections for FTC Commissioners is the Appropriate Remedy.

As the President in this case is acting in a manner "'incompatible with the expressed … will of Congress,'" "'the President's power is 'at its lowest ebb'"; thus, the President's "'claim must be 'scrutinized with caution'" and the "'asserted power must be both 'exclusive' and 'conclusive' on the issue." *Zivotofsky v. Kerry*, 576 U.S. 1, 10 (2015), *quoting Youngstown Steel & Tube Co. v. Sawyer,* 343 U.S. 579, 637-638 (1952) (Jackson, J., concurring). It is undisputed that that the FTC is properly constituted under the Constitution's Appointments Clause, Art. II, §2, cl. 3, and no holding of this Court has overruled *Humphrey's Executor v. United States,* 295 U.S. 602 (1935), where the Court unanimously upheld the constitutionality of removal protections for FTC Commissioners, unchanged over more than a century. Petitioners contend that *Humphrey's Executor* was wrongly decided even as of 1935 and certainly after post-1935 expansion of the FTC's authority, and that the legal landscape has shifted away from the approach of that decision towards recognition

of unrestricted executive power to remove not only decisionmakers in the traditional executive departments but all who are involved in the enforcement of federal law (presumably not including Article III courts). Petitioners have not met their burden in this *facial* challenge of showing that that the FTC in all its principal functions exercises "substantial executive power" under *Seila Law* that the Constitution assigns to the President alone.

B. The FTC in 1935 Exercised Only Reporting and Adjudicatory Functions.

Petitioners assert that the FTC as of 1935 indeed exercised such executive power but provide no sound basis for this contention. As the *Humphrey's Executor* Court noted, the FTC performed (1) an investigatory function and issued reports to Congress or the Attorney General; and (2) could, presumably after investigation, initiate an administrative proceeding against persons or entities alleged to violate the statute and, after an evidentiary hearing resulting in finding such a violation, issue a cease-and-desist order and then seek enforcement of its order (as those subject to such an order could seek its rejection) in a federal court of appeals. *Humphrey's Executor* deemed these functions "quasi-legislative" and "quasi-judicial"—terms previously used by the Court in describing agency adjudications, rulemaking and other actions. But *Humphrey's Executor's* terminology, however quaint to modern ears, does not gainsay the fact that the FTC in 1935 was primarily a reporting and adjudicatory agency. Petitioners readily acknowledge that the agency at the time did not have the authority to promulgate rules having the force of law—what is often termed "substantive" or "legislative" rulemaking. Br. for Pet. 26.

It is simply not the case, as Petitioners maintain, that "[i]nterpreting a law enacted by Congress to implement the legislative mandate," issuing "cease-and-desist orders"—after an evidentiary hearing and subject to judicial review—"as the 1935 FTC's principal means of enforcing the Act"—or "investigat[ing] potential violations to decide whether to pursue enforcement actions" are exclusive executive functions. *Id.* at 24. These are powers the executive can exercise with statutory authorization but they are not powers the Constitution assigns to the President exclusively. These functions—interpretation of federal law, investigation, and issuing a cease-and-desist order after a hearing (subject to judicial review)—are common features of adjudication, and this Court has never held that adjudication of disputes involving federal law is an exclusive executive function. Such a view would be flatly inconsistent with the "judicial power" of Article III judges and also with the authority of Article I tribunals or legislative courts that the Court has confirmed in many decisions, including recently *Freytag v. Commissioner*, 501 U.S. 868, 889 (1999); *id.* at 909 (Scalia, J., concurring in part & concurring in the judgment). The fact that the 1935 FTC could initiate a complaint triggering administrative proceedings that would involve an evidentiary hearing does not indicate an exclusive executive function. Adjudications often involve some preliminary investigation prior to a hearing, *e.g., Crowell v. Benson*, 285 U.S. 22, 48-49 (1932); 19 U.S.C. §1337(b)(1) (U.S. International Trade Commission "shall investigate any alleged violation of this section on complaint under oath or upon its initiative"), whether via court order, subpoena or review of documents required be furnished to the tribunal.

In short, Petitioners are on weak footing in claiming that the 1935 FTC was anything more than a reporting

and adjudicatory agency. If all we are looking at are the provisions of the FTC Act that were at issue in *Humphrey's Executor*, it would be hard not to conclude the Court was largely on the mark, even if some of its verbal formulations have been questioned.

C. If Post-1935 Amendments Conferred Unconstitutional Authority on the FTC, Those Emendations Should Be Severed Rather than Ending Removal Protections for Commissioners That Have Been the Law for Over a Century.

Petitioners then move their challenge to the post-1935 powers of the FTC, noting that "[s]ince 1935, the FTC's powers have swelled." Br. for Brief 7. The agency now can "seek monetary penalties, injunctions, and other relief," "make substantive rules," have its orders "take effect without judicial enforcement," and "even negotiate agreements with foreign law enforcement agencies and assist their investigations." *Id.* Petitioners have a point with respect to some of these added authorities but not necessarily all of them. For example, legislative rulemaking has been viewed by the Court as "quasi-legislative"[3] and has never been held by the Court to be an exclusive executive function. Moreover, in light of the

3. See *SEC v, Chenery Corp.*, 352 U.S. 194, 202 (1947) ("The function of filling in the interstices of the Act should be performed, as much as possible, through [the] quasi-legislative promulgation of rules to be applied in the future."). As Justice Gorsuch noted, concurring in *United States v. Texas,* 599 U.S. 670, 696 (2023) ("at the time of the [Administrative Procedure Act]'s adoption, conventional wisdom regarded agency rules as 'quasi-legislative' in nature.").

recent decision in *Loper Bright Enterprises v. Raimondo,* 144 S.Ct. 2244 (2024), limiting the binding authority of an agency's interpretation of its own authorizing statute, save where Congress has in fact delegated such interpretive authority, judicial review of rulemaking will no longer be restrained by doctrines of deference, and there will be a stronger basis for treating agency rules as closely hewed to the authorizing law.[4]

If, however, the Court determines that Petitioners have met their burden of showing that post-1935 additions to the FTC's role transgress a sphere of exclusive executive power, the Court should sever the unconstitutional additional authorities rather than end the removal protections for Commissioners that Congress thought necessary to maintain the stability, integrity and acceptability of FTC adjudications for over a century, and that the Court upheld in *Humphrey's Executor.*[5] As Chief Justice Roberts observed in his plurality opinion in *United States v. Arthrex, Inc.* 594 U.S. 1, 23 (2021), *quoting Ayotte v. Planned Parenthood of Northern New Eng.*, 546 U.S. 320, 328-329 (2006), "'when confronting a constitutional flaw in a statute, we try to limit the solution to the problem' by disregarding the 'problematic portions while leaving

4. In addition, contrary to Petitioners' claim, allowing FTC orders to "take effect" without judicial enforcement but only in the highly unlikely circumstance where the party subject to the cease-and-desist order fails to seeks review in a court of appeals reflects simply an implementation choice for Congress—how best to promote compliance—and does not itself implicate an exclusive executive power.

5. The FTC Act contains an express severability clause, 15 U.S.C. §57.

the remainder intact.'" Indeed, A*rthrex* employed a "tailored approach" clearing restrictions on the superior agency official's authority to review decisions of first-line adjudicators and thus preserving Congress's decision to protect those adjudicators from at-will removal. *Id.* at 25.

The choice for the Court here is between severing the removal protections or severing any post-1935 authorities that unconstitutionally trench upon the President's exclusive power as the nation's Chief Executive. If the FTC Act as of 1935 is constitutional, despite its removal protections, because the agency performed principally reporting and adjudicatory functions, then the Court should excise the post-1935 amendments that invade powers constitutionally assigned to the President alone and were not at issue in *Humphrey's Executor*.

II. Congress Enjoys Wide Discretion in Assigning Adjudication of Disputes Among the Three Branches, and Care Should be Taken to Preserve the Adjudicative Capacity of Article I Tribunals, Including Adjudicatory Administrative Agencies.

All the Justices[6] in *Freytag v. Commissioner*, 501 U.S. 868, 889 (1991); *id.* at 990 (Scalia, J., concurring in part & concurring in judgment), reaffirmed "this Court's

6. Justice Scalia's opinion concurring in part and concurring in the judgment took issue with the majority's conclusion that the Tax Court exercised the " judicial power of the United States" under Article III and could be considered a "Court of Law" within the meaning of the Appointments Clause, but "agree[d] with the unremarkable proposition that 'Congress [has] wide discretion to assign the task of adjudication in cases arising under federal law to legislative tribunals' as well as subdivisions of traditional executive departments…." 501 U.S. at 908-909.

time-honored reading of the Constitution as giving wide discretion to assign the task of adjudication in cases arising under federal law to legislative tribunals," as well as assigning such tasks to Article III courts and agencies operating under Article II. Unlike the United States Tax Court at issue in *Freytag*, where "Congress enacted legislation in 1969 with the express purpose of 'making the Tax Court an Article I court, rather than an executive agency,'" *id.* at 887; *see* 26 U.S.C. §7441, adjudicatory administrative agencies accorded protection against at-will removal of decisionmakers functionally operate, even without such explicit designation, as another type of Article I tribunal, at least to the extent their role is limited to predominantly adjudicatory functions.

Article I tribunals, including multimember and adjudicatory administrative agencies, play an essential role in adjudicating a vast number of such disputes which if assigned to Article III courts could fundamentally alter their character. Many of the laws establishing Article I tribunals, like the FTC Act, protect adjudicators from at-will removal before expiration of their term of office—in part to promote the experience and expertise that come with continuity in office but, more importantly. because Congress deems such protection necessary to protect the integrity of these adjudications, which is critical to the acceptability of the outcomes of such proceedings to both regulated parties and program beneficiaries.

A. In Assigning Adjudicatory Tasks Among the Branches, Congress May Place Weight on the "Nature of the Function" that Adjudicators Perform by Providing Protections Against At-Will Removal During Their Term of Office.

In assigning the adjudicatory role among the branches, Congress properly may place weight on the "nature of the function," *Wiener v. United States*, 357 U.S. 349, 353 (1958), that adjudicators perform and the corrosive effect political influence could have on the integrity of the process. Despite the absence of express removal protections in the law establishing the War Claims Commission, 62 Stat. 1240 (1948), a unanimous Court in *Wiener* noted that the prospect of at-will removal would "hang over the Commission the Damocles' sword of removal by the President for no reason other than he preferred to have on that Commission men of his own choosing," 357 U.S. at 356, which would be antithetical to the adjudicatory process. Justice Frankfurter concluded for the Court: "we are compelled to conclude that *no such power is given to the President directly by the Constitution*, and none is impliedly conferred on him by statute simply because Congress said nothing about it." *Id.* (emphasis supplied). As this Court recognized in C*ollins v. Yellen,* 594 U.S. 220, 141 S.Ct. 1761, 1810 n.18 (2021), the Commission in *Wiener* "was an adjudicatory body, and as such, it had a unique need for 'absolute freedom from Executive interference'" (*quoting Wiener,* at 355).

For many legislative courts, Congress has expressly provided protections against at-will removal for adjudicators.

- United States Tax Court, 26 U.S.C. §7443(f) (15-year term; "Judges of the Tax Court may be removed by the President, after notice and opportunity for public hearing, for inefficiency, neglect of duty, or malfeasance in office, but for no other cause.").

- United States Court of Appeals for the Armed Forces, 10 U.S.C. §942(b)(2)(A)(i) & (c) (15-year term; removable "upon notice and hearing for (1) neglect of duty; (2) misconduct; or (3) mental or physical disability. A judge may not be removed for any other cause.").

- United States Court of Appeals for Veterans Claims, 38 U.S.C. §7253(c) & (f)(1) (15-year term; removable "on grounds of misconduct, neglect of duty, engaging in the practice of law, or violating section 7255(c) of this title [*i.e.,* not meeting the residency requirement]. A judge of the Court may not be removed from office by the President on any other ground.").

- United States Court of Federal Claims, 28 U.S.C. §176 (15-year term; removable by a majority of the U.S. Court of Appeals for the Federal Circuit "during the term for which he is appointed [but] only for incompetency, misconduct, neglect of duty, engaging in the practice of law, or physical or mental disability.").

- United States Court of Military Commission Review, 10 U.S.C. §950f. The authorizing statute does not fix a term of office or deal with removal.

> But the Department of Defense's Military Commission Instruction No.9. § 4B.2) (Oct. 11, 2005) does ("normally" not more than a 2-year term; permanent removal "only for good cause," which "includes but is not limited to, physical disability, military exigency, or other circumstances that render the member unable to perform his duty.").

Such removal protections, as this case illustrates, are a common feature of multimember and adjudicatory administrative agencies. Most often, these laws contain express removal protections but, as in the case of the United States International Trade Commission (USITC), a 9-year term of office, 19 U.S.C. §1330(b), has given rise to a debatable widely-perceived assumption of such protection. On occasion, Congress will change the removability of an agency head to enhance the acceptability of the agency's adjudications among private parties or beneficiaries, by providing insulation from direct political influence. This happened with respect to the Social Security Administration (SSA) when, Congress in 1995 separated the agency from the Department of Health and Human Services (HHS) and provided express removal protection for its Commissioner. Pub. L. 103-296, 108 Stat. 1464, *see* 42 U.S.C. §901(a)(3) (Commissioner sits for a 6-year term and "may be removed from office only pursuant to a finding by the President of neglect of duty or malfeasance in office."). Another variant is the Occupational Safety and Health Review Commission (OSHRC), an independent adjudicatory body whose members are appointed for a 6-year term and "may be removed by the President for inefficiency, neglect of duty, or malfeasance in office," 29 U.S.C.§661(b), but generally applies the Department of Labor's legal positions under the Occupational Safety and

Health Act of 1970 (OSHA), 29 U.S.C. §651 *et seq.; see Martin v. OSH Rev. Com.*,499 U.S. 144, 152 (1991) (OSHRC must defer to the Secretary of Labor's "authoritative interpretations of OSH Act regulations").

B. Article I Tribunals, Including Administrative Agencies, Play an Essential Role in Processing and Adjudicating a Vast Number of Disputes That If Assigned to Article III Courts Could Fundamentally Alter Their Character.

Article I tribunals, including administrative agencies, process and adjudicate a vast number of disputes in our system. For example, SSA in 2024 received 2.3 million disability claims and 566,000 disability reconsideration petitions, completed 423,000 hearings, and conducted 1.23 million periodic continuing reviews of determinations. FY 2024 Actual Performance, www.ssa.gov/budget/assets/materials/2024/2024APM. Similarly, the Veterans Benefits Administration (VBA) that year completed more than 2.5 million disability compensation and pension claim determinations. Dept. of Veterans Affairs, Veterans Benefits Administration, Detailed Claims Data, www.benefits.va.gov/reports/detailed_claims_data.asp. In 2024, the Board of Veterans Appeals "adjudicated and dispatched a record 116,192 appeals" and held 19, 559 hearings. Dept. of Veterans Affairs (VA), Board of Veterans' Appeals, Ann. Rept., Fiscal Year (FY) 2024, at 17, 24, https://department.va.gov/board-of-veterans-appeals/wp-content/uploads/sites/19/2025/04/2024_bva2024ar.pdf.

Administrative agencies that deal with private parties also have significant workloads (all 2024 totals unless otherwise indicated). *E.g.*—

- EEOC received 85,531 discrimination charges and resolved 8,543 private-sector mediations and 3,162 federal-sector appeals. 2024 Annual Performance Report, at 12, www.eeoc.gpv/2024-annualperformanc-report

- FERC advised and acted on 371 proceedings. 2024 Report on Enforcement (Nov. 21, 2024), Downloads/2024%20Report%20on%20 Enforcement_1121.pdf

- NLRB received 21,292 ULP charges and 3,286 election petitions. As of Aug. 21, 2025, it closed approximately 1700 representation cases and 11,800 charge cases. Olivia Howard, Tracking National Labor Relations Board actions through its administrative data (Hamilton Project, Aug. 28, 2025, at fig.3, www.hamiltonproject.org/people/margaret-paydock))

- OSHRC in 2022 processed 1,510 new contested cases, and disposed of 1,423 cases. Fiscal Year 2024, Performance Budget and Justifications 11-2 (March 2024), www.oshrc.gov/wp-content/uploads/OSHRC_FY_2024_Performance_Budget_and_Justification.pdf

- SEC filed 784 enforcement actions, including 162 "follow-on" administrative proceedings. Addendum to Division of Enforcement Press Release Fiscal Year 2023, www.sec.gov/files/fy23-enforcement-statistics.pdf

- USITC conducted 75 antidumping and countervailing duty investigations, 64 import injury

investigations, and 46 unfair import investigations. Annual Performance Report, FY 2024, at iv-v, 106-107 (App. C.1, C.2), www.usitc.gov/documents/usitcusit_fy_2024_apr.pdf

Without removal protections for Article I adjudicators, these tribunals and agencies would largely become executive department entities. If Congress desired to preserve or enhance the integrity and acceptability of the adjudications, Congress would be tempted to shift some of this adjudicative capacity to Article III courts which in the course of a resultant enlargement of their ranks could change the character of those courts. This is an important, probable negative consequence of failing to preserve protections for Article I adjudicators against at-will removal before expiration of their term.[7]

C. Most Decisions of Article I Adjudicators Are Not of Such National Importance They Are Likely to Be Charged to the President Come Election Day.

In the overwhelming number of cases, the decisions rendered by Article I tribunals, including administrative agencies, do not entail the type of nationally important policymaking that the President would be held to account for come Election Day. Most such decisions are not plausibly charged against the President. They principally involve fact-specific disputes that need to be resolved with integrity and free of political intervention,

7. As for the NLRB, *see generally* Samuel Estreicher, Converting the NLRB into a Labor Court, a Purely Adjudicatory Body, N.Y.L.J., Sept. 15, 2025, https://www.law.com/newyorklawjournal/2025/09/15/converting-the-nlrb-into-a-labor-court-a-purely-adjudicatory-body/?slreturn=20251110115850.

especially important in cases where prominent political allies of any White House administration are parties or have interests in the underlying adjudication. But Article I adjudicators—whether or not they may be inferior Officers of the United States— sit to decide claims "to be 'adjudicated according to law', that is, on the merits of each claim, supported by evidence and governing legal considerations…." *Wiener*, 357 U.S. at 355. In that role, they are not properly viewed as agents of the President, as simply "those who assist him in carrying out his duties." *Free Enterprise Fund v. Public Company Accounting Oversight Bd.*, 561 U.S. 477, 513-514 (2010).

At-will removal of adjudicators is, moreover, not necessary to curb a tribunal that somehow has gone off course; it can be readily steered aright, as the chair of the agency will have been appointed by the President and a majority of members of the tribunal will very likely be of the same political party. Protection of Article I adjudicators against at-will removal before expiration of their terms, *amici* submit, does not interfere with the People's ability to hold the President, or others in the President's "chain of dependence," *Arthrex*, *supra,* 594 U.S, at 114, accountable for the faithful execution of the laws.

CONCLUSION

The Court should sever the unconstitutional post-1935 amendments to the 1914 FCC Act rather than eliminate removal protections for Commissioners, in place for over a century, and confirm that such protections for adjudicators in Article I tribunals, including adjudicatory administrative agencies, are constitutional.

Respectfully submitted,

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APPENDIX

TABLE OF APPENDICES

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