

BRYAN STEIL, WISCONSIN
CHAIRMAN

LAUREL M. LEE, FLORIDA
BARRY LOUDERMILK, GEORGIA
H. MORGAN GRIFFITH, VIRGINIA
GREGORY F. MURPHY, NORTH CAROLINA
STEPHANIE I. BICE, OKLAHOMA
MARY E. MILLER, ILLINOIS
MIKE CAREY, OHIO

MICHAEL PLATT
STAFF DIRECTOR

One Hundred Nineteenth
Congress of the United States
House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION
1309 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, D.C. 20515-6157
(202) 225-8281 | CHA.HOUSE.GOV

JOSEPH D. MORELLE, NEW YORK
RANKING MINORITY MEMBER

TERRI A. SEWELL, ALABAMA
NORMA J. TORRES, CALIFORNIA
JULIE E. JOHNSON, TEXAS

JAMIE FLEET
MINORITY STAFF DIRECTOR

February 26, 2025

President Donald Trump
The White House
1600 Pennsylvania Avenue NW
Washington, D.C. 20500

Dear President Trump:

I write you today regarding the so-called “Ensuring Accountability for All Agencies” Executive Order you issued on February 18, 2025. Your attempt to unilaterally bring the power and authority of independent regulatory agencies under the control of the White House is an unprecedented violation of American rule of law, demonstrating a contempt for the constitutional order that makes our nation a beacon of democracy the world over. I urge you to immediately rescind it.

Your Executive Order lays waste to separation of power principles central to our Constitution and completely ignores that Congress specifically designed certain independent regulatory agencies to exist outside of White House control. That the independent agencies your order purported to affect included the Federal Election Commission—an agency currently reviewing complaints related to your campaign’s finance violations—suggests your intention to subvert federal law. Our citizens take poorly to political corruption; your Executive Order, unless swiftly reversed, will weaken Americans’ faith in the fairness of our electoral system.

Pursuant to its enumerated powers under Article I of the Constitution, it is Congress—not the President—that has the authority to establish federal agencies and to assign them particular functions and duties. Article I, Section 8, authorizes Congress to “make all laws which shall be necessary and proper for carrying into execution” not only Congress’s own enumerated powers, but “all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”¹ The President may appoint certain officers and seek the opinions of agency heads.² But the President’s appointment power extends only to positions “which shall be established by law,”³ and the Opinion Clause does not confer directive authority; just the

¹ U.S. CONST. art. I, § 8, cl. 18.

² *Id.* art. II, § 2, cl. 2 (Appointments Clause); *id.* art. II, § 2, cl. 3 (“The President . . . may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices . . .”).

³ *Id.* art. II, § 2, cl. 2. And indeed, while the President’s appointment power extends to principal officers of the United States, the Constitution permits Congress to vest the appointment of inferior officers “as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.” *Id.*

opposite. In addition, even as the Supreme Court has recognized that the President may remove certain agency heads at will, it has repeatedly confirmed that Congress may “give for-cause removal protections to a multimember body of experts, balanced along partisan lines, that perform[] legislative and judicial functions.”⁴ Congress has sought to insulate such independent agency heads from presidential at-will removal to ensure that they may perform their duties on behalf of the American people free from partisan manipulation. And as the Supreme Court has long recognized, removal protections reflect Congress’s authority more generally to require independent agencies to discharge their duties independent of White House control.⁵ The Constitution delineates roles and authorities to our three coequal branches of government, each of which—through the thoughtful design of our founders and generations of lawmakers’ commendable restraint—buttress the others. Your disregard for this structure threatens a permanent erosion of our nation’s ability to maintain itself.

Additionally—and specifically relevant to my role as the Ranking Member of the United States House Committee on House Administration—your Executive Order opens the floodgates to political corruption and immeasurable money in politics. The origins of the Federal Election Commission, and its essential independence from presidential dominion, lie in the Watergate scandal, and President Nixon’s efforts to subvert American elections in his quest for personal power. As one of the only agencies that has a role in upholding federal laws that touch on the behavior of the President and his allies—in their capacity as political candidates—the independence of the Federal Election Commission is vital to the civic health of the United States. Undermining this unique function demonstrates a hostility to the Federal Election Commission’s ability to investigate violations of federal campaign finance law.

In the event that you refuse to rescind this misguided order, it is my hope that you will vow to the American people, clearly and unequivocally, that you will allow independent agencies like the Federal Election Commission to conduct full, free, and fair investigations of potential violations of the law—including those allegedly committed by yourself or your campaign—without any political interference or pressure. Thank you for your prompt attention to this critical matter.

Sincerely,



Joseph D. Morelle
Ranking Member

⁴ *Seila L. LLC v. Consumer Fin. Prot. Bureau*, 591 U.S. 197, 216 (2020).

⁵ *See, e.g., Humphrey’s Ex’r v. United States*, 295 U.S. 602, 629 (1935) (“The authority of Congress, in creating quasi-legislative or quasi-judicial agencies, to require them to act in discharge of their duties independently of executive control cannot well be doubted.”).