

Congress of the United States

Washington, DC 20515

March 21, 2025

The Honorable Donald J. Trump
President
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Trump:

We write to express our profound opposition to your attempts to remove Commissioners Rebecca Slaughter and Alvaro Bedoya as members of the Federal Trade Commission (FTC) and urge you to reverse these completely lawless decisions.

Consistent with the Federal Trade Commission Act of 1914 (FTC Act), which created the FTC, Commissioners Slaughter and Bedoya were duly nominated by the President and confirmed by the United States Senate for terms that extend beyond a single administration. Your attempt to fire these Commissioners without cause violates the law, intrudes into Congress' Article I constitutional legislative authority, undermines and weakens our democracy, and jeopardizes the FTC's important consumer protection and antitrust work that has benefitted Americans for more than a century.

The FTC has a long history of protecting the public through independent, bipartisan enforcement of the FTC Act, which prohibits unfair or deceptive acts or practices and unfair methods of competition in the marketplace.¹ The FTC also enforces a host of other laws focused on protecting consumers, including the Children's Online Privacy Protection Act, the Telemarketing and Consumer Fraud and Abuse Prevention Act, and the Elder Abuse Prevention and Prosecution Act. By seeking to fire two Commissioners of this vital independent agency without good cause, you are making it easier for companies, including X (formerly known as Twitter),² Amazon,³ Meta,⁴ and Google⁵ to evade these laws, which will result in higher prices and less privacy for consumers. This move is meant to empower oligarchs who were granted seats in the front row of your inauguration while harming the rest of the American people and the rule of law.

¹ 15 U.S.C. § 45(a).

² Press Release, Fed. Trade Comm'n, *FTC Charges Twitter with Deceptively Using Account Security Data to Sell Targeted Ads* (May 25, 2022), <https://www.ftc.gov/news-events/news/press-releases/2022/05/ftc-charges-twitter-deceptively-using-account-security-data-sell-targeted-ads>.

³ Complaint, *FTC et al. v. Amazon*, No. 2:23-cv-01495 (W.D. Wash. Sep. 26, 2023), <https://www.ftc.gov/legal-library/browse/cases-proceedings/1910129-1910130-amazoncom-inc-amazon-ecommerce>.

⁴ Michael Cohen, *Meta Heads to Trial Over Instagram, WhatsApp Acquisitions*, BEZINGA (Nov. 25, 2024), <https://www.benzinga.com/general/social-media/24/11/42177636/meta-heads-to-trial-over-instagram-whatsapp-acquisitions>.

⁵ Amicus Curiae Brief of the Fed. Trade Comm'n., *Epic Games Inc. v. Google LLC et al.*, No. 3:21-md-02981-JD (N.D. Cal. Aug. 12, 2024), <https://www.ftc.gov/legal-library/browse/amicus-briefs/epic-games-inc-v-google-llc-et-al>.

The FTC Act permits you—or any other President—to remove a Commissioner only for “inefficiency, neglect of duty, or malfeasance in office.”⁶ Your attempt to fire the Democrats on the FTC is not based on any of those statutory causes for removal. In *Humphrey’s Executor v. United States*,⁷ the Supreme Court rejected the only other attempt by a President to fire an FTC Commissioner without cause. That case involved President Franklin D. Roosevelt’s attempted termination of FTC Commissioner William Humphrey owing to policy differences between the two. The Supreme Court ruled that Congress created the FTC to serve quasi-legislative and quasi-judicial functions established by Congress “free of executive control” by the Executive Branch.⁸ The Court further found that the FTC Act expressly, and properly, limits the ability of the Executive Branch to remove FTC Commissioners by specifying that they can only be removed by the President for cause.⁹ The precedent established under *Humphrey’s Executor* has been reaffirmed by the Supreme Court numerous times in the 90 years since the case was decided. Having failed to allege a proper cause for the Commissioners’ removal, your firing of Commissioners Slaughter and Bedoya is plainly unlawful.

Both Chair Andrew Ferguson and Commissioner Melissa Holyoak, during their respective FTC confirmation hearings before the Senate, reaffirmed in no uncertain terms that they would comply with Supreme Court precedent, with Chair Ferguson noting that the Supreme Court itself has “instructed time and again” that it is the “Supreme Court’s prerogative alone to overrule one of its precedents,”¹⁰ and Commissioner Holyoak agreeing to comply with *Humphrey’s Executor* in which, “the Supreme Court held that the FTC’s structure is constitutional.”¹¹

The Department of Justice’s Acting Solicitor General informed the Judiciary Committee that your Administration does not intend to defend the constitutionality of statutory tenure protections like the one in the FTC Act.¹² In doing so, the Acting Solicitor General implicitly concedes that the firing of FTC Commissioners and members of other independent federal agencies violates both federal law and Supreme Court precedent.¹³

Not only were your actions unlawful, but they were clearly intended to undermine the ability of the FTC to protect the public, and to ensure that your biggest donors’ companies do not face accountability for their misdeeds. They are also part of a larger assault on the administrative

⁶ 15 USC § 41.

⁷ 295 U.S. 602 (1935).

⁸ *Id.* at 628.

⁹ *Id.* at 631–632.

¹⁰ *Nominations Hearing Before the S. Comm. on Com., Sci., and Transp.*, 118th Cong. (2023) (Questions for the Record, Sen. Maria Cantwell, Chair, S. Comm. on Com., Sci., and Transp. to Andrew Ferguson, Nominee for Comm’r, FTC); *Bosse v. Oklahoma*, 580 U.S. 1, 3 (2016) (quoting *United States v. Hatter*, 532 U.S. 557, 567 (2001)).

¹¹ *Nominations Hearing Before the S. Comm. on Com., Sci., and Transp.*, 118th Cong. (2023) (Questions for the Record, Sen. Maria Cantwell, Chair, S. Comm. on Com., Sci., and Transp. to Melissa Holyoak, Nominee for Comm’r, FTC); *Humphrey’s Executor v. United States*, 95 U.S. 602, 629-30 (1935).

¹² Letter from Hon. Sarah M. Harris, Acting S. Gen., Dep’t of Justice, to Rep. Jamie Raskin, Ranking Member, H. Comm. on the Judiciary (Feb. 12, 2025), <https://democrats-judiciary.house.gov/uploadedfiles/20250212outraskin530d.pdf>.

¹³ *Id.*

machinery of government, not the least of which was the unlawful and unconstitutional termination of National Labor Relations Board Member Gwynne Wilcox.¹⁴

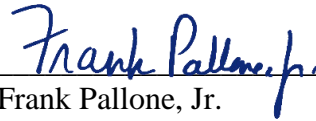
Firing FTC Commissioners without cause is a clear violation of the law, the separation of powers, and Supreme Court precedent going back at least 90 years. It undermines an agency that has worked to protect millions of Americans from higher prices for essential groceries, protect workers,¹⁵ and combat pay-for-delay pharmaceutical schemes that cost consumers, insurers, and taxpayers \$3.5 billion dollars each year.¹⁶ As pioneers in protecting consumer privacy, the Commission launched the seminal one-stop, national “do-not-call” registry decades ago,¹⁷ and it continues that important work today by protecting against “harmful commercial surveillance,” including the sharing of drivers’ precise location without consent.¹⁸ The dollar amounts recovered for the public or forwarded to the U.S. Treasury are staggering: \$562.1 million in fiscal year 2021, \$639.8 million in fiscal year 2022, and \$616.8 million in fiscal year 2023.¹⁹

We demand that you reverse these unlawful and harmful firings and comply with your obligations to the American people under the Constitution and the law passed by Congress.

Sincerely,



Jamie Raskin
Ranking Member
House Committee on the Judiciary



Frank Pallone, Jr.
Ranking Member
House Committee on Energy and
Commerce

¹⁴ Letter from Rep. Jamie Raskin, Ranking member, H. Comm. on the Judiciary, to Hon. Donald J. Trump, President, White House (Feb. 12, 2025), https://democrats-edworkforce.house.gov/imo/media/doc/ranking_members_scott_raskin_and_connolly_demand_accountability_for_unlawful_firing_of_nlrp_member_gwynne_wilcox.pdf.

¹⁵ Press Release, Fed. Trade Comm’n., *Statement on FTC Victory Securing Halt to Kroger, Albertsons Grocery Merger* (Dec. 10, 2024), <https://www.ftc.gov/news-events/news/press-releases/2024/12/statement-ftc-victory-securing-halt-kroger-albertsons-grocery-merger>.

¹⁶ *Pay-for-Delay: How Company Pay-Offs Cost Consumers Billions*, FED. TRADE COMM. STAFF STUDY (Jan. 2010), www.ftc.gov/sites/default/files/documents/reports/pay-delay-how-drug-company-pay-offs-cost-consumers-billions-federal-trade-commission-staff-study/100112payfordelayrpt.pdf.

¹⁷ Timothy J. Muris, *Protecting Consumers’ Privacy: Goals and Accomplishments*, FED. TRADE COMM. (June 11, 2002), <https://www.ftc.gov/news-events/news/speeches/protecting-consumers-privacy-goals-accomplishments>.

¹⁸ Press Release, Fed. Trade Comm’n., *FTC Releases Summary of Key Accomplishments* (Jan. 19, 2025), <https://www.ftc.gov/news-events/news/press-releases/2025/01/ftc-releases-summary-key-accomplishments>.

¹⁹ *Annual Performance Report for Fiscal Year 2023 and Annual Performance Plan for Fiscal Years 2024-2025*, FED. TRADE COMM. https://www.ftc.gov/system/files/ftc_gov/pdf/FY-2023-Annual-Performance-Report-and-FY-2024-25-Plan.pdf (last visited Feb. 14, 2025).

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cc: The Honorable Jim Jordan, Chairman
House Committee on the Judiciary

The Honorable Brett Guthrie, Chairman
House Committee on Energy and Commerce