

## Reiter Examines Future of Independent Federal Agencies Under Trump Administration in *Law360*

In the News

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Stinson LLP Senior Counsel [Harvey Reiter](#) authored an article for *Law360*, "Will Independent Federal Agencies Remain Independent?"

Reiter analyzes the Trump administration's attempts to increase executive authority over independent federal administrative agencies, including the Federal Communications Commission (FCC), Federal Trade Commission, National Labor Relations Board (NLRB), Federal Energy Regulatory Commission (FERC) and the Securities and Exchange Commission, thereby challenging their longstanding autonomy.

Reiter discusses the U.S. Supreme Court's 1935 decision in *Humphrey's Executor v. U.S.*, which upholds the constitutionality of "for-cause" protections for appointees serving on independent agencies, and examines how recent rulings have weakened those for-cause removal protections, shifting power toward the presidency. He also discusses the president's decision to terminate members of the Equal Employment Opportunity Commission and NLRB, as well as the Department of Justice's recent announcement that it will challenge for-cause protections as unconstitutional, warning that if successful, then such changes could result in agency instability and impact their ability to function.

"The fear among supporters of the independence of administrative agencies is that a president opposed to the agency's mission might not only dismiss agency members whose views did not align with those of the administration," Reiter writes. "The president could also use those broad removal powers to strip agencies of working quorums, resulting in a *de facto* shutdown of their operations."

Reiter focuses his practice on competition in the electric and natural gas industries, representing clients in proceedings before FERC, the FCC and federal courts. He brings a wealth of knowledge to his legal counsel in litigation, appellate, transactional and other legal services, and offers regulatory and trial insights with a strong focus on antitrust and competition issues. Reiter is an adjunct professor of law at George

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Washington University Law School and editor-in-chief of the Energy Law Journal.

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