

## **A Hard Look at Project 2025 – Part ONE** **[TRANSCRIPT & SHOW NOTES]**

### **[INTRO MUSIC]**

#### **Sophia Navedo**

Welcome back to *A Hard Look*, a podcast by the Administrative Law Review. My name is Sophia Navedo, the Senior Tech Editor and your host today.

Today's episode is an overview of the policy proposal known as Project 2025—officially titled *The Mandate for Leadership 2025: The Conservative Promise*. The nearly 900-page document is an initiative curated by The Heritage Foundation and other conservative organizations to—among other things—reform administrative law as we know it.

Project 2025 has received significant attention over the last few months for its take on immigration, education, policing, healthcare, and reproductive policy, but our focus will be on how it aims to change the administrative state.

This episode is Part I of a 2-part series on the topic. Part I aims to provide listeners an objective overview of the actual text of the proposal and how it purports to reform administrative law. Part II is a Q&A with two practitioners:

Dr. Don Kettle, a professor and expert in public policy, and Dr. Jennifer Celine, an attorney and professor specializing in administrative law.

### **[Transition Music]**

#### **Sophia Navedo**

Overall, Project 2025 offers sweeping reforms aimed at:

- Limiting the power of federal agencies;
- Restructuring the regulatory state by reducing the autonomy and discretion of agencies;
- Empowering the judiciary and Congress to provide more agency oversight;
- And increasing the President's control over traditional bureaucracy.

From an administrative law perspective, these changes represent a significant realignment of how our government functions. But prior to considering the effects, it's important to familiarize ourselves with the authors of the document and the legal and political philosophies that inform their approach.

If you enjoy the show, please leave a review or rating on your favorite listening app. And if you have any questions, don't hesitate to reach out to us via the email on our website: [adminstrativelawreview.org](mailto:adminstrativelawreview.org).

### **[Transition Music]**

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In Part II of this series, we'll be asking our guests to share insights on the historical context behind Project 2025, but for now, let's consider the party leading this effort. *The Mandate for Leadership* was published in April 2023, by **The Heritage Foundation**—a conservative think tank founded in 1973. According to its website, The Heritage Foundation is dedicated to promoting public policy based on the principles of free enterprise, limited government, individual freedom, traditional American values, and a strong national defense. For decades, The Heritage Foundation has conducted research and advocacy across a wide range of policy issues that impact all Americans. The first edition of the *Mandate for Leadership* was released back in 1981. The latest version of the document outlines a detailed policy agenda to guide a future presidential administration starting in 2025—hence the moniker Project 2025.

#### [Transition Music]

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With that in mind, let's turn to the heart of the matter: **administrative law reforms**.

[Sophia] In addition to further empowering the executive branch, an overarching goal of Project 2025 is to reduce what it refers to as the “**administrative state**.” The administrative state refers to the collection of federal agencies that have significant power to create, interpret, and enforce regulations, often with limited direct oversight from Congress or the President.

[Sophia] These agencies handle specialized tasks across areas like healthcare, finance, and environmental protection. Critics argue that agencies have grown too powerful, therefore the reforms outlined in Project 2025 aim to **rein in that power** by introducing **five key changes**.

First, was the proposal to **curb the Chevron Doctrine**.

For those unfamiliar, the **Chevron Doctrine** emerged from a 1984 Supreme Court decision, which established that courts should **defer to** an agency's reasonable interpretation of ambiguous statutes. This *deference* has allowed agencies to wield significant discretion in shaping and interpreting the laws that govern their actions. However, *Project 2025* asserts that this doctrine has allowed agencies to stretch far beyond their intended limits—often interpreting laws in ways that expand their regulatory reach without clear congressional authority.

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When published in 2023, the document advocated to **limit Chevron deference**, thereby giving courts greater authority to scrutinize agency decisions. Less than five months ago, the U.S. Supreme Court overruled *Chevron*, effectively accomplishing the first key policy change advocated for by the authors of Project 2025.

In its **June 2024 decision** in *Loper Bright Enterprises v. Raimondo*, the Supreme Court ruled 6-3 to strike down Chevron. Chief Justice John Roberts, writing for the majority, held that (quote) “The **Administrative Procedure Act** requires courts to exercise their independent judgment in deciding whether an agency has acted within its statutory authority, AND courts may not defer to an agency’s interpretation of the law simply because a statute is ambiguous; Chevron is overruled.” This effectively shifts the balance of power, giving courts more authority to scrutinize and potentially limit agency actions.

The decision is expected to have wide-reaching effects, especially in industries heavily regulated by federal agencies. Opponents, like Justice Elena Kagan in her dissent, warned that removing Chevron could create inconsistency in how courts interpret complex regulatory laws—especially for complex issues where agency expertise is essential—leading to more litigation and uncertainty. On the other hand, supporters argue that the decision strengthens the separation of powers by ensuring that unelected agencies cannot overstep their authority, and agencies stay within their legal confines.

The ruling also opens the door to more legal challenges against existing regulations, as agencies now face higher scrutiny from the courts regarding their statutory interpretations

The second key goal of the document focuses on **independent regulatory agencies**. These agencies—like the **Consumer Financial Protection Bureau (CFPB)** or the **Federal Communications Commission (FCC)**—operate with a certain level of independence from direct presidential control. This independence is seen as a way to insulate important regulatory decisions from political influence.

But under the proposed reforms, that autonomy could be significantly reduced. The agenda suggests **either eliminating or heavily restructuring these independent agencies** to make them more accountable to the executive branch. A key element is giving the President more control over hiring and firing top officials in these agencies, ensuring they align more closely with the administration's policy goals.

This raises a critical question: Does this level of **executive oversight** undermine the very purpose of having independent regulatory bodies? These agencies were designed to make decisions based on expertise, not political whims, so moving them closer to presidential control could lead to a more politically driven regulatory process.

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The third major reform targets the way **federal employees** are protected under civil service laws. One of the more controversial elements of Project 2025 is the plan to make it easier to **dismiss federal employees**, particularly those perceived as obstructing conservative policy objectives. In the document, this is framed as dismantling the so-called “**Deep State**”—a term used to describe entrenched government employees who are believed to resist the policies of elected officials.

The project advocates for increasing the number of political appointees who are aligned with conservative values and reducing the influence of career civil servants who may resist changes proposed by a conservative administration. In 2020, President Trump introduced Schedule F through an executive order. Schedule F aimed to reclassify certain federal employees as "at-will" employees, which would make it easier to dismiss them without the traditional protections that career civil servants typically enjoy.

This sounds very similar to Project 2025’s approach to dismantle the deep state.

Opponents raise concerns about maintaining a politically neutral civil service. Civil service protections are in place to prevent the politicization of government employment, ensuring that career officials aren’t replaced with every change in administration. Eroding these protections, as proposed, could lead to more instability in the federal workforce and diminish the expertise that career officials bring to their roles. This would be especially concerning for areas requiring deep technical knowledge, such as environmental regulation or financial oversight.

**The fourth** central theme of Project 2025 is to reduce **regulatory rulemaking authority**. Currently, federal agencies are tasked with crafting the specific rules and regulations that interpret and implement laws passed by Congress. However, Project 2025 argues that agencies have been granted too much freedom in this process and suggests that **Congress should have a more active role** in reviewing and approving significant regulations before they take effect.

If implemented, this reform could drastically alter the speed and efficiency of the regulatory process. Agencies, which often rely on their expertise to interpret and implement complex laws, would face increased scrutiny and likely delays in issuing regulations as we experience a legislative bottleneck where important regulations are stalled or overshadowed by the political climate, hindering agencies' ability to respond swiftly to emerging issues or crises.

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Alternatively, supporters argue this would bring more **democratic accountability** into the process by ensuring that unelected bureaucrats aren't the ones setting far-reaching policies.

Critics, however, warn that this emphasis on congressional oversight could lead to a more politicized regulatory environment, where rules are crafted not just based on evidence and expertise, but also political considerations and pressures. The balance between efficient governance and democratic accountability will be a critical debate if Project 2025 moves forward.

**The fifth and final** goal, and potentially most contentious proposal in this agenda, is the call to **dismantle or significantly reform the Environmental Protection Agency** and similar bodies. According to the *Mandate for Leadership*, the EPA has overstepped its mandate by issuing regulations that it believes go beyond congressional intent. The document suggests that environmental regulations should only be issued with explicit statutory support, limiting the agency's ability to respond proactively to environmental concerns.

This idea, while aligned with a **free-market conservative** philosophy, could lead to a significant **rollback of environmental protections**. Agencies like the EPA are often at the forefront of addressing emerging environmental issues—whether it's climate change or public health risks. Restricting their authority could have long-term impacts on environmental governance in the U.S.

### [Transition Music]

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So, what are the broader **implications** of these proposed changes?

Firstly, we may see **reduced regulatory activity** from agencies. By limiting agency discretion and imposing tighter oversight from Congress and the courts, agencies will be far less able to issue new regulations—especially on contentious issues like environmental policy, labor rights, and financial regulation.

Secondly, there would be **increased executive control**. The President would have more authority to reshape the federal workforce, aligning it more closely with the administration's policies. While this could streamline government operations, it also risks undermining the **neutrality** that's supposed to be a hallmark of the federal bureaucracy.

Lastly, we should expect more **legal challenges**. By encouraging courts to take a closer look at agency decisions and reducing the Chevron Doctrine, the Supreme Court has likely

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set the stage for a surge in litigation. Businesses, interest groups, and individuals will be more empowered to challenge federal rules, which could slow down the implementation of key policies.

**[Transition Music]**

Project 2025 represents a fundamental reshaping of the administrative state. It seeks to recalibrate the balance of power between the branches of government, placing more control in the hands of the executive while reducing the autonomy of federal agencies. The question is, will these changes strengthen democracy or undermine the checks and balances that guide our government?

[Victoria] Tune in to Part II of this episode—when we discuss this very question with legal and public policy experts Doctors Don Kettle and Jennifer Celine.

**[Transition Music]**

**Sophia Navedo**

If you enjoyed this episode, please take a second to leave a review and rating on your favorite listening app and be sure to subscribe and check out our show notes for links to relevant resources.

We'd love to cover your questions on administrative law, so let us know what you'd like covered this season. Stay informed, stay engaged!

As always, thanks for tuning in to "A Hard Look"!

**[Outro Music Volume Goes up and then Fades Out]**

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**[SHOW NOTES]**

- “Mandate for Leadership: The Conservative Promise” by The Heritage Foundation
  - [https://static.project2025.org/2025\\_MandateForLeadership\\_FULL.pdf](https://static.project2025.org/2025_MandateForLeadership_FULL.pdf)