In *Trump v. Slaughter*, Supreme Court Issues Landmark Opinion Regarding Federal Agencies and the Separation of Powers

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***Trump v. Slaughter*, 609 U.S. ___ (June 29, 2026)**

In *Trump v. Slaughter*, the U.S. Supreme Court issued one of the most consequential separation-of-powers decisions in decades, reshaping the relationship between the president and independent federal agencies. *Slaughter* concerned whether Congress may limit the president's authority to remove commissioners of the Federal Trade Commission (FTC) except for specified causes, such as "inefficiency, neglect of duty, or malfeasance in office."

The Supreme Court held that such statutory restrictions are unconstitutional. In doing so, the court overruled its 91-year-old precedent in *Humphrey's Executor v. United States*, 295 U.S. 602 (1935), which had long served as the constitutional foundation for the insulation of officers controlling many multi-member federal agencies from removal at the president's will.

Background

The dispute arose after President Trump removed FTC Commissioners Rebecca Kelly Slaughter and Alvaro Bedoya in March 2025, before the expiration of their statutory terms. While Bedoya was nominated by President Joseph Biden, Slaughter was originally appointed to the FTC in 2018 by President Trump during his first term. Slaughter served as acting chair for five months in 2021. She was then nominated by President Biden to a second term in 2023.

Federal law provides that FTC commissioners serve seven-year terms and may be removed by the president only for certain specified reasons. President Trump did not invoke any of those statutory grounds in removing Slaughter and Bedoya. Instead, he informed the commissioners that their continued service was inconsistent with his administration's priorities and that he was acting pursuant to his authority under Article II of the Constitution in ordering their removal.

Slaughter challenged her removal in federal court, arguing that it violated the FTC Act, the Administrative Procedure Act, and the Constitution. The district court agreed and entered an injunction preventing interference with Slaughter's duties as an FTC commissioner. Relying on *Humphrey's Executor*, the district court concluded that Congress had validly insulated FTC commissioners from at-will presidential removal. A divided U.S. Court of Appeals for the D.C. Circuit declined to stay the district court's order, after which the Supreme Court granted *certiorari* before judgment and stayed the injunction pending review. (The Supreme Court's review included only Slaughter's claims because Bedoya's claims were dismissed as moot after he resigned during the litigation.)

Supreme Court's Ruling

In a majority opinion authored by Chief Justice Roberts, the Supreme Court reversed the decision of the district court and held that the statutory for-cause removal provision violates the Constitution's separation of powers. The Constitution vests executive power in a single president. The majority examined the "text, history, and structure" of the Constitution, as well as the Supreme Court's earlier rulings, to conclude that the president controls administrative agencies to which he delegates executive functions, and thus the president may remove the heads of those agencies without congressionally imposed limitations.

According to the Supreme Court, the FTC's activities, including investigations, enforcement actions, rulemaking, and adjudication, "fall well within the heartland of executive power." And because FTC commissioners exercise this "executive power," the court held that the president must have the authority to remove them at will. Thus, any statutory restrictions preventing removal of executive officers violate the Constitution's separation of powers.

In reaching this conclusion, the Supreme Court expressly overruled *Humphrey's Executor*. The majority concluded that the 1935 decision "was tethered to a highly circumscribed and almost fictional view of the FTC's role," which conceived of the FTC as conducting only "quasi" executive functions. The court made clear that there are no "powers that are only *partly* executive." *Humphrey's Executor* was therefore incompatible with the Constitution's allocation of executive authority and could no longer be reconciled with the Supreme Court's separation-of-powers jurisprudence — "no ifs, ands, or quasis about it."

The decision represents a major victory for the "unitary executive" theory, which maintains that all executive power is vested in the president under Article II and that executive officials must remain accountable to the president. Particularly, the majority rejected the idea of "a headless fourth branch that the Framers never dreamed of establishing."

Justice Sotomayor authored a vigorous dissent, joined by Justices Kagan and Jackson. The dissent argued that independent agencies have long been an accepted feature of American government and that *Humphrey's Executor* correctly recognized Congress's authority to structure certain agencies with a degree of political independence and protection from presidential interference without cause. According to the dissent, the majority's decision dramatically increases presidential power and upends nearly a century of settled constitutional practice.

Notably, the Supreme Court's opinion in *Trump v. Slaughter* was issued alongside *Trump v. Cook*, 609 U.S. ___ (June 29, 2026), which concerned President Trump's attempt to remove Federal Reserve Governor Lisa Cook. In a 5-4 decision authored by Chief Justice Roberts, the court allowed Cook to remain in office while litigation continues, holding that she had not received the notice and opportunity to respond required before her removal. In an argument sharply criticized by the dissenting justices, the majority also emphasized the Federal Reserve's "unique historical status and role" and the nation's longstanding tradition of maintaining an independent central bank insulated from political influence. (In *Slaughter* itself, the Supreme Court "left open the possibility that some functions traditionally handled outside the Executive Branch," such as the Federal Reserve, may not be subject to the same analysis.)

Unlike *Slaughter*, which squarely resolved a constitutional challenge to statutory removal protections and overruled *Humphrey's Executor*, *Cook* is a narrower procedural decision that expressly left unresolved whether a president may ultimately remove a Federal Reserve governor for cause. These two decisions suggest that, while the Supreme Court is broadly expanding presidential authority over traditional independent regulatory agencies, it may still view the Federal Reserve as occupying a distinct constitutional category whose independence rests on unique historical, structural, and economic considerations. Justices Thomas, Alito, and Barrett each authored dissenting opinions in *Cook*.

Key Takeaways

- **End of statutory protection for FTC commissioner tenure:** Following *Trump v. Slaughter*, FTC commissioners may be removed by the president for any reason. The Supreme Court concluded that Congress may not restrict the president's removal authority over officers exercising executive power because doing so violates the Constitution's separation of powers.
- **Overruling of long-standing administrative-law precedent:** The Supreme Court expressly overruled *Humphrey's Executor*, ending a precedent that had governed the structure of independent agencies since 1935. Among other things, the court dispensed with the idea of "quasi" executive agencies that may be insulated by statute from presidential control. The decision marks one of the court's most significant reversals of long-established administrative-law doctrine.
- **Implications beyond the FTC:** Although *Slaughter* directly concerned the FTC, its reasoning extends beyond that agency. The ruling calls into question statutory removal protections governing officials serving on numerous commissions and boards that have historically been treated as *quasi*-independent from direct presidential control.

- **Expansion of presidential authority:** The decision substantially strengthens the president's ability to direct executive policy through personnel decisions. Agency leaders who exercise executive authority are now more likely to be viewed as removable at will, enhancing presidential control over federal administration.
- **Federal Reserve's independence preserved, for now:** While the majority held that the Federal Reserve holds a "unique historical status and role," the three dissenting justices disputed this carve-out exception, with Justice Gorsuch joining Justice Alito's dissent. With such a slim margin (5-4), the possibility exists that recognition of the Federal Reserve's independent status may not be permanent.

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