



Written by [Peter Rykowski](#) on July 3, 2026

Supreme Court Upholds Constitution's Separation of Powers — But Carves Out Exception for Federal Reserve

In two major rulings issued on Monday, the U.S. Supreme Court upheld the separation of powers under the U.S. Constitution by ruling that the U.S. president may remove commissioners of “independent” federal agencies, but it carved out a major exception for members of the Federal Reserve Board of Governors.

The cases, [Trump v. Slaughter](#) and [Trump v. Cook](#), originated when President Donald Trump attempted to remove Rebecca Kelly Slaughter from the Federal Trade Commission (FTC) and Lisa Cook from the Federal Reserve Board of Governors, respectively. The two officials contested their removal, and the cases eventually ended up before the Supreme Court.



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Trump v. Slaughter

In *Trump v. Slaughter*, the court ruled 6-3 in favor of Trump's action, [striking down](#) a federal law prohibiting the president from removing FTC commissioners except for “inefficiency, neglect of duty, or malfeasance in office.” In his majority opinion, Chief Justice John Roberts wrote that “such protection from removal is contrary to the separation of powers enshrined in the Constitution.”

The FTC, Roberts explained, “unquestionably exercises executive power, and must therefore be controlled by the Chief Executive, in whom such power is vested. It follows, then, that Slaughter served as the President's subordinate at the FTC — and that the President was entitled to cut her tenure short.” The court overturned *Humphrey's Executor v. United States*, a 1935 decision that upheld the concept of “independent” federal agencies.

In a concurring opinion, Justice Neil Gorsuch noted that although the court took “a notable step back toward the Constitution,” this was not “enough on its own,” since “independent” agencies wield “enormous legislative and judicial powers.” He asserted that “the only sure path is to finish the journey we start today and restore legislative and judicial powers to where they belong: in Congress and the courts.”

In her dissenting opinion, Justice Sonia Sotomayor claimed that the decision “reshapes our Government. Dozens of independent commissions are now likely to become purely executive agencies, shifting tremendous power over broad swaths of American life into the President's hands.” Importantly, she omitted the fact that many of these “independent commissions” — and the duties they handle — are unconstitutional to begin with.



Trump v. Cook

The court, however, effectively created an exception to this ruling in *Trump v. Cook*, when it issued a 5-4 decision allowing Cook to remain on the Federal Reserve Board of Governors. Although the court did not rule directly on the case's merits, it [found](#) that Trump was not "likely to prevail" on the merits, since his attempted removal of Cook violated "our Nation's tradition of central banking protected from political interference."

In his dissent, Justice Clarence Thomas asserted that "the Court's decision is incorrect," and that it "makes many policy arguments for an 'independent' banking agency that exercises executive power free from accountability."

Asserting Accountability

Trump v. Slaughter builds upon [Seila Law LLC v. Consumer Financial Protection Bureau](#) (2020) and [Collins v. Yellen](#) (2021), in which the court already limited the "independence" of federal agencies. It also effectively upholds an executive order that Trump signed in February 2025, titled "[Ensuring Accountability for All Agencies](#)," which requires "all executive departments and agencies, including so-called independent agencies, [to] submit for review all proposed and final significant regulatory actions" to the White House. (Notably, that order included an exemption for the Federal Reserve.) Since his order, Trump has [worked to assert](#) presidential control over those agencies.

The Constitution

[Article II of the U.S. Constitution](#) declares that "the executive Power shall be vested in a President of the United States of America." Additionally, James Madison, writing in [The Federalist, No. 47](#), noted that the president wields "the whole executive power." This leaves no place for "independent" federal agencies that are not accountable to the chief executive. Accordingly, *Trump v. Slaughter* correctly — albeit partially — restored the president's authority over the executive branch.

However, both cases failed to address the fact that the vast majority of federal agencies are [inherently unconstitutional](#), exceeding the "[few and defined](#)" powers delegated to the federal government under the Constitution. And in addition to upholding the unconstitutional Federal Reserve, the court kept it unaccountable to the president.

The rulings in *Trump v. Slaughter* and *Trump v. Cook* demonstrate that, although the Supreme Court is ruling correctly in certain instances, its constitutional fidelity is limited and half-hearted. The Supreme Court won't save us — but an informed, activated, and moral electorate will.

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