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Trump v. Slaughter and the Future of Article II: Implications for the Modern Administrative State

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On June 29, 2026, the Supreme Court issued its decision in *Trump v. Slaughter*, a ruling that carries significant implications for the constitutional structure of the administrative state. The case addressed a foundational Article II question: the extent to which Congress may insulate Executive Branch officials exercising significant executive authority from presidential supervision and removal.

A Brief Overview of the Supreme Court's Decision

Slaughter arose after President Trump removed Rebecca Kelly Slaughter, a Commissioner of the Federal Trade Commission ("FTC"), during his second term in office. Under the FTC Act, Commissioners serve fixed terms and may be removed by the President only for "inefficiency, neglect of duty, or malfeasance in office." Commissioner Slaughter challenged her removal, arguing that those statutory protections remained constitutional under the Supreme Court's longstanding decision in *Humphrey's Executor v. United States*, which had long been understood to permit Congress to provide for-cause removal protections for members of independent agencies.

The Supreme Court rejected that argument. In a 6–3 decision, the Court held that the FTC's for-cause removal protections violate Article II because they impermissibly restrict the President's constitutional authority to supervise and remove Executive Branch officials. In overruling *Humphrey's Executor*, the Court emphasized that Article II requires meaningful presidential control over those exercising executive power and that statutory restrictions preventing such control are inconsistent with the Constitution's separation of powers.

Implications Beyond the FTC

Although the *Slaughter* decision arose in the context of FTC Commissioners, its reasoning is not confined to that agency. Rather, the opinion continues the Supreme Court's recent separation-of-powers jurisprudence emphasizing presidential accountability and imposing increasing constitutional limits on statutory arrangements that substantially insulate Executive Branch officials exercising significant governmental authority from presidential supervision and control. This reasoning may have implications for other administrative adjudicators, such as Department of Labor Administrative Law Judges ("ALJs"), who operate within statutory frameworks that include multiple layers of removal protection. For employers and other regulated entities appearing before federal agencies, *Slaughter* may provide additional support for constitutional challenges to administrative enforcement proceedings conducted by officials protected by multiple layers of statutory removal protections.

Slaughter continues the Supreme Court's modern Article II jurisprudence, including *Free Enterprise Fund v. Public Company Accounting Oversight Board*, *Seila Law LLC v. Consumer Financial Protection Bureau*, and *SEC v. Jarkesy*. Although each of those decisions addressed different constitutional questions, they collectively reflect the Court's increasing emphasis on presidential accountability and the constitutional limits on congressional efforts to insulate the exercise of executive power from presidential supervision.

Slaughter also raises important questions concerning the remedies available for Article II violations. In *Collins v. Yellen*, the Supreme Court held that the existence of an unconstitutional removal restriction does not, by itself, invalidate completed agency action. Because the constitutional defect concerned only the Director's removal protection—not the Director's authority to act—the Court concluded that the agency's actions were not void and remanded for the lower courts to determine whether the unconstitutional removal restriction caused the plaintiffs compensable harm. The Court did not, however, decide whether prospective equitable relief is available where a plaintiff seeks to halt an ongoing administrative proceeding conducted by officials whose tenure protections are alleged to violate Article II.

That question recently arose in *Aunt Bertha d/b/a Findhelp v. NLRB*, 2026 WL 1365028 (N.D. Tex. May 15, 2026), where the court granted declaratory and permanent injunctive relief preventing the continuation of an ongoing administrative proceeding based on alleged Article II structural defects. Although *Aunt Bertha* involved the National Labor Relations Board rather than the Department of Labor, the decision illustrates that *Collins* does not necessarily foreclose prospective equitable relief where a plaintiff seeks to prevent an ongoing constitutional violation rather than invalidate completed agency action.

Beyond questions of prospective relief, *Slaughter* is also likely to renew litigation concerning severability. Where courts conclude, in light of *Slaughter*, that statutory removal protections are unconstitutional, they may also need to determine whether severing those protections preserves the adjudicatory framework Congress enacted or instead creates an adjudicatory scheme materially different from the one Congress intended. Congress enacted many administrative adjudicatory systems with statutory tenure protections designed to promote a degree of decisional independence from direct presidential influence, and courts may need to consider whether eliminating those protections fundamentally alters the system Congress created. Those questions are likely to become increasingly important as lower courts apply *Slaughter* to administrative adjudications throughout the federal government.

Justice Gorsuch's concurring opinion suggests that *Slaughter* may be only one step in the Supreme Court's ongoing examination of the constitutional structure of the administrative state, indicating that the Court may eventually confront broader questions concerning Congress's ability to confer broad rulemaking and adjudicative authority on administrative agencies. As lower courts begin applying *Slaughter* and addressing the remedial questions it leaves open, the ruling is likely to influence ongoing discussions about how agencies operate and how much independence Congress may constitutionally confer upon them.

Trump v. Slaughter may represent one of the Supreme Court's most significant Article II decisions in decades. While the decision answers important questions regarding the President's authority to supervise Executive Branch officials, it leaves substantial remedial questions for lower courts to resolve, including the availability of prospective equitable relief, severability, and the continued viability of administrative adjudicatory schemes built upon statutory removal protections. As courts begin applying *Slaughter* in a variety of administrative contexts,

the decision is likely to play a central role in defining the constitutional limits of congressionally created agency independence for years to come.