

Trump v. Slaughter

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791 F. SUPP.3D 1 (D.C. CIR. 2025)

In *Trump v. Slaughter*, the U.S. District Court ordered an injunction effectively reinstating Rebecca Slaughter as a member of the Federal Trade Commission (FTC) after being removed by President Donald Trump. The D.C. Circuit left this injunction in place thus denying the government's motion for a stay pending appeal. In response, President Trump filed an emergency application with the U.S. Supreme Court seeking to reverse the D.C. Circuit's opinion. The petition for writ of certiorari was granted, and both parties were instructed to submit briefs on two key issues before the Court. For one, whether removal protections in place for FTC Commissioners violate separation of powers. Additionally, whether federal courts may prevent a public official's removal through equitable relief. The case was scheduled for oral argument before the Supreme Court in the December 2025 session.

I. BACKGROUND

The Federal Trade Commission (FTC) is an agency created by Congress to protect consumers and regulate economic competition. With this great power, the agency's structure is comprised of five commissioners, no more than three of whom could belong to a single political party.¹ This independent, multiple member arrangement is meant to diffuse power across several commissioners, and each commissioner must be appointed by the President and confirmed by the Senate.² Appointments are staggered, enabling future presidents to appoint members, and held in seven-year terms.³ Most relevant in *Trump v. Slaughter*, these commissioners may be removed by the President on the grounds of "inefficiency, neglect of duty, or malfeasance in office."⁴

Ms. Rebecca Slaughter was nominated by President Donald Trump to be a commissioner of the FTC.⁵ Ms. Slaughter's nomination was unanimously confirmed by the Senate, and in May 2018, she began serving in her term.⁶ This appointment was further extended when former President Joe Biden renominated Commissioner Slaughter in 2023, which was again unanimously confirmed by the Senate.⁷ The main issue arose in March 2025, when

1. Federal Trade Commission Act, 15 U.S.C. § 41 (2018).

2. *Id.*

3. *Id.*

4. *Id.*

5. *Trump v. Slaughter*, 791 F. Supp. 3d 1, 7 (D.C. Cir. 2025).

6. *Id.*

7. *Id.* at 8.

President Trump sent an email to Commissioner Slaughter removing her from office.⁸ The message from President Trump stated: “I am writing to inform you that you have been removed from the Federal Trade Commission, effective immediately.”⁹ The justification for such removal was summarized as her service being inconsistent with the Trump Administration’s priorities.¹⁰ The message from President Trump did not suggest that Commissioner Slaughter was removed for “inefficiency, neglect of duty, or malfeasance in office” but rather stated this decision was made under the authority of Article II of the Constitution.¹¹ After receiving this email, Commissioner Slaughter lost digital access to systems essential to fulfilling her duties.¹² For this reason, Ms. Slaughter filed suit against Donald Trump asserting that her removal was unlawful.

In proceedings, the Defendants argue that, contrary to its original 1914 enactment, the FTC serves three primary roles.¹³ For one, to investigate business entities on the grounds of potential federal law violations.¹⁴ Second, to administratively adjudicate and conduct hearings on those claims.¹⁵ Finally, to promulgate regulations to ensure proper business practices.¹⁶ And because of these three functions, the Defendants claim that the FTC Commissioners wield significant executive power and thus the President may remove these officials at will.¹⁷ On the contrary, the Plaintiffs find the role of the FTC Commissioners to be one of a “quasi-judicial and quasi-legislative” nature due to the exercise of investigatory, adjudicatory, and rulemaking power.¹⁸ These include issuing subpoenas, conducting investigations, acquiring testimony, all of which have been part of the agency’s authority since creation.¹⁹

II. ANALYSIS

A. *Classifying the Functions of the FTC*

The facts outlined in this case are nearly identical to the ninety-year standing precedent *Humphrey’s Executor v. United States*.²⁰ In *Humphrey’s Executor*, President Roosevelt removed FTC Commissioner William

8. *Id.*

9. Exhibit A to Complaint at 2, *Slaughter v. Trump*, 791 F. Supp. 3d 1 (D.D.C. 2025) (No. 25-909).

10. *Id.* (paraphrasing President Trump’s reasoning for removal).

11. *Trump v. Slaughter*, 791 F.Supp.3d 1, 8 (D.C. Cir. 2025).

12. *Id.* at 8-9.

13. *Id.* at 18.

14. *Id.* at 19; 15 USC §§ 46(a).

15. *Trump*, 791 F.Supp.3d at 19; 15 USC § 45(b).

16. *Trump*, 791 F.Supp.3d at 19; 15 USC § 46(f).

17. *See Trump*, 791 F.Supp.3d at 18; *see also* *Myers v. United States*, 272 U.S. 52, 186 (1926).

18. *Trump*, 791 F.Supp.3d at 18 (citing *Humphrey’s Executor*, 295 U.S. at 624, 628-629).

19. *Id.* at 19-21.

20. *Id.* at 14; *see generally* *Humphrey’s Executor v. United States*, 295 U.S. 602 (1935).

Humphrey due to key disagreements on policy issues—not citing removal on the basis of inefficiency, neglect of duty, or malfeasance in office.²¹ Further, in *Humphrey's Executor*, similarly, the Court analyzed whether cited powers granted in Article II would justify this firing on behalf of the President.²² Essentially, counsel for the United States claimed restricting this removal would qualify as an “unconstitutional interference” on behalf of the courts.²³ This constitutional argument is largely derived from the holding of *Myers v. United States* where the Court found that the President has the broad authority to remove officials whose duties are purely executive.²⁴ Since all executive power is vested to the President, it is his responsibility to “take care that the laws be faithfully executed.”²⁵ While the Court was compelled by this argument in *Myers*, firing within the FTC requires a much more complex separation of powers analysis.

Removal without cause is a narrowly tailored principle, applying only to those that are executive officers.²⁶ With the goal of being classified as officers performing purely executive functions, Petitioner asserts that the FTC serves three main functions. First, the FTC prosecutes federal law violations.²⁷ Second, the FTC has the power to administratively adjudicate claims.²⁸ And finally, the FTC may promulgate regulations to ensure businesses are not engaging in unfair practices.²⁹ The issue with this argument is that these functions existed far before the decision of *Humphrey's Executor*, and the Supreme Court has declined to overrule or revisit this issue since then.³⁰ On the contrary, the Court found that the FTC's role leans more toward quasi-legislative and quasi-judicial functions rather than purely executive ones.³¹ While the duties of the FTC have grown, these are expansions of original powers and not inherently new abilities.³² The executive nature of powers does not meet the threshold for removal without cause.³³ Therefore, the question before the Court is not whether *Humphrey's Executor* is good law but rather if the duties of the FTC are characterized properly.³⁴

B. Ensuring the Proper Legal Relief

The issue of proper legal relief was rather simple given longstanding precedent and the Court's rejection of defendants' arguments.³⁵ Counsel for Defendants argues injunctive relief is not available and cannot be issued

21. *Id.* at 11.

22. *Id.* at 11.

23. *Id.*

24. *Myers*, 272 U.S. at 117.

25. *Trump*, 791 F.Supp.3d at 11; U.S. CONST. art. II, § 3.

26. *Trump*, 791 F.Supp.3d at 17.

27. 15 USC § 46(a).

28. 15 USC § 45(b).

29. 15 USC § 46(f).

30. *Trump*, 791 F.Supp.3d at 18.

31. *Humphrey's Executor*, 295 U.S. at 628.

32. *Trump*, 791 F.Supp.3d at 19.

33. *Id.* at 21.

34. *Id.* at 23.

35. *Id.* at 24.

against the President.³⁶ The Court has found even where a plaintiff presents a “strong claim for relief,” injunctive relief may be withheld if it would be particularly intrusive or offensive, in which case declaratory relief may instead be appropriate.³⁷ Here, Commissioner Slaughter’s firing rendered her unable to perform duties such as influencing federal decision making on unfair business practices and protecting American consumers from deceptive strategies.³⁸ However, executive officials who are wrongfully terminated ‘*de facto*’ can be reinstated by the courts, even if there is no presidential reappointment.³⁹ Such injunctive relief may be granted if a plaintiff can show: (1) that an irreparable injury occurred, (2) that the “remedies available at law, such as money damages, are inadequate to compensate” for said injury, (3) the balance of hardship between the two parties warrants such, and (4) that “the public interest would not be disserved by a permanent injunction.”⁴⁰

Commissioner Slaughter was serving a high-ranking, public servant role in which she was nominated by the President and confirmed by the Senate, and she is being deprived of such employment.⁴¹ This removal’s harm is distinct from a typical termination suit because she is unable to serve the people, thereby suggesting a possibility of irreparable injury.⁴² The Court notes that for ninety years, all three branches have respected the structure created by Congress and affirmed by the Court in *Humphrey’s Executor*.⁴³ Although President Trump no longer perceived political alignment with Commissioner Slaughter, this framework still remains. Because this injury cannot be alleviated through monetary damages, the Court must weigh the desired remedy and public interest, specifically evaluated under the totality of circumstances rather than a single public policy.⁴⁴ When analyzing the President’s Article II argument, the Court found that it rested on a misconstrued concept. Defendants assert that rehiring Commissioner Slaughter would cause constitutional harm by impeding on the President’s duties under the Take Care Clause.⁴⁵ The Court explained, however, that this clause does not empower the President to enforce only his preferred laws but rather to faithfully execute all the laws of the United States.⁴⁶ The President must defend the Constitution in its entirety regardless of political affiliation and not view it as an obstacle.⁴⁷ Therefore, there is a public interest heavily in favor of enforcing the law which has already been clearly established.⁴⁸

36. *Id.* at 24.

37. *Samuels v. Mackell*, 401 U.S. 66, 73 (1971).

38. *Trump*, 791 F.Supp.3d at 26.

39. *Swan v. Clinton*, 100 F.3d 973, 980 (D.C. Cir. 1996).

40. *Trump*, 791 F.Supp.3d at 25.

41. *Id.* at 26.

42. *See id.*

43. *See id.* at 27.

44. *Fund for Animals v. Clark*, 27 F.Supp. 2d 8, 15 (D.D.C. 1998).

45. *Trump*, 791 F.Supp.3d at 27.

46. *Id.*

47. *Id.*

48. *Id.* at 29.

III. CONCLUSION

For the foregoing reasons, the U.S. District Court granted Commissioner Slaughter's Motion for Summary Judgment and ordered injunctive relief restoring her to the functions of her position.⁴⁹ Further, given the substantial factual similarities with *Humphrey's Executor* and its continuing status as good law, the D.C. Circuit left the injunction in place.⁵⁰ Defendants continued to defy reinstatement on appeal, and the Supreme Court granted certiorari on September 22, 2025. Oral arguments were heard on December 5, 2025, for the Court to hear debate on whether to overturn *Humphrey's Executor*.

Several Justices expressed concerns about overruling such a longstanding case after nearly a hundred years without proper justification.⁵¹ On the contrary, other justices expressed skepticism regarding the restrictions on presidential removal and suggest that the directly executive powers argument is too narrow.⁵² The tension between administrative governance and separation of powers is indicative of the complex structure of the FTC. Based on the Court's discussion, it is likely that portions of the *Humphrey's Executor* holding will be narrowed, thus expanding presidential removal authority and limiting judicial remedies during an unlawful termination suit. Oral Arguments suggest that for-cause removal restrictions on FTC commissioners may be unconstitutional, and that courts lack the power to order formal reinstatement as injunctive relief.⁵³

49. *Id.*

50. *See supra* notes 20–23.

51. *See generally* Transcript of Oral Argument at 10, *Trump v. Slaughter*, 146 S.Ct. 18, (2025) (No. 23-332), https://www.supremecourt.gov/oral_arguments/argument_transcripts/2025/25-332_7lhn.pdf.

52. *See generally Id.* at 51.

53. *Id.* at 63-64; *Seila Law LLC v. Consumer Fin. Prot. Bureau*, 591 U.S. 197, 201 (2020) (holding that the CFPB Director's for-cause removal protection was unconstitutional and severable from the remainder of the statute).

