



# A CIVICS IN REAL LIFE SERIES **THE DOCKET**

Civics is all around us. The United States Supreme Court is the highest court in the land. Through its power of judicial review, its decisions have a lasting impact on "We the People". So what is the Court hearing this session and how might the justices rule? Let's help each other expand our civic literacy.

## Trump v. Cook

### The Case of Removals Power, Part II

#### The Facts of *Trump v. Cook*:

President Donald J. Trump attempted to remove Lisa D. Cook from her position as a [Governor on the Federal Reserve Board](#). The Federal Reserve plays a major role in managing the nation's financial system, including [setting interest rates](#). To protect the Fed from political pressure, Congress designed it to operate with some independence and [wrote into law](#) that governors may be removed only "for cause," not at the President's discretion.

President Trump [argued](#) that he had sufficient cause to remove Cook. He claimed that before she joined the Federal Reserve, Cook made conflicting statements on mortgage documents. According to the president, these statements showed poor judgment and possibly fraud. He argued that such conduct created an unacceptable appearance of wrongdoing for someone responsible for helping lead the nation's financial system.

Governor Cook strongly disagreed with this assessment. She [argued](#) that the allegations against her were unproven and based only on accusations that had not resulted in any official finding of wrongdoing. She also argued that she was being removed before the facts could be fully examined and before she had been given a fair opportunity to respond to the claims.

In response to Cook's lawsuit, a federal district court [issued a preliminary injunction](#) that temporarily blocked her removal. This order allowed Cook to remain in office while the case continues. President Trump [then asked the Supreme Court](#) for an emergency stay of that injunction. If granted, the stay would allow him to remove Cook immediately while the courts continue to decide whether the removal was lawful.

The key law in this case is the [Federal Reserve Act](#), which states that the president may remove a Federal Reserve governor only "for cause." Both sides agree that this protection means governors are not at-will employees. The central disagreement is over what "for cause" means and whether it requires certain procedures, such as notice and an opportunity to respond, before removal.



This case raises constitutional questions connected to due process (1), separation of powers (2), and court remedies (3):

1. Does Cook have a constitutional right to notice and an opportunity to be heard before removal?
2. How much control does the President have when Congress limits removal to "for cause"?
3. Can courts review whether the President truly had "cause," and can they temporarily keep Cook in office with an injunction while the case is decided?

President Trump argues that the law allows removal for cause. He identified the cause relating to Cook's honesty and fitness to serve in a financial leadership role. He contends that the Constitution does not require a hearing before removal and that the statute itself does not include any requirement for notice or a hearing. He also argues that courts should not keep Cook in office through an injunction while the case is being litigated.

Governor Cook argues that the president's removal decision can and should be reviewed by the courts. She contends that the alleged "cause" is legally insufficient because it relies on unproven accusations about conduct that occurred before she took office. She also argues that she was denied fair notice and a meaningful opportunity to respond, and that the district court properly preserved the status quo by temporarily blocking her removal.

#### Supreme Court Precedents Used in this Case:

- [Marbury v. Madison](#) (1803) - Used to support the idea that legal rights connected to office-holding can be examined in court and that due process principles protect an officer from unlawful removal.
- [Myers v. United States](#) (1926) - Recognized broad presidential removal power over purely executive officers (e.g., postmasters), often read as contrasting with Humphrey's Executor's allowance for limits on independent, quasi-legislative/judicial bodies.
- [Humphrey's Executor v. United States](#) (1935) - Upheld for-cause limits for FTC commissioners, stressing the Commission's quasi-legislative/judicial character and distinguishing purely executive officers.
- [Morrison v. Olson](#) (1988) - Sustained for-cause removal limits for the independent counsel, holding that such restrictions did not unduly impede the President's constitutional functions.
- [Collins v. Yellen](#) (2021) — "for cause" can be a broader (less protective) standard than "inefficiency, neglect of duty, or malfeasance in office."

**To Think and To Do:** During oral argument, Justice Kavanaugh said to the [Solicitor General of the United States](#), "But -- but, on that, your position that there's no judicial review, no process required, no remedy available, a very low bar for cause that the president alone determines, I mean, that would weaken, if not shatter, the independence of the Federal Reserve that we just discussed." Given Justice Kavanaugh's statement, the questions asked in this case, and Supreme Court precedents, how do you think the justices will rule? Explain your reasoning.

**To Learn MORE** about this case, view the [Application for a stay](#), [Opposition to Request for Immediate Administrative Stay](#), [Response from respondent Lisa Cook](#), [Reply of applicant Donald Trump](#), and [Oral Argument](#) from January 21, 2026.



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