Case Summary: *Trump v. Cook*, 146 S. Ct. 2234 (2026)

Written by Alley Tyndall

Edited by Amanda Anderson & Amelia Marsh

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In *Trump v. Cook*, the Supreme Court considered whether to grant a stay on behalf of the government against a preliminary injunction to prevent the removal of Lisa Cook, a member of the Board of Governors of the Federal Reserve System. On August 20th, 2025, via social media, the Federal Housing Finance Agency's Director accused Cook of mortgage fraud in a letter addressed to Attorney General Pamela Bondi. The letter stated that, "it appears" that Cook "falsified bank documents and property records to acquire more favorable loan terms" in 2021, by claiming that two residents (one in Michigan, and one in Georgia) were her primary residences within a two-week period. Subsequently, President Trump posted to social media on the issue, stating that "Cook must resign, now!!!" and soon after affirming that he "would fire her if she doesn't resign."

Shortly after President Trump made these statements, he attempted to remove Cook from her position as governor. He expressed to Cook through a letter that "faithfully executing the law requires [Cook's] immediate removal from office." Cook filed suit, arguing that the removal was not "for cause," as was required by statute 12 U.S.C. § 242. She also argued that the President had not given her notice and an opportunity to respond to the charges against her before being terminated, thereby infringing on her rights as protected by the statute and the Constitution—specifically the Due Process Clause. The District Court ruled in favor of Cook and issued a preliminary injunction so Cook could continue to serve in her role as governor; the Court of Appeals declined to stay the injunction, and the government then applied for a stay with the Supreme Court.

In a 5-4 decision, the Court declined the government's application for a stay of the district court's ruling of a preliminary injunction preventing the termination of Cook from her position within the Federal Reserve while litigation is still pending. The Court anchored its ruling in an appeal to tradition and the necessity of preserving the Federal Reserve's independence from political intervention or meddling. The Court effectively sided with the philosophy of Hamilton in reasoning that if "suspicion" arose that the Federal Reserve's operations were "at the disposal of the government", the ultimate goals of the Federal Reserve would fundamentally be opposed. To ensure that such meddling cannot occur by means of a stay against preliminary injunction, and in building upon an affirmation that under precedent and according to interpretation of common law, "notice and hearing are essential before an officer's removal where the term of office is for a fixed period.", The Court concluded that "a court may order that a removed governor remain in office while pending litigation if the governor is otherwise entitled to a preliminary injunction." (Chief Justice Roberts).

In respect to this ruling, there were two concurring opinions and two dissenting opinions. Justice Kavanaugh concurred in emphasizing that the Court's ruling does not provide the ultimate decision as to whether the President may lawfully remove Cook and that the Court "should not leave open the question of whether the Federal Reserve can remain an independent agency in the wake of *Slaughter*" (Justice Kavanaugh). Justice Jackson concurred as well but reasoned that the government's arguments are unlikely to succeed because the government has not identified any injury other than that the "President [is] injured whenever he is prevented from doing as he wishes." (Justice Jackson).

As for dissenting opinions, Justice Thomas reasoned at length against the Court's decision. He anchored his disagreement within an argument that the Court's interpretation of the tradition of the independence of the Federal Reserve is ahistorical, that Cook's case does not invoke the protections of the Due Process Clause as government positions are not property, and that the Court favored an unconstitutional restriction of the President's Article II removal power. Justice Alito and Justice Gorsuch jointly dissented in their opinion that the application should have been decided sooner and with a "lighter touch" by the Court due to the complicated questions it raises for the future of the law and that within the "narrow confines of this case's posture, the President has satisfied the traditional stay factors." (Justice Alito, Justice Gorsuch).

As for the future of the law, the importance of this case cannot be understated. The Court ultimately favored a decision that upheld a traditional view of the Federal Reserve as independent from government interference, as opposed to favoring a decision that prioritizes protecting the Constitutional right of the Executive's Article II removal power. Additionally, Cook's argument that the Due Process Clause applies to her role as a Governor within the Federal Reserve is unprecedented. If such an application of the Due Process Clause holds in this case as litigation proceeds and is affirmed by the Supreme Court, its consequences for future decisions pertaining to Constitutional Law will undoubtedly be profoundly significant.