

The limits of the presidential power in the USA

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The limits of the presidential power in the modern US constitutional law are one of the most controversial issues in contemporary jurisprudence and are connected with two contradictory cases presented in the Supreme Court- the case of “Learning resources, Inc, et al. v. Donald J. Trump, et al. v. V.O.S. Selections, Inc. et al” (Docket n. 24-1287 25-250) and the case “Donald J. Trump, President of the United States, et al. v. Rebecca Kelly Slaughter, et al. (Docket No. 25-332).

First, the 6-3 decision of the Supreme Court held on February 20, 2026 stated that the International Emergency Economic Powers Act (IEEPA) does not authorize the president to impose tariffs on imports from the trading partners and, therefore, his actions should be regarded as the invocation of the taxing power given to him solely in emergency situations. The President imposed a 25% duty on Canadian and Mexican imports, and a 10% duty on Chinese imports[1]. Consequently, the petitioners in Learning Resources and respondents in V.O.S Selections filed suit in the United States District Court for the District of Columbia which granted the plaintiffs’ motion for a preliminary injunction[2]. The dubious issue of the separation of powers between the Congress and the President stemmed from the Article I, Section 8 of the Constitution[3] which grants Congress the power “to lay and collect Taxes, Duties, Imports and Excises”. Moreover, the Congress did not explicitly convey the power to impose the tariffs to the President which can be observed in the opinion of the Chief Justice: “IEEPA authorizes the President to investigate, block during the pendency of investigationprohibitor exportation. 1702(a)(1)(B)[4] . The Government does not recognize the power to “regulate” as the power to tax or a means of regulating commerce, which makes the President’s actions illegal, especially in the view of absence of any non-war-time precedents. The Court also noted that to read into IEEPA the power to tax within the power to regulate would also authorize taxation on exports, which is prohibited by the Constitution. Notwithstanding, it does not give any guidance regarding the regulation of refunds caused by the unlawful policy, which creates another obstacle in the contemporary law’s function. However, it may be possible that the CIT or CBP will establish a separate process for collecting refunds with a view to unliquidated, liquidated within 180 days and available for protest entries[5]. The unliquidated entries are expected to file post-summary correction to remove Harmonized Tariff Schedule of the United States, whereby liquidated entries are eligible to protest the entries.

It is also crucial to analyze the second Supreme Court’s case “Trump v. Slaughter”, which grants the president the expanded authority over independent federal agencies and statutory removal protections. According to the legislation, “The commissioners of the Federal Trade Commission (FTC) may be removed only for inefficiency, neglect of duty, or malfeasance in office”[6], which puts into doubt the limits of the President’s powers at present and the efficiency of the principle of the separation of powers. Despite the fact that the Constitution grants the President the authority to appoint federal officers, it does not regulate their removal[7] which can be observed dating back to nation’s founding and consequently being transferred to Slaughter[8] keeping in mind that the FTC has been constructed as an independent agency designed to be free from executive control[9]. The unanimous 1935 Humphrey’s Executor decision, which

concluded that the President's power to remove appointees to administrative agencies can be limited by Congress through for-cause removal protections, seems to have been eroded in the recent Supreme Court holdings and been seen as an exception[10]. During the oral arguments before the Court considering the removal of the FTC Commissioner Rebecca Kelly Slaughter from her position several justices questioned the ongoing validity of Humphrey's Executor instead of applying the FTC Act. Moreover, not only did the Court permit the case to bypass the federal court of appeals but it also issued an injunction ordering Commissioner Slaughter's reinstatement in September 2025. Having said that, the decision by the Court may expand the presidential authority.

In conclusion, the juxtaposition of these cases and their outcomes could suggest reshaping the distribution of power in the country and may lead to significant changes in the legal sector of society.

Источники и литература

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