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Executive Power, Judicial Review, and Constitutional Accountability in the United States: Reassessing Presidential Authority in Contemporary Democratic Governance

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Abstract

This article examines the contemporary relationship among executive power, judicial review, and constitutional accountability in the United States through developments from 2022 to 2026. It treats presidential authority as constitutionally significant but institutionally bounded rather than as a single, unlimited power. Recent Supreme Court decisions have strengthened presidential control in some settings while restricting presidential action in others. Judicial review has simultaneously become more independent in statutory interpretation after Chevron deference was displaced. Emergency economic authority has also been narrowed where Congress did not clearly authorize tariffs. Remedial doctrine has changed through limits on universal injunctions. The article concludes that constitutional accountability increasingly depends on the interaction of text, statutory authorization, judicial remedies, congressional design, and institutional compliance rather than on any single branch acting alone.

Keywords: *Executive Power, Judicial Review, Constitutional Accountability, Separation of Powers, Presidential Authority, United States*

1.0 Introduction

Executive power occupies a central but contested place in the constitutional structure of the United States, because Article II assigns the President important responsibilities while leaving many governing powers to Congress and the courts (Congressional Research Service, 2024a). Modern presidents use executive orders, proclamations, memoranda, agency supervision, enforcement priorities, and emergency authorities to translate legal mandates into policy (Cuéllar, 2026). These instruments can permit rapid national action, but they do not create authority that the Constitution or Congress has withheld (Prakash, 2026). Judicial review therefore functions as a mechanism for

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determining whether presidential action remains within constitutional and statutory boundaries (Loper Bright Enterprises v. Raimondo, 2024). The Supreme Court has recently emphasized clear congressional authorization when executive action carries major economic or political consequences (Biden v. Nebraska, 2023). That approach builds on the major questions doctrine articulated in recent administrative law cases (West Virginia v. EPA, 2022). Contemporary constitutional accountability consequently turns on the interaction between energetic administration and legally enforceable limits (Harvard Law Review, 2026a).

The period from 2022 through 2026 is especially important because the Supreme Court issued a cluster of decisions that recalibrated the relationship between the presidency, agencies, courts, and Congress (Congressional Research Service, 2024b). In Loper Bright, the Court overruled Chevron deference and instructed courts to exercise independent judgment when interpreting statutes administered by federal agencies (Loper Bright Enterprises v. Raimondo, 2024). In Trump v. United States, the Court recognized differentiated criminal immunity for presidential acts, distinguishing core constitutional functions, other official conduct, and unofficial conduct (Trump v. United States, 2024). In Trump v. CASA, the Court restricted the use of universal injunctions beyond what is necessary to provide complete relief to parties before the court (Trump v. CASA, Inc., 2025). In Learning Resources, the Court held that the International Emergency Economic Powers Act did not authorize presidential tariffs (Learning Resources, Inc. v. Trump, 2026). In Trump v. Slaughter, the Court invalidated for cause protection for Federal Trade Commission commissioners (Trump v. Slaughter, 2026). Yet Trump v. Cook preserved meaningful statutory and procedural protection for Federal Reserve governors, demonstrating that executive control remains institution specific rather than uniformly absolute (Trump v. Cook, 2026).

These decisions reveal that presidential power is not moving in a single doctrinal direction, because different constitutional questions trigger different allocations of authority (Congressional Research Service, 2026b). Removal doctrine has expanded presidential control over officials exercising executive power, especially after the Court overruled the traditional FTC exception in 2026 (Congressional Research Service, 2026c). By contrast, statutory interpretation doctrine has strengthened the judiciary's role in determining the legal meaning of agency authority (Congressional Research Service, 2024b). Emergency powers doctrine has required close attention to statutory text and congressional design when presidents claim authority with major domestic economic effects (Congressional Research Service, 2026a). Remedial doctrine has narrowed the ability of individual district courts to issue relief for nonparties across the country (Congressional Research Service, 2025d). Citizenship doctrine has reaffirmed that executive orders cannot revise a constitutional rule that binds the executive branch (Trump v. Barbara, 2026). The resulting constitutional order is therefore characterized by simultaneous expansion, contraction, and redistribution of institutional power depending on the legal source and subject involved (Baude et al., 2026).

Constitutional accountability in this setting means more than the possibility that a court may declare an executive action unlawful (Bradley & Siegel, 2026). It includes the capacity of Congress to define statutory powers, attach conditions to delegated authority, appropriate funds, conduct oversight, and structure federal offices within constitutional limits (Harvard Law Review, 2026b). It also includes judicial doctrines governing standing, reviewability, statutory interpretation, remedies, and compliance with judgments (Harvard Law Review, 2024). Executive branch accountability further depends on internal legal institutions, reason giving, procedural regularity, and adherence to valid judicial decisions (Cuéllar, 2026). The presidency itself has a constitutional

duty to take care that federal law is faithfully executed, a duty that can support executive supervision but also presupposes obedience to governing law (Prakash, 2026). Current scholarship accordingly treats executive restraint as an institutional problem rather than merely a question of presidential character (Baude & Bray, 2026). This article uses that broader understanding to connect doctrine with the practical architecture of constitutional government (Goldsmith, 2025).

The inquiry is also timely because presidential policymaking increasingly relies on legal authorities enacted for specialized contexts, including emergencies, trade, national security, and administrative implementation (Harvard Law Review, 2026a). The litigation over tariffs imposed under the International Emergency Economic Powers Act illustrated how an emergency statute can become the vehicle for a large domestic economic program (Congressional Research Service, 2025c). The Supreme Court ultimately rejected that asserted tariff authority in 2026, emphasizing statutory structure and the absence of clear authorization (*Learning Resources, Inc. v. Trump*, 2026). Litigation over agency removals similarly tested whether Article II overrides statutory tenure protections adopted by Congress (*Trump v. Slaughter*, 2026). The Court reached a different conclusion for the Federal Reserve because of the statutory language, procedural protections, and the institution’s special historical position (*Trump v. Cook*, 2026). Litigation over birthright citizenship tested whether an executive order could alter the legal meaning of the Fourteenth Amendment (*Trump v. Barbara*, 2026). Together, these controversies show why presidential authority must be analyzed power by power rather than through broad claims of executive supremacy or judicial dominance (Bradley & Siegel, 2026).

1.1 Statement of the Problem

The central problem is that contemporary presidential administration often moves faster than the legislative process, while legal review normally occurs only after an executive measure has produced institutional or private effects (Congressional Research Service, 2024a). This timing gap can allow executive policy to shape national governance before courts clarify its legal basis (Cuéllar, 2026). At the same time, aggressive judicial intervention can raise its own separation of powers concerns when a single court blocks policy beyond the parties before a complete merits determination (Harvard Law Review, 2024). The Supreme Court responded to this remedial concern in *CASA* by limiting universal injunctions under the Judiciary Act (*Trump v. CASA, Inc.*, 2025). Yet narrowing remedies can increase the importance of class actions, statutory vacatur, appellate review, and Supreme Court intervention in disputes over executive power (Congressional Research Service, 2025d). The problem is therefore not simply excessive executive action or excessive judicial intervention, but the design of lawful mechanisms that permit review without displacing the responsibilities of coordinate branches (Baude et al., 2026). Current doctrine remains unsettled in how these mechanisms fit together across different policy fields (Bradley & Siegel, 2026).

A second dimension of the problem concerns the scope of delegated power, particularly when Congress legislates in broad language and the President later invokes that language to support major policy changes (Harvard Law Review, 2026a). *West Virginia v. EPA* signaled that courts may require clear congressional authorization for agency claims of extraordinary economic and political significance (*West Virginia v. EPA*, 2022). *Biden v. Nebraska* applied that approach to the Secretary of Education’s debt cancellation program and rejected the claimed statutory authority (*Biden v. Nebraska*, 2023). *Loper Bright* then removed *Chevron* deference and made independent judicial interpretation the governing approach under the Administrative Procedure Act (*Loper*

Bright Enterprises v. Raimondo, 2024). Learning Resources extended the contemporary focus on statutory limits into emergency trade policy (Learning Resources, Inc. v. Trump, 2026). These cases strengthen judicial scrutiny of claimed delegations but do not eliminate executive discretion where Congress has actually conferred it (Congressional Research Service, 2026a). The unresolved difficulty is distinguishing lawful discretion from executive lawmaking that exceeds the statutory framework (Harvard Law Review, 2026b).

A third dimension concerns accountability for presidential conduct itself, which differs from review of agencies or delegated statutory authority (Delahunty & Yoo, 2024). Trump v. United States held that former Presidents have absolute immunity from criminal prosecution for acts within core constitutional authority, presumptive immunity for other official acts, and no immunity for unofficial conduct (Trump v. United States, 2024). Supporters of the decision emphasize protection for decisional independence, while critics argue that broad immunity can make criminal accountability more difficult for conduct undertaken through official channels (Harvard Law Review, 2025a). Impeachment, elections, congressional oversight, civil litigation rules, and internal executive controls therefore remain important accountability mechanisms even when criminal prosecution is limited (Congressional Research Service, 2024c). The scope of judicial remedies adds another layer because relief against executive officers may be narrowed even when underlying action is unlawful (Trump v. CASA, Inc., 2025). Scholars have consequently renewed attention to remedial design and institutional compliance (Baude et al., 2026). A coherent account of constitutional accountability must therefore integrate substantive limits, review procedures, immunities, and enforceable remedies (Bradley & Siegel, 2026).

1.2 Research Objective

To examine how recent constitutional and administrative law developments have reshaped the relationship among executive power, judicial review, and constitutional accountability in the United States.

1.3 Research Questions

- i. How have Supreme Court decisions from 2022 to 2026 changed the legal boundaries of presidential authority?
- ii. How do contemporary doctrines of judicial review and remedies structure accountability for executive action?
- iii. What institutional implications do these developments create for Congress, the presidency, federal agencies, and the courts?

2.0 Theoretical and Conceptual Review

2.1 Separation of Powers Theory

Separation of powers provides the primary theoretical framework for evaluating presidential authority because the Constitution distributes federal power among institutions rather than concentrating it in a single office (Harvard Law Review, 2026b). Article II places executive power in the President, but Article I assigns legislative powers to Congress and Article III assigns the judicial power to federal courts (Congressional Research Service, 2024a). Contemporary disputes therefore concern not only whether the President possesses power, but also whether exercising that power intrudes on a function constitutionally assigned elsewhere (Prakash, 2026). The modern Supreme Court often frames removal disputes in terms of presidential control over officers who execute federal law (Trump v. Slaughter, 2026). It frames statutory interpretation disputes around

the judiciary’s responsibility to determine legal meaning (Loper Bright Enterprises v. Raimondo, 2024). It frames major questions disputes around the premise that Congress, rather than agencies, should make decisions of exceptional national significance absent clear delegation (West Virginia v. EPA, 2022). Separation of powers thus operates as a system of differentiated institutional responsibility rather than a simple rule favoring any one branch (Bradley & Siegel, 2026).

A formalist understanding of separation of powers stresses constitutional text, structural boundaries, and identifiable assignments of governmental functions (Prakash, 2026). This perspective supports close judicial review when the executive claims authority that appears legislative in character or inconsistent with a statute enacted by Congress (Harvard Law Review, 2026b). The major questions doctrine can be understood as one mechanism for preventing broad delegations from being inferred from modest or ambiguous language (Harvard Law Review, 2026a). The Court’s tariff decision in Learning Resources reflects this concern because the claimed authority would have permitted sweeping economic action under an emergency statute that did not expressly authorize tariffs (Learning Resources, Inc. v. Trump, 2026). The same structural logic appears in Loper Bright, where the judiciary reclaimed interpretive responsibility from administrative deference (Loper Bright Enterprises v. Raimondo, 2024). Yet formalism can also support presidential control where executive officers exercise functions attributed to Article II (Trump v. Slaughter, 2026). Its value and limitation are therefore the same: it seeks clear lines in a constitutional system where institutional functions frequently overlap (Goldsmith, 2025).

A functionalist understanding instead asks whether institutional arrangements preserve effective government while maintaining sufficient checks against abuse (Bradley & Siegel, 2026). Under this approach, some independence for specialized institutions may be justified when it serves constitutional values without preventing the President from carrying out core responsibilities (Trump v. Cook, 2026). The Federal Reserve decision is important because the Court linked statutory for cause protection to the distinctive history and role of central banking (Trump v. Cook, 2026). Functional analysis also appears in debates about universal injunctions, where broad relief can protect uniform legal rights but can also allow one district court to halt national policy for everyone (Harvard Law Review, 2024). CASA restricted such injunctions while leaving other procedural pathways for broader relief available (Congressional Research Service, 2025d). Scholars continue to debate how courts should protect legality without assuming executive or legislative functions themselves (Baude et al., 2026). Functionalism therefore highlights institutional consequences that text alone may not resolve, while remaining constrained by constitutional and statutory law (Goldsmith, 2025).

2.2 Rule of Law and Constitutional Accountability

Rule of law theory complements separation of powers by treating governmental authority as legitimate only when exercised through publicly identifiable legal rules and reviewable institutional procedures (Bradley & Siegel, 2026). Presidential action can be energetic and discretionary while still remaining subject to statutory boundaries adopted by Congress (Congressional Research Service, 2024a). Loper Bright reinforces this principle by requiring courts to exercise independent judgment concerning the meaning of federal statutes (Loper Bright Enterprises v. Raimondo, 2024). Learning Resources similarly demonstrates that an emergency declaration does not itself supply authority that Congress did not confer in the governing statute (Congressional Research Service, 2026a). Trump v. Barbara confirms that an executive order cannot alter a constitutional citizenship rule binding on the executive branch (Trump v. Barbara,

2026). At the remedial level, rule of law also requires that lawful judgments have practical effect even though courts depend on other officials for implementation (Baude et al., 2026). Constitutional accountability is therefore both a legal principle and an institutional practice of reasoned compliance (Baude & Bray, 2026).

Accountability is horizontal when one federal institution checks another through constitutionally assigned powers (Harvard Law Review, 2026b). Congress can legislate, appropriate, investigate, confirm officers, and design agencies within constitutional limits (Congressional Research Service, 2026b). Courts can adjudicate cases, interpret statutes, review agency action, and award remedies authorized by law (Loper Bright Enterprises v. Raimondo, 2024). The President can veto legislation, direct executive officials, exercise constitutionally assigned powers, and supervise execution of federal law (Prakash, 2026). Removal power is one mechanism of executive accountability because it allows the President to control officials who exercise executive authority on behalf of the administration (Trump v. Slaughter, 2026). Judicial review of removal, however, may remain available where Congress has enacted legally valid for cause requirements or procedural conditions (Trump v. Cook, 2026). Horizontal accountability therefore does not eliminate executive discretion; it requires that discretion be exercised within a constitutional system where other institutions retain meaningful legal functions (Bradley & Siegel, 2026).

Accountability is also internal because executive legality often depends on processes that precede litigation (Cuéllar, 2026). Agency counsel, the Department of Justice, inspectors general, ethics officials, career personnel, and statutory procedures can identify legal constraints before presidential policy is implemented (Baude & Bray, 2026). The Office of Legal Counsel continues to issue constitutional opinions that articulate the executive branch's own interpretation of separation of powers, although those opinions represent executive views rather than binding judicial law (U.S. Department of Justice, 2026). Courts may later accept, narrow, or reject such interpretations when a justiciable controversy arises (Loper Bright Enterprises v. Raimondo, 2024). Procedural regularity was central in Trump v. Cook, where the Court emphasized notice and an opportunity to respond before removal (Trump v. Cook, 2026). Internal accountability also matters because many executive decisions never reach final judicial review due to standing, mootness, reviewability, or settlement (Congressional Research Service, 2024c). The constitutional system therefore relies on both external review and legally disciplined executive administration (Bradley & Siegel, 2026).

2.3 Conceptual Review

For this article, executive power means the authority vested in the President by Article II together with authority lawfully delegated by Congress and implemented through executive institutions (Congressional Research Service, 2024a). The concept includes core powers, such as command functions and pardons, but also extensive statutory responsibilities executed through departments and agencies (Prakash, 2026). It does not mean a general power to disregard statutory restrictions whenever the President disagrees with Congress (Harvard Law Review, 2026b). The Supreme Court's modern cases illustrate the distinction by strengthening removal power over the FTC while enforcing statutory limits in trade and administrative law (Trump v. Slaughter, 2026). Learning Resources shows that presidential invocation of an emergency statute must remain within the authority actually delegated by Congress (Learning Resources, Inc. v. Trump, 2026). Trump v. Cook shows that even removal authority can be structured differently where lawful statutory protections apply (Trump v. Cook, 2026). Executive power is therefore best understood as a bundle

of constitutionally and statutorily sourced authorities, not a unitary claim of unlimited control (Cuéllar, 2026).

Judicial review in this article means the authority of federal courts to determine the legality of executive action in cases within Article III jurisdiction and to provide remedies authorized by law (Bradley & Siegel, 2026). Judicial review includes constitutional interpretation, statutory interpretation, review under the Administrative Procedure Act, and evaluation of equitable relief (Congressional Research Service, 2024b). Loper Bright strengthened the judicial role in statutory interpretation by rejecting mandatory deference to agency readings of ambiguous statutes (Loper Bright Enterprises v. Raimondo, 2024). CASA simultaneously narrowed one important remedial technique by restricting universal injunctions that extend beyond what is necessary for complete relief to parties (Trump v. CASA, Inc., 2025). The Court’s standing decisions also show that access to review is not automatic merely because a litigant objects to executive policy (Congressional Research Service, 2024c). Judicial review therefore contains both power and self limitation (Harvard Law Review, 2024). Its constitutional significance depends on jurisdiction, merits doctrine, remedies, and compliance operating together (Baude et al., 2026).

Constitutional accountability refers here to the mechanisms through which presidential action is made answerable to constitutional text, statutes, judicial judgments, congressional checks, and legally required procedures (Baude et al., 2026). Accountability is broader than punishment because it includes prevention, explanation, review, correction, and institutional responsibility (Bradley & Siegel, 2026). Trump v. United States narrows one form of criminal accountability for official presidential acts while leaving unofficial conduct outside presidential immunity (Trump v. United States, 2024). Congressional oversight and impeachment remain distinct constitutional mechanisms that operate under different legal standards (Congressional Research Service, 2024c). Judicial remedies are another accountability mechanism, although CASA limits when relief may automatically extend to nonparties nationwide (Congressional Research Service, 2025d). Statutory interpretation can itself impose accountability by ensuring that executive officials remain within powers Congress actually delegated (Loper Bright Enterprises v. Raimondo, 2024). The concept therefore captures a network of institutions rather than a single legal proceeding or sanction (Cuéllar, 2026).

3.0 Research Methodology

The article adopts a qualitative doctrinal legal research design focused on constitutional law, administrative law, federal courts, and separation of powers (Congressional Research Service, 2024c). Primary authorities were selected from Supreme Court decisions issued between 2022 and 2026 that directly concern presidential power, agency authority, statutory interpretation, remedies, immunity, removal, emergency power, or constitutional limits (U.S. Supreme Court, 2026). The principal cases include West Virginia v. EPA, Biden v. Nebraska, Loper Bright, Trump v. United States, Trump v. CASA, Learning Resources, Trump v. Slaughter, Trump v. Cook, and Trump v. Barbara (Congressional Research Service, 2026c). Secondary materials were drawn from the Congressional Research Service and recent peer reviewed or major law review scholarship (Bradley & Siegel, 2026). The analysis also used current scholarship on executive restraint and remedies (Cuéllar, 2026). Sources were read comparatively to identify convergences and tensions in doctrine (Goldsmith, 2025). The method is interpretive and does not claim statistical generalizability (Baude et al., 2026).

The doctrinal analysis proceeded in four stages to preserve factual accuracy and conceptual clarity (Congressional Research Service, 2024b). First, each decision was examined for its legal question, holding, reasoning, and stated limits rather than for partisan consequences (U.S. Supreme Court, 2026). Second, the decisions were grouped according to source of power, including constitutional authority, statutory delegation, agency administration, removal, immunity, and judicial remedies (Prakash, 2026). Third, the study compared the Court’s treatment of congressional authorization across the cases, especially where executive actors invoked broad or ambiguous statutes (Harvard Law Review, 2026a). Fourth, current scholarship was used to identify competing interpretations of accountability, judicial restraint, and executive control without treating scholarly disagreement as settled law (Bradley & Siegel, 2026). CRS materials were used to verify procedural history and explain institutional consequences for Congress (Congressional Research Service, 2026d). This approach separates what courts held from broader normative arguments about whether those holdings are desirable (Delahunty & Yoo, 2024).

The temporal scope begins in 2022 because *West Virginia v. EPA* accelerated contemporary debate over major questions and clear congressional authorization (*West Virginia v. EPA*, 2022). It extends through September 2026 to capture the most recent completed Supreme Court term and subsequent institutional analysis (U.S. Supreme Court, 2026). The research gives priority to official opinions and CRS reports because they provide authoritative or institutionally neutral descriptions of holdings and statutory frameworks (Congressional Research Service, 2026a). Law review scholarship is used to clarify contested implications, including executive restraint, remedies, and judicial institutional capacity (Baude et al., 2026). Where executive branch legal opinions are discussed, they are expressly identified as executive interpretations rather than controlling judicial precedent (U.S. Department of Justice, 2026). The article does not infer motives of Presidents, Justices, legislators, or litigants from outcomes alone (Bradley & Siegel, 2026). Its purpose is to describe the changing legal architecture within which democratic governance and constitutional accountability operate (Cuéllar, 2026).

4.0 Results, Findings and Discussion

The doctrinal findings show a constitutional system in which judicial review has become more assertive about statutory meaning while presidential control has become stronger in selected areas of executive organization (Congressional Research Service, 2024b). The cases do not support a single proposition that the Court uniformly expands or restricts executive power (Bradley & Siegel, 2026). Instead, the outcome depends heavily on the legal source invoked and the institutional setting in which power is exercised (Prakash, 2026). Courts have demanded clearer congressional authorization for extraordinary regulatory and economic measures (*Biden v. Nebraska*, 2023). They have also declined to infer tariff authority from IEEPA’s general language (*Learning Resources, Inc. v. Trump*, 2026). At the same time, they have strengthened the President’s power to remove officials exercising executive authority at the FTC (*Trump v. Slaughter*, 2026). These patterns indicate that constitutional accountability currently operates through category specific doctrines rather than a universal formula for presidential power (Harvard Law Review, 2026b).

4.1 Constitutional Allocation of Presidential Authority

Presidential authority begins with Article II, but the contemporary Court distinguishes between power directly assigned by the Constitution and power that depends on congressional legislation (Congressional Research Service, 2024a). Core constitutional functions receive special protection

from interference, a premise that played a central role in the immunity analysis in *Trump v. United States* (*Trump v. United States*, 2024). Statutory powers, by contrast, require interpretation of the law enacted by Congress and cannot be enlarged solely by executive preference (*Loper Bright Enterprises v. Raimondo*, 2024). The Court’s recent major questions cases emphasize that consequential policy authority should not be inferred casually from broad or ancillary statutory text (*West Virginia v. EPA*, 2022). *Biden v. Nebraska* applied that principle to a major student loan cancellation program (*Biden v. Nebraska*, 2023). *Learning Resources* applied related reasoning to tariffs imposed under an emergency economic statute (*Learning Resources, Inc. v. Trump*, 2026). The doctrinal result is a differentiated presidency: strongest when acting within recognized constitutional authority and more constrained when relying on contested statutory delegation (*Harvard Law Review*, 2026a).

This differentiated framework resembles the long standing tripartite logic associated with presidential power analysis even though modern cases use several distinct doctrines (*Congressional Research Service*, 2024a). When Congress authorizes executive action, presidential authority can be extensive within the terms of the statute (*Prakash*, 2026). When Congress restricts or conditions action, courts increasingly ask whether the President has complied with those limits rather than treating executive discretion as self defining (*Loper Bright Enterprises v. Raimondo*, 2024). The tariff litigation is illustrative because Congress had enacted several trade statutes expressly authorizing tariffs under defined conditions, while IEEPA did not use tariff specific language (*Congressional Research Service*, 2025c). The Supreme Court relied on this statutory context to reject the claimed IEEPA tariff power (*Learning Resources, Inc. v. Trump*, 2026). Similar attention to statutory design appears in *Cook*, where removal authority was constrained by the Federal Reserve Act (*Trump v. Cook*, 2026). Presidential authority is therefore institutionally powerful but legally sourced, meaning its scope varies according to the Constitution and the legislation governing the particular action (*Bradley & Siegel*, 2026).

4.2 Judicial Review after Loper Bright

Loper Bright is one of the most important recent decisions for judicial review because it changed the interpretive relationship between courts and administrative agencies (*Congressional Research Service*, 2024b). The Court held that Section 706 of the Administrative Procedure Act requires courts to exercise independent judgment in determining whether an agency acted within its statutory authority (*Loper Bright Enterprises v. Raimondo*, 2024). The decision overruled *Chevron*’s mandatory two step deference framework rather than eliminating all respect for agency expertise (*Congressional Research Service*, 2024b). Courts may still consider agency reasoning for its persuasive value, especially where technical expertise or long standing practice informs the statutory context (*Harvard Law Review*, 2026b). What changed is who has final interpretive responsibility when statutory meaning is disputed in litigation (*Loper Bright Enterprises v. Raimondo*, 2024). This shift can make judicial review a stronger external constraint on executive administration (*Cuellar*, 2026). It can also increase judicial responsibility for difficult policy laden statutory questions that agencies previously resolved with greater deference (*Bradley & Siegel*, 2026).

The post *Loper* framework matters for presidential authority because many presidential initiatives are implemented through agencies rather than through direct presidential commands (*Cuellar*, 2026). If an agency relies on a presidential directive to adopt a statutory interpretation, the legality of that interpretation remains subject to independent judicial review (*Congressional Research*

Service, 2024b). Trump v. Cook expressly drew on Loper Bright when rejecting the argument that the President's determination of statutory cause for removal was wholly unreviewable (Trump v. Cook, 2026). The Court stated that courts must discern the legal boundaries of presidential power under the Federal Reserve Act (Trump v. Cook, 2026). This illustrates how administrative law doctrine can constrain presidential action even when the President is personally involved in the disputed decision (Harvard Law Review, 2026b). It also shows that independent judgment is not necessarily anti executive, because it can validate executive action where the statutory text supports it (Prakash, 2026). Judicial review after Loper is therefore better understood as a reallocation of interpretive responsibility than as a categorical rule against agency power (Bradley & Siegel, 2026).

4.3 Emergency Economic Powers and the IEEPA Tariff Decision

Emergency statutes pose a distinctive accountability problem because they are designed to permit rapid executive action under unusual conditions (Congressional Research Service, 2025c). IEEPA authorizes the President to regulate or prohibit certain economic transactions after declaring a national emergency involving an unusual and extraordinary external threat (Congressional Research Service, 2025c). In 2025, the President invoked IEEPA to impose tariffs, marking the first presidential use of the statute as tariff authority since its enactment (Congressional Research Service, 2026a). Litigation then asked whether the statutory power to regulate importation included power to impose tariffs (Learning Resources, Inc. v. Trump, 2026). The Supreme Court concluded that IEEPA did not confer that tariff authority and emphasized the structure of other trade statutes that expressly authorize duties under specified conditions (Learning Resources, Inc. v. Trump, 2026). The decision illustrates that an emergency declaration does not displace ordinary principles of statutory interpretation (Harvard Law Review, 2026a). Constitutional accountability therefore continues during emergencies through attention to statutory text, structure, history, and legislative allocation of power (Bradley & Siegel, 2026).

The tariff decision is significant because trade regulation lies at the intersection of Congress's foreign commerce powers and the President's responsibilities in foreign affairs (Congressional Research Service, 2025c). Congress has delegated substantial trade authority to Presidents through statutes that specify triggers, procedures, rates, duration, or investigative requirements (Learning Resources, Inc. v. Trump, 2026). The Court reasoned that reading IEEPA to supply unlimited tariff authority would sit uneasily beside those more carefully bounded delegations (Learning Resources, Inc. v. Trump, 2026). This reasoning reflects a broader constitutional concern with major policy changes being grounded in clear legislative authorization (West Virginia v. EPA, 2022). Recent scholarship describes the problem as part of a new economic statecraft in which national security statutes are increasingly used to restructure domestic economic relations (Harvard Law Review, 2026a). The decision does not eliminate broad emergency powers under IEEPA for sanctions and transaction controls that the statute expressly supports (Congressional Research Service, 2026a). It instead reinforces a power specific approach in which each claimed presidential instrument must be tied to the authority Congress actually enacted (Prakash, 2026).

Emergency powers also show why judicial review and congressional accountability are complementary rather than interchangeable (Bradley & Siegel, 2026). Courts can determine whether an executive action fits within enacted law, but Congress decides whether to revise, expand, narrow, or terminate statutory delegations through legislation (Congressional Research Service, 2026a). If Congress considers existing emergency authority too broad, it can amend

triggers, procedures, reporting duties, or termination mechanisms subject to ordinary constitutional processes (Congressional Research Service, 2025c). If Congress considers the authority too narrow, it can enact more specific delegations while retaining safeguards (Harvard Law Review, 2026a). Judicial review supplies legal boundaries, but it cannot replace legislative judgments about the appropriate scope of policy authority (Loper Bright Enterprises v. Raimondo, 2024). Executive branch legal analysis also remains relevant because officials must interpret these statutes before action is taken and before litigation occurs (U.S. Department of Justice, 2026). The accountability system is therefore sequential and shared: Congress defines authority, the executive implements it, and courts resolve legal disputes within cases properly before them (Cuéllar, 2026).

4.4 Removal Power, Independent Agencies, and Presidential Control

The 2026 removal cases produced one of the clearest expansions of presidential control over the administrative state in recent decades (Congressional Research Service, 2026b). *Trump v. Slaughter* held that statutory for cause protection for Federal Trade Commission commissioners violated the separation of powers (*Trump v. Slaughter*, 2026). The Court reasoned that officers who exercise substantial executive power must remain accountable to the President through removal authority (*Trump v. Slaughter*, 2026). The decision expressly overruled the remaining force of *Humphrey’s Executor* as applied to the modern FTC (Congressional Research Service, 2026c). This holding gives Presidents stronger capacity to align commission leadership with administration policy where officials exercise executive functions (Prakash, 2026). Critics of broad removal power emphasize the potential loss of expert independence and continuity in regulatory institutions (Harvard Law Review, 2026b). The constitutional significance of *Slaughter* therefore lies not only in personnel control but in redefining the permissible institutional distance between the President and independent regulators (Congressional Research Service, 2026c).

Slaughter does not establish that every federal officer must serve entirely at the President’s pleasure (Congressional Research Service, 2026c). The Court’s decision in *Trump v. Cook*, issued the same day, preserved the Federal Reserve’s for cause removal structure in the context before it (*Trump v. Cook*, 2026). *Cook* emphasized the distinctive historical tradition of central bank independence and interpreted statutory cause as requiring a substantial basis connected to fitness for office (*Trump v. Cook*, 2026). The Court also held that the President’s determination of cause was judicially reviewable rather than committed wholly to presidential discretion (*Trump v. Cook*, 2026). This creates an important doctrinal contrast with *Slaughter* because the Constitution permits different institutional arrangements in different settings (Congressional Research Service, 2026b). The result cautions against describing modern removal doctrine as a complete triumph of a single theory of the unitary executive (Prakash, 2026). Presidential supervision is stronger after *Slaughter*, but historical practice, statutory text, and procedural protections can still sustain meaningful institutional independence (Bradley & Siegel, 2026).

The contrast between the FTC and Federal Reserve also demonstrates that constitutional accountability can be achieved through institutional design rather than one uniform formula (Harvard Law Review, 2026b). The FTC exercises rulemaking, enforcement, and adjudicatory authority affecting private parties, functions that the *Slaughter* majority treated as executive in constitutional character (*Trump v. Slaughter*, 2026). The Federal Reserve performs monetary and supervisory functions within a structure the *Cook* Court regarded as historically exceptional (*Trump v. Cook*, 2026). Congress therefore retains some design space, but its ability to insulate officials from presidential removal now depends heavily on the institution’s functions and

constitutional history (Congressional Research Service, 2026b). The removal cases also strengthen the importance of Senate confirmation and statutory qualification requirements as other mechanisms of institutional control (Prakash, 2026). Judicial review remains relevant when disputes arise over whether statutory conditions for removal are satisfied (Trump v. Cook, 2026). The evolving doctrine therefore redistributes accountability among presidential supervision, congressional design, and judicial enforcement rather than eliminating any of them altogether (Bradley & Siegel, 2026).

4.5 Presidential Immunity and Personal Accountability

Trump v. United States addresses a different aspect of executive power because it concerns criminal prosecution of a former President rather than prospective review of an executive policy (Trump v. United States, 2024). The Court held that a former President has absolute immunity for conduct within core constitutional authority and at least presumptive immunity for other official acts (Congressional Research Service, 2024c). Unofficial conduct does not receive presidential immunity under the decision (Trump v. United States, 2024). The majority reasoned that exposure to prosecution for official decisions could distort presidential decision making and interfere with the functioning of the executive branch (Delahunty & Yoo, 2024). Critics argue that the decision can make criminal accountability more difficult when alleged misconduct is carried out through official presidential channels (Harvard Law Review, 2025a). The opinion also limits how official conduct may be used in prosecuting unofficial acts, further complicating case specific analysis (Congressional Research Service, 2024c). Constitutional accountability after Trump v. United States therefore relies more heavily on distinguishing official from unofficial conduct and on noncriminal institutional checks (Bradley & Siegel, 2026).

The immunity framework should not be confused with a general rule that Presidents are legally unaccountable while in or after office (Harvard Law Review, 2025a). Courts can still review executive actions for legality in appropriate civil or administrative cases (Loper Bright Enterprises v. Raimondo, 2024). Congress retains legislative, oversight, appropriations, confirmation, and impeachment powers within constitutional boundaries (Congressional Research Service, 2024c). Elections provide political accountability, although electoral judgment does not substitute for legal adjudication of concrete rights and statutory obligations (Bradley & Siegel, 2026). Internal executive processes can also constrain conduct before it becomes the subject of litigation or investigation (Cuéllar, 2026). The significant change created by Trump v. United States is that criminal prosecution is constitutionally restricted when the alleged conduct falls within official presidential functions (Trump v. United States, 2024). The broader accountability system therefore remains plural, with different mechanisms addressing different categories of presidential action (Baude et al., 2026).

The decision also illustrates the difficulty of balancing decisional independence against the principle that public officials remain subject to law (Delahunty & Yoo, 2024). A President must be able to perform core constitutional functions without fear that later prosecutors will criminalize legitimate exercises of authority (Trump v. United States, 2024). Yet the rule of law requires mechanisms for addressing unlawful conduct, especially when official power is used in ways alleged to exceed lawful authority (Harvard Law Review, 2025a). The Supreme Court attempted to mediate that tension through categorical and presumptive immunities rather than by creating complete immunity for all presidential conduct (Congressional Research Service, 2024c). Subsequent courts must classify particular acts and determine what evidence can be considered,

making the doctrine highly fact dependent (Trump v. United States, 2024). Scholars disagree about whether the framework appropriately protects the presidency or excessively weakens criminal accountability (Delahunty & Yoo, 2024). A neutral assessment is that the decision materially changes one accountability channel while leaving other constitutional checks intact (Bradley & Siegel, 2026).

4.6 Judicial Remedies after Trump v. CASA

Judicial review has limited practical value if courts can identify illegality but cannot provide effective relief, making remedies central to constitutional accountability (Baude et al., 2026). Before 2025, nationwide or universal injunctions had become increasingly prominent in litigation challenging federal executive policies (Harvard Law Review, 2024). CRS identified substantial growth in such injunctions across recent administrations, while also emphasizing methodological difficulties in counting them (Congressional Research Service, 2025b). During the first hundred days of the second Trump Administration, CRS identified twenty five cases involving nationwide injunctions under its stated methodology (Congressional Research Service, 2025a). Trump v. CASA held that the Judiciary Act does not authorize universal injunctions broader than necessary to provide complete relief to the parties (Trump v. CASA, Inc., 2025). The decision therefore changed the remedial landscape without resolving the merits of the birthright citizenship policy that generated the litigation (Congressional Research Service, 2025d). Accountability after CASA depends more heavily on party specific injunctions, class actions, statutory vacatur, appellate review, and other authorized forms of relief (Goldsmith, 2025).

The arguments surrounding universal injunctions reveal competing conceptions of judicial responsibility in a national administrative state (Harvard Law Review, 2024). Critics of universal relief argue that one district judge should not control federal policy for nonparties throughout the country and that broader injunctions can encourage forum shopping (Congressional Research Service, 2025b). Defenders argue that some unlawful federal policies operate uniformly and may require correspondingly broad relief to prevent widespread legal injury (Baude et al., 2026). CASA resolved part of this debate through statutory and historical analysis of equitable authority rather than through a categorical Article III holding (Trump v. CASA, Inc., 2025). The Court left questions about classwide relief and other mechanisms open, which means nationwide consequences may still arise through different procedural vehicles (Congressional Research Service, 2025d). Recent scholarship accordingly treats remedies as a continuing site of institutional adaptation rather than a closed issue (Goldsmith, 2025). The key accountability question is now how courts can provide complete lawful relief without assuming a policymaking role beyond the dispute before them (Bradley & Siegel, 2026).

CASA also illustrates the distinction between judicial supremacy over legal interpretation and the scope of a particular judicial remedy (Bradley & Siegel, 2026). A court may conclude that executive action violates the Constitution or a statute but still be required to tailor relief to authorized forms and proper parties (Trump v. CASA, Inc., 2025). This distinction prevents a merits judgment from automatically answering every remedial question (Goldsmith, 2025). It also places greater pressure on litigants to select appropriate procedural mechanisms when challenging national policies (Congressional Research Service, 2025d). At the institutional level, narrower remedies may allow conflicting lower court decisions to develop before Supreme Court resolution, which can promote legal percolation but also create temporary geographic inconsistency (Harvard Law Review, 2024). Congress retains power to legislate concerning federal jurisdiction and

remedies within constitutional limits (Congressional Research Service, 2025b). Effective constitutional accountability therefore requires attention not only to whether government action is unlawful, but also to who may sue, when review is available, and what relief a court may grant (Baude et al., 2026).

4.7 Constitutional Limits and Birthright Citizenship

Trump v. Barbara provides a direct example of judicial review enforcing a constitutional limitation against presidential action (Congressional Research Service, 2026d). The litigation concerned Executive Order 14160, which sought to alter the executive branch's treatment of birthright citizenship for certain children born in the United States (Trump v. Barbara, 2026). The Supreme Court held that the Fourteenth Amendment guarantees citizenship to children born on United States soil, including children whose parents are unlawfully or temporarily present, subject to recognized jurisdictional exceptions (Congressional Research Service, 2026d). The decision affirmed that executive orders cannot revise constitutional meaning through unilateral administrative instruction (Trump v. Barbara, 2026). It also demonstrates the difference between presidential authority to direct administration and presidential power to change substantive constitutional law (Prakash, 2026). CASA had earlier addressed only the scope of injunctions in related litigation rather than the ultimate constitutional merits (Trump v. CASA, Inc., 2025). Taken together, the two cases separate remedial limits from substantive constitutional limits and show that both are independently important to accountability (Bradley & Siegel, 2026).

Barbara is significant to democratic governance because it illustrates that rapid presidential action can still be subject to definitive constitutional adjudication (Trump v. Barbara, 2026). The President may instruct executive agencies, but those instructions remain subordinate to constitutional provisions that bind all branches (Congressional Research Service, 2026d). The decision also shows why constitutional accountability cannot be measured solely by whether the President wins or loses individual cases (Bradley & Siegel, 2026). In *Slaughter*, Article II displaced a statutory removal protection for the FTC (Trump v. Slaughter, 2026). In *Cook*, statutory and historical protections constrained attempted removal at the Federal Reserve (Trump v. Cook, 2026). In *Learning Resources*, statutory interpretation defeated the claimed tariff power (Learning Resources, Inc. v. Trump, 2026). In *Barbara*, constitutional text controlled the executive order, confirming that the source of governing law is decisive in determining the lawful boundary of presidential authority (Prakash, 2026).

4.8 War Powers and National Security Accountability

War powers remain one of the most persistent areas of shared and contested authority between Congress and the President (Congressional Research Service, 2024d). The President serves as Commander in Chief, while Congress possesses powers to declare war, authorize military force, regulate the armed forces, and control appropriations (Congressional Research Service, 2024d). Recent military operations have renewed debate over when presidents may use force without specific prior authorization from Congress (Congressional Research Service, 2025e). Executive administrations have often relied on Article II authority, existing authorizations for use of military force, or combinations of constitutional and statutory authority depending on the operation (Congressional Research Service, 2024d). The War Powers Resolution requires reporting and creates procedures intended to involve Congress when United States forces enter hostilities (Congressional Research Service, 2025e). Judicial review is often less direct in this field because standing, political question concerns, timing, and operational changes can prevent merits decisions

(Bradley & Siegel, 2026). War powers therefore demonstrate the importance of congressional oversight and political branch accommodation where courts may not provide continuous supervision (Prakash, 2026).

National security also intersects with economic and administrative power, making it increasingly difficult to isolate foreign affairs from domestic governance (Harvard Law Review, 2026a). Presidents may invoke national security statutes to regulate sanctions, trade, technology, investment, and other economic activity that directly affects private actors inside the United States (Congressional Research Service, 2025c). Learning Resources shows that foreign affairs context does not automatically remove statutory interpretation from judicial review (Learning Resources, Inc. v. Trump, 2026). The Court required a lawful congressional basis for tariffs despite the President's reliance on an emergency framework tied to foreign threats (Congressional Research Service, 2026a). Current scholarship describes this as a growing constitutional challenge because economic statecraft can combine international objectives with major domestic consequences (Harvard Law Review, 2026a). Congress can reduce uncertainty by drafting clearer delegations and more precise emergency procedures (Congressional Research Service, 2026a). Judicial review then performs its strongest accountability function when it enforces those enacted boundaries without substituting judicial preferences for authorized policy choices (Loper Bright Enterprises v. Raimondo, 2024).

4.9 Integrated Assessment of Constitutional Accountability

The combined cases support an integrated model of constitutional accountability built around source, process, review, remedy, and compliance (Baude et al., 2026). Source asks whether presidential action derives from Article II or from a statute enacted by Congress (Prakash, 2026). Process asks whether legally required procedures, such as notice, reason giving, or statutory conditions, have been followed (Trump v. Cook, 2026). Review asks whether a court has jurisdiction and what interpretive standard applies to the challenged action (Loper Bright Enterprises v. Raimondo, 2024). Remedy asks what relief is legally available and how far it may extend beyond the parties (Trump v. CASA, Inc., 2025). Compliance asks whether executive officials implement final judicial determinations and whether courts retain sufficient institutional authority to perform their role (Bradley & Siegel, 2026). This framework explains why constitutional accountability can strengthen in one dimension while weakening or narrowing in another, producing a dynamic rather than linear balance among branches (Cuéllar, 2026).

A central finding is that recent doctrine simultaneously strengthens presidential control and strengthens judicial responsibility, but in different domains (Congressional Research Service, 2026b). Slaughter increases presidential control over certain independent regulators by invalidating tenure protection that previously limited removal (Trump v. Slaughter, 2026). Loper Bright increases judicial responsibility for statutory meaning by ending mandatory Chevron deference (Loper Bright Enterprises v. Raimondo, 2024). Learning Resources limits executive emergency power where Congress did not clearly authorize tariffs (Learning Resources, Inc. v. Trump, 2026). CASA narrows judicial remedial reach by restricting universal injunctions (Trump v. CASA, Inc., 2025). Barbara enforces a substantive constitutional limit against an executive order (Trump v. Barbara, 2026). The contemporary system therefore cannot be accurately described through a simple executive versus judiciary narrative; it is a multidimensional redistribution of legal authority governed by issue specific doctrine (Bradley & Siegel, 2026).

5.0 Conclusion

The study concludes that presidential authority in the United States remains powerful but legally differentiated across constitutional, statutory, administrative, and emergency contexts (Prakash, 2026). Recent Supreme Court doctrine strengthens the President’s capacity to control officials who exercise executive power in institutions such as the FTC (Trump v. Slaughter, 2026). It simultaneously preserves meaningful limits in specialized institutions such as the Federal Reserve where history and statutory design support independence (Trump v. Cook, 2026). Judicial review has become more independent in statutory interpretation after Loper Bright and more demanding of clear authorization in major questions cases (Loper Bright Enterprises v. Raimondo, 2024). The Court has also limited emergency tariff authority where Congress did not grant it (Learning Resources, Inc. v. Trump, 2026). Yet judicial remedial authority has been narrowed through CASA, demonstrating that accountability depends on lawful remedies as well as merits rules (Trump v. CASA, Inc., 2025). The overall constitutional pattern is one of structured interdependence rather than institutional supremacy (Bradley & Siegel, 2026).

Constitutional accountability is therefore most effective when Congress legislates clearly, the executive gives legally grounded reasons, courts review concrete disputes independently, and all branches respect valid judgments (Baude et al., 2026). Criminal accountability for official presidential conduct is more limited after Trump v. United States, increasing the relative importance of other constitutional checks (Trump v. United States, 2024). Administrative accountability is stronger where courts independently interpret statutes and require executive officials to remain within delegated authority (Congressional Research Service, 2024b). Remedial accountability is more carefully tailored after CASA, which requires attention to proper parties and authorized relief (Congressional Research Service, 2025d). Structural accountability remains contested as removal doctrine changes the relationship between Presidents and independent agencies (Congressional Research Service, 2026c). Substantive constitutional limits remain enforceable when executive orders conflict with constitutional commands, as Barbara demonstrates (Trump v. Barbara, 2026). Reassessing presidential authority thus requires continuous attention to the legal source of power, the institutional context, and the mechanisms available to correct unlawful action (Cuéllar, 2026).

6.0 Recommendations

Congress should reduce avoidable separation of powers conflict by drafting significant delegations with clearer triggers, objectives, procedures, reporting requirements, duration rules, and termination mechanisms (Congressional Research Service, 2026a). Clear statutory language is especially important where national security or emergency powers can produce major domestic economic consequences (Harvard Law Review, 2026a). Congress should also reassess agency structures after Slaughter to determine which accountability safeguards remain constitutionally durable when for cause removal protections are unavailable (Congressional Research Service, 2026c). For institutions with distinctive historical status, legislation should specify procedural protections and standards with sufficient precision to permit meaningful judicial review (Trump v. Cook, 2026). The executive branch should institutionalize preimplementation legal review of major presidential directives and publish reasoned explanations where law permits (Cuéllar, 2026). Courts should continue distinguishing merits from remedies and tailor relief to lawful procedural vehicles (Trump v. CASA, Inc., 2025). These measures would improve accountability without requiring any branch to surrender its constitutionally assigned functions (Bradley & Siegel, 2026).

Future legal research should examine how the 2026 removal decisions affect agencies beyond the FTC and Federal Reserve as lower courts apply the new framework (Congressional Research Service, 2026c). It should also assess how *Loper Bright* changes outcomes across administrations rather than assuming the doctrine systematically benefits one political side (Congressional Research Service, 2024b). Empirical work can track whether post *CASA* litigants increasingly rely on class actions, statutory vacatur, or consolidated litigation to obtain broad relief (Congressional Research Service, 2025d). Scholarship should continue distinguishing executive power in foreign affairs from domestic implementation of statutes enacted for national security purposes (Harvard Law Review, 2026a). Research on presidential immunity should examine the developing line between official and unofficial conduct as lower courts apply *Trump v. United States* (*Trump v. United States*, 2024). War powers scholarship should also evaluate whether reporting, appropriations, and authorization practices provide effective congressional participation when courts do not reach the merits (Congressional Research Service, 2025e). Such research can clarify how constitutional accountability functions in practice across institutions rather than through isolated doctrinal categories (Bradley & Siegel, 2026).

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