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NCLA Asks Supreme Court to Uphold President’s Ability to Keep Federal Reserve Board Accountable

Donald J. Trump, President of the United States v.

Lisa D. Cook, member of the Board of Governors of the Federal Reserve System, et al.

Washington, DC (October 29, 2025) – The New Civil Liberties Alliance filed an *amicus curiae* [brief](#) today in *Trump v. Cook* urging the U.S. Supreme Court to let President Trump remove Lisa Cook from the Federal Reserve Board of Governors. The district court in this case erroneously blocked President Trump from firing Cook based on a [statute](#) passed by Congress (18 U.S.C. § 242) that only allows the President to remove Federal Reserve Board members “for cause.” NCLA asks the Justices to stay the district court’s ruling because adherence to the statute’s strictures would violate a core constitutional duty of the President.

The Federal Reserve Board exercises executive power by enacting regulations and punishing people for violating them. Article II of the Constitution vests all executive power in the President, which includes the ability to punish people for violating regulations enforced by the Fed. The President must have absolute authority to remove any executive official—including Federal Reserve Governors like Cook—whenever he chooses, for any reason, because their executive authority can only be exercised in his stead. Without that removal authority, the President could not fulfill his own duty to “take Care that the Laws be faithfully executed.” Some insist that the Federal Reserve must be wholly independent, but the Constitution does not allow Congress to establish unaccountable agencies and offices—particularly ones that issue and enforce regulations against private parties.

NCLA released the following statements:

“The Constitution empowers the President to remove any federal official who exercises executive power—and it doesn’t make an exception for officials of a central bank. The Supreme Court should recognize that Congress had no authority to make the Federal Reserve an unaccountable fourth branch of government, and it should uphold President Trump’s removal of Lisa Cook from the Board of Governors.”

— **Jacob Huebert, Senior Litigation Counsel, NCLA**

“If the President cannot remove members from the Federal Reserve Board, then those board members are not democratically accountable to the American people. That would be intolerable to our system of self-government.”

— **Mark Chenoweth, President, NCLA**

For more information visit the *amicus* page [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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