

ABC News Live

06/29/26

10:30:08 a.m.

7 minutes and 17 seconds

DIANE MACEDO: And let's continue that coverage of these major Supreme Court decisions. The justices blocked President Trump's removal of fed board governor Lisa. Cook, but allowed him to fire FTC commissioner Rebecca Slaughter purely for policy reasons. And in a surprise 5-to-4 decision, the justices are rejecting a challenge to late arriving mail-in ballots. They ruled to allow states to count mail-in ballots up to five days late, as long as they're postmarked by election day. Senior Washington reporter Devin Dwyer and ABC News legal contributor James Sample are here for more. So, Devin, what's the immediate impact of this decision allowing President Trump to fire employees of independent agencies purely for political reasons?

DEVIN DWYER: Yeah. It's a sweeping decision, Diane, and a major overhaul of our government. Congress, since the 1930s, has created dozens of agencies, from the NTSB to the Federal Trade Commission, Federal Election Commission, Securities and Exchange Commission. They touch all aspects of American life, setting regulations, doing enforcement of those regulations, and they are helmed by Republicans and Democrats. In many cases, they were designed to be independent, protected from presidential interference. But what Chief Justice John Roberts said today, in this opinion, is that the President does have the have the power under the Constitution to stick his fingers in there and design those agencies as he wants, that it was a violation of the separation of powers for Congress to prevent that. And that means in this immediate case that the President can remove Rebecca Slaughter, a Democrat, from the FTC, and he can, in theory, now go across the board to these 28 some agencies and remove Democrats from them, pack them with Republicans. And, of course, future Presidents can do the same thing. But it really spells the end now of the idea that we have agencies in our government meant to be independent, meant to be bipartisan, meant to be staffed by subject matter experts, and a huge win for conservatives here, Diane, who had hoped for this separation for quite some time and fought for it in addition to President Trump.

MACEDO: James, how do the justices differentiate between these two officials, and what sort of precedent does this set?

JAMES SAMPLE: Well, at oral argument, Diane, there was much discussion about the idea that the Federal Reserve is a unique agency, that it has a unique historical pedigree. On the other hand, it had the exact same for cause removal protections from the exact same statutes that the other agencies with, who also had independent agency commissions had. And so the carve out for this exception is arguably inconsistent, but arguably sensitive to the core nature of monetary policy. And just to underscore Devin's point, Diane, just how big a deal this case — the Slaughter case — really is in terms of the independent agencies, unless you're over 90 years old, then this marks a fundamental structural change in the organization of almost every government agency that exists. So, in the short term, it is a victory for President Trump. But in the long term, it's really a victory for the President, regardless of party. And this will produce some significant and big swings on matters of policy that affect everyday Americans over the years.

MACEDO: And I want to go to Rachel Scott at the White House on that point. Rachel, how do you expect these decisions to impact President Trump's moves going forward?

RACHEL SCOTT: Yeah, well, it's a little bit of a mixed bag, right? So in some ways, the President and his allies will feel emboldened by part of what the Supreme Court decided today. But in other ways, especially as it pertains to the Fed and Lisa Cook's ability there to stay on the Federal Reserve Board of Governors. That certainly is something that the administration will not be happy with. And of course, as it pertains to mail-in voting, the President has continuously railed against mail-in voting, asking for even more restrictions. He's trying to push through the SAVE America Act over on Capitol Hill, which would have some limitations on mail-in voting there as well. The President certainly will view that as a defeat here.

MACEDO: Yeah, it looks that way. Rachel. Thanks. And Devin, talk a little bit more about the larger impact of this ruling to allow mail in ballots that arrive late but are postmarked by Election Day.

DWYER: This was a big surprise, Diane. And, you know, 29 states have some sort of grace period for voters who vote by mail to get their ballots in. 14 of those states, allow voters, overseas veterans and otherwise absentee voters to have a bit of a grace period due to mail delays, or perhaps they have some difficulty getting their ballots turned in. 15 more states just limit that grace period to overseas voters and veterans. All of that will now be preserved. And voting rights advocates said that's an upholding of precedent by the Supreme Court dating back some 25 years. They also argue that it should be up to the states to decide these sorts of policies. A number of voting advocates I talked to Diane were particularly concerned that if the ruling went the other way, it could disenfranchise voters in rural areas, disabled voters, those sorts of things. But this now means that those policies will stay in place unless Congress takes some action in the near future to change them and put some limits on what states can do.

MACEDO: James, what do you make of how this decision came down? A 5-to-4 split?

SAMPLE: It's a really good question. And as Devin said, Diane, it was a bit of a surprise. There were essentially three justices clearly in each camp, pro and con after oral argument and three justices who were a little bit hard to read, a little bit inscrutable, if you will. Two of those last three ended up going with the majority here, and that basically constitutes the ruling. And so, although it is 5-to-4, it is a ruling that upholds the status quo. It is a ruling that basically on a theoretical level boils down to a question, a doctrinal question: What does Congress mean when it says election day? and what the Court majority rules is that Election Day refers to the casting of ballots, not necessarily the receipt of those ballots, and that Congress was well aware of all of the states that had these grace periods and could have chosen if Congress didn't like those grace periods to change the law, to make it clear. So, this is a victory both for the states themselves and for voters.

MACEDO: And, Devin, the opinion makes clear that Congress can still change this if it wants to. They can put an arrival deadline into the law. Do you think they will? Is there support for that?

DWYER: Well, the President has certainly been pushing, as we've talked about on your show, Diane, over the past few weeks, the SAVE Act pending in Congress. He's battling with his own party right now to put more restrictions on voting by mail, including abolishing this late arrival grace period for ballots. So, he wants that. Lawmakers, it's clear, have not gone along with him so far. It's possible that somehow he twists some arms. But, you know, this is an issue that pits a Presidential priority against states rights, usually a conservative value, leaving states to set their own policies. And so, it's hard to see any quick change here. And in that sense, it is a big win for those states, including Republican states, we should say, like Mississippi, which was the defendant in this case.

MACEDO: All right. Devin Dwyer, Rachel Scott, James, thank you all.