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In Landmark Victory for Civil Liberties, NCLA Persuades Supreme Court to Overturn *Chevron* Deference

Relentless Inc., Huntress Inc., and Seafreeze, Fleet LLC v. U.S. Department of Commerce, et al.

Washington, DC (June 28, 2024) – Today, the U.S. Supreme Court [decided](#) 6-3 to overturn the 1984 *Chevron v. Natural Resources Defense Council* case and with it the unconstitutional *Chevron* doctrine. It did so in the New Civil Liberties Alliance’s case, [Relentless Inc. v. Dept. of Commerce](#), argued in tandem with [Loper Bright Enterprises, et al. v. Raimondo](#). The Court vacated and remanded the First Circuit’s decision that upheld a National Oceanic and Atmospheric Administration (NOAA) and National Marine Fisheries Service rule requiring fishing companies like NCLA’s clients to pay for at-sea government monitors on their fishing boats. NCLA celebrates this monumental victory, which will curtail abuses of administrative power for years to come.

The Court recognized that the text of the Administrative Procedure Act commands courts to review agency rules like this one *de novo*. Although the government claimed the Supreme Court must nevertheless uphold *Chevron* out of *stare decisis* respect for its prior precedents, the Court decided that the unworkable *Chevron* doctrine is not entitled to *stare decisis*. *Chevron* destabilizes the law and runs afoul of the rule-of-law values that *stare decisis* protects. So, it is once again the job of the federal courts to say what the law is.

“*Chevron* was a judicial invention that required judges to disregard their statutory duties,” Chief Justice Roberts said. “And the only way to ‘ensure that the law will not merely change erratically, but will develop in a principled and intelligible fashion,’ is for us to leave *Chevron* behind.” This decision rightly prevents every federal agency from wielding deference against Americans, a pivotal reform whose full impact will be revealed with time.

Concurring opinions discussed two core constitutional problems with *Chevron* deference that NCLA founder Philip Hamburger has long emphasized. First, employing such deference abandons a judge’s duty to provide independent judgment. Second, when a federal court defers to an agency’s legal interpretation, the litigants opposing that agency—like the fishermen opposing NOAA in *Relentless*—do not have their case judged by an impartial adjudicator, which violates the core constitutional promise of due process.

The government claimed *Chevron* upholds Congress’s power to delegate policy decisions to Executive Branch agencies, but the Court ruled that a gap or ambiguity in a statute confers no statutory authority to agencies. Rather, interpreting ambiguity in a statute is a *legal* action constitutionally reserved for Article III courts, which have that expertise. The Magnuson-Stevens Act directs fishermen to pay for monitoring in only three specific cases, and not in the New England herring fishery. This can only mean one thing: the government itself must pay, as it did for 20 years before the agencies invented this rule. This case will now return to a lower court, where NCLA and its clients will defeat NOAA’s abusive rule and restore the industry’s status quo ante.

In the wake of today’s ruling, NCLA announces that we are creating the “Relentless Working Group” to ensure that every federal agency adheres to and fully implements this decision. This new NCLA-led working group will

bring together a coalition of public-interest groups and others to relentlessly fight rear-guard actions to prevent agencies from thwarting or ignoring this opinion—or from sneaking new forms of deference in the back door. Congress cannot delegate judicial power—which it does not possess in the first place—to be administered by executive agencies.

NCLA released the following statements:

“Today is a really special day and the culmination of almost a decade of work to protect the rights of fishermen. We finally saw a return to ‘Equal Justice Under Law’ as inscribed above the Supreme Court entrance. No more will fishermen and other American citizens lose their rights through judicial deference to government agencies. From now on, NOAA and other federal agencies will have to think about the consequences of their actions without the benefit of *Chevron*. We finally have an even playing field in the courts, and the government will have to pay its own regulators’ salaries without forcing that cost directly on hard-working fishermen. I’m so grateful.”

— **Meghan Lapp, Fisheries Liaison & General Manager, Seafreeze, Ltd.**

“This ruling is long overdue. To allow agencies to pick the pocket of the regulated without congressional authorization is against all the principles of representative government and our constitutional structure.”

— **John Vecchione, Senior Litigation Counsel, NCLA**

“NCLA’s fishermen clients have landed the biggest catch of their lives by persuading the U.S. Supreme Court to take its thumb off the scale when ordinary Americans are contesting unlawful government regulations. When NCLA was founded less than seven years ago, taking down *Chevron* deference was priority number one, because agencies have used it so often to violate people’s civil liberties. That ability ends today! It is deeply gratifying to have overturned *Chevron* so quickly. The dismantling of the unlawful Administrative State has officially begun.”

— **Mark Chenoweth, President, NCLA**

“Today’s decision vindicates the rule of law. By ending *Chevron* deference, the Court has taken a major step to shut down unlawful power grabs by federal agencies and to preserve the separation of powers. Going forward, judges will be charged with interpreting the law faithfully, impartially, and independently, without deference to the government. This is a win for individual liberty and the Constitution.”

— **Roman Martinez, Latham & Watkins partner who delivered oral argument in the *Relentless* case**

For more information visit the case page [here](#) and watch the case video [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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