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Media Inquiries: [Ruslan Moldovanov](mailto:ruslan.moldovanov@ncla.org), 202-869-5237

Seven Supreme Court Victories Underscore NCLA’s Success in Limiting Unlawful Administrative Power

Original wins: *Relentless v. Dept. of Commerce* (paired with *Loper Bright v. Raimondo*); *Garland v. Cargill*
Amicus wins: *Loper*; *SEC v. Jarkesy*; *Corner Post v. Board of Governors*; *Starbucks v. McKinney*; *NRA v. Vullo*

Washington, DC (Summer 2024) – The New Civil Liberties Alliance achieved truly historic results at the U.S. Supreme Court this past term. Representing courageous clients in three pivotal cases and scoring major victories before the high court in five *amicus* cases, NCLA advanced the civil liberties of Americans nationwide, moved the country in a more constitutional direction, and further dismantled the unlawful Administrative State.

Most significantly, NCLA’s [*Relentless Inc. v. Department of Commerce*](#) lawsuit convinced the Court to overturn the *Chevron* doctrine. After 40 years of forcing judges to adopt agencies’ ‘reasonable’ interpretations of ambiguous statutes, the Court sided with NCLA in holding that the Administrative Procedure Act requires judges to adjudicate the meaning of statutes without deferring to executive branch bureaucrats. Moreover, the Court said that the APA codified a much older tradition of judicial independence in the federal judiciary. So, even though the Court did not decide the case on the constitutional grounds proffered by NCLA as an additional rationale, it recognized those arguments and laid the groundwork for doing so if necessary in the future. The Court issued its decision in tandem with [*Loper Bright Enterprises v. Raimondo*](#), a case supported by NCLA *amicus* briefs.

Earlier in June, the Court ruled in NCLA’s [*Garland v. Cargill*](#) case that the Bureau of Alcohol, Tobacco, Firearms and Explosives’ unilateral bump-stock ban conflicted with the federal statute defining “machineguns.” The Justices permanently set aside ATF’s ban, safeguarding the rights of NCLA client Michael Cargill and hundreds of thousands of other Americans to be free from laws written (or rewritten) by Executive Branch bureaucrats.

In addition to a pair of original litigation wins, NCLA amassed a 5-1 record with our *amicus curiae* briefs at the Court this term. When NCLA submitted *amicus* briefs, the Justices almost always took our advice. On top of *Loper Bright* (in which NCLA filed an *amicus* before cert was granted in *Relentless*), NCLA’s wins included:

1. In [*SEC v. Jarkesy*](#), the Court held that targets of administrative proceedings brought by federal agencies have a Seventh Amendment right to a jury trial in cases seeking civil penalties or ones that resemble cases that were once brought under the common law. The decision also featured a second holding based on arguments made only in NCLA’s *amicus* brief. Namely, it held that there is a right to an Article III court in these cases, even when a jury is not required. As NCLA told the Court, Congress does not have judicial power and thus cannot delegate it.
2. The Court upheld an injured party’s right to obtain judicial review in [*Corner Post v. Board of Governors*](#), ruling that a company can challenge a Federal Reserve regulation within six years of being affected by it, not just within six years of the regulation first being implemented.
3. In [*Starbucks v. McKinney*](#), the Supreme Court overturned a two-part test that had allowed the National Labor Relations Board to enjoin a company’s conduct without showing that it likely broke the law, replacing it with the

same four-part test everyone else must satisfy to obtain a preliminary injunction. NCLA was one of a very small number of *amici* who supported this case at the cert stage and the merits stage.

4. NCLA secured another *amicus* victory in [NRA v. Vullo](#). The Justices found NRA plausibly accused a New York official of violating its rights to free speech and association, after she effectively threatened to punish banks and insurers via regulatory action if they kept doing business with NRA over its Second Amendment views.

NCLA also presented its case for upholding a preliminary injunction in [Murthy v. Missouri](#) that barred officials at the White House and various agencies from encouraging social media platforms to censor legal speech. In a disappointing shrinking of First Amendment rights, the Supreme Court majority vacated the injunction, ruling that the Respondents it protected lacked standing to support injunctive relief. The majority did not address the merits of NCLA's case, and found that NCLA client Jill Hines came closer to standing than any other Respondent.

Unfortunately, the Court had denied NCLA's request for separate oral argument on behalf of the individual plaintiffs, so only the Solicitor-General of Louisiana was able to defend our clients' standing, and despite our best efforts helping to prepare him, he was not in the best position to do so. For the Court to deny standing to Jill Hines and our other individual clients after only hearing from counsel for the State of Louisiana was frankly shocking. As the case proceeds in lower courts, NCLA remains determined to end the government's censorship industrial complex. Rest assured, after a prolific term at the Supreme Court, NCLA continues to fight Administrative State power abuses on behalf of all Americans.

NCLA released the following statements:

“Our victories this summer are transformative. They bar agencies from going beyond their statutory authority, they prevent judges from deferring to agency interpretations of statutes, and they stop agencies from evading the courts and jury rights. As Churchill might have said, ‘This is not the end of the Administrative State. It is not even the beginning of the end. But it is, perhaps, the end of the beginning.’”

— **Philip Hamburger, Chief Executive Officer and Founder, NCLA**

“The Supreme Court term that just ended was the single most significant term for limiting administrative power in at least half a century, and NCLA was in the thick of every major case.”

— **Mark Chenoweth, President, NCLA**

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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