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NCLA Marks First Anniversary of Overturning *Chevron* Deference, Creating *Relentless* Working Group

Relentless Inc., et al. v. U.S. Dept. of Commerce, et al.

Washington, DC (June 26, 2025) – On June 28, the New Civil Liberties Alliance will celebrate the one-year anniversary of persuading the U.S. Supreme Court in [Relentless Inc. v. Dept. of Commerce](#) to overturn the unconstitutional *Chevron* judicial deference doctrine. The Court vacated and remanded the U.S. Court of Appeals for the First Circuit’s decision that upheld a National Oceanic and Atmospheric Administration and NOAA Fisheries rule requiring companies like NCLA’s clients to pay for at-sea government monitors on their boats.

The decision recognized that the text of the Administrative Procedure Act (APA) commands courts to review agency rules like this one *de novo*, without deferring to agencies’ interpretations as *Chevron* required. Argued and decided at the Supreme Court in tandem with [Loper Bright Enterprises, et al. v. Raimondo](#) (a case from the Court of Appeals for the District of Columbia Circuit that relied on *Chevron* to uphold the same NOAA rule), *Relentless* has already curtailed many abuses of administrative power and will do so for decades to come.

In addition to recognizing that Congress commanded *de novo* review in the APA, Chief Justice Roberts’s majority opinion noted that the APA codified a long-standing and essential American tradition of judicial independence. Other Justices’ opinions, concurring with the majority, 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 his or her own 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 get an impartial adjudicator, which violates the core constitutional promise of due process of law.

NCLA has created and led the “*Relentless* Working Group” since last summer, which brings together leading attorneys and groups that filed *amicus curiae* briefs in support of *Loper Bright* and *Relentless* to monitor, analyze, and discuss how lower courts are applying this historic ruling. RWG’s objective is to ensure that the responsibility for authoritatively interpreting and applying the law remains where the Constitution put it—with federal judges, not agency bureaucrats. NCLA’s website features *Relentless* Working Group [resources](#) including relevant court opinions, orders, briefs, academic articles, and media coverage to chart progress and keep observers informed.

NCLA released the following statements:

“The defeat of *Chevron* is tremendously important. It has confined administrative power and begun to restore an independent judiciary.”

— **Philip Hamburger, CEO, NCLA**

“As the one-year anniversary of the end of *Chevron* deference approaches, it has already affected the agencies’ inclination to overreach and allowed the Courts to resume their accustomed role in saying what the law is. We only await the actual effect on our clients, as the *Relentless* and *Loper Bright* cases are still in the lower courts.”

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

“It is an honor to regularly meet with scholars and practitioners in the *Relentless* Working Group who care deeply about the courts’ proper role and function, and who spend their time advocating for one of the most important liberty-preserving elements of our Constitution: The judiciary’s authority to exercise its judgment free from influence by the political branches of government.”

— **Daniel Kelly, Senior Litigation Counsel, NCLA, Former Wisconsin Supreme Court Justice**

“Overturning *Chevron* deference leveled the playing field for all future lawsuits against federal administrative agencies. In just the past year, we have witnessed how successful individuals and companies can be taking on unlawful agency actions when there is no longer a thumb on the scale for the government.”

— **Mark Chenoweth, President, NCLA**

For more information visit the case page [here](#), and the *Relentless* Working Group 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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