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Supreme Court Curbs Executive Agency Deference in Landmark Ruling

WASHINGTON, DC (June 28, 2024): Today, the United States Supreme Court issued a landmark [opinion](#) reining in bureaucratic agencies. Under so-called “Chevron deference,” courts have granted agencies broad deference to interpret and enact rules with little judicial oversight. As [Southeastern Legal Foundation](#) (SLF) argued in an [amicus brief](#) before the Supreme Court, this has enabled the growth of the regulatory state and is a threat to separation of powers. Now, the Court has overruled Chevron deference so that courts no longer owe broad judicial deference to agencies simply because they are agencies.

The [case](#) involved a legal claim brought by a group of fishermen against the National Marine Fisheries Service (NMFS). When NMFS ran out of money to pay for “observers” who watch boats for fishing violations, the agency decided to force fishermen to pay for the observers themselves. Lower courts ruled that even though Congress did not authorize this action by statute, the agency was owed deference over how it interpreted its own powers.

SLF filed an [amicus brief](#) together with [Job Creators Network](#), [Texas Public Policy Foundation](#), and the [Defense of Freedom Institute](#) supporting the fishermen and urging the Supreme Court to strike down Chevron deference because it gives agencies far too much power.

The Supreme Court agreed, [holding](#) that courts must act independently when deciding whether an agency has authority to enact and enforce rules. Chevron deference limited that independent judicial authority by forcing courts to let agencies decide how to proceed when a congressional statute was ambiguous. But as the Supreme Court wrote, interpreting statutes is a job for the courts, not unelected bureaucrats.

Vice President of Litigation for SLF [Braden Boucek](#) states, “Today the Supreme Court took an important step to restoring our Nation’s critical separation of powers principles. By ruling that executive agencies can’t come up with limits to its own powers and demand the courts accept it, the Supreme Court has ensured that all Americans, not just fishermen, can hold the branches of government constitutionally accountable.”