



SLF Files Brief in Supreme Court Case to Protect Congressional Power and Stop Administrative Overreach by FCC

[February 19, 2025] Southeastern Legal Foundation (SLF), an organization of top attorneys that regularly defend Americans’ constitutional rights, [filed an amicus \(friend of the court\) brief](#) to support the Consumers’ Research respondents in [FCC v. Consumers’ Research](#) on Tuesday. SLF argues that Consumers’ Research must prevail in order to reaffirm the nondelegation doctrine, which ensures the authority of Congress is protected since it is the branch of government closest to the American people.

The brief states, **“If Congress could hand off all its legislative powers to unelected agency officials, it ‘would dash the whole scheme’ of our Constitution . . . ”** SLF urges the Supreme Court to restore the strength of the nondelegation doctrine, arguing that a failure to do so will weaken the balance between Congress and the executive branch. Their brief states, “Congress is delegating authority in an area where it was capable of legislating but found it **more convenient** to leave it to the FCC to formulate key policy details.”

SLF sides with Consumers’ Research and argues that Congress made an improper delegation of its power to the FCC, allowing the executive agency to define “universal service” — a principle that all Americans should have access to communications services at a reasonable price.

SLF said, “The law does not define universal service or set any concrete goals for attaining [it].” **Congress’s use of “vague and undefined language”** and failure to define terms will allow for “unelected career bureaucrats” at the FCC to “hand-craft” and enforce their own policies without accountability.

Because of the constitutional principles at stake, SLF urged the Court to look to the original intent of the Founding Fathers of America. They said, “The Framers ‘believed the **new federal government’s most dangerous power was the power to enact laws restricting the people’s liberty.**’ ... In their view, ‘[a]n ‘excess of law-making’ was one of ‘the diseases to which our governments are most liable.’”

The brief concludes, “The Court should prioritize faithful interpretation and application of the law over catering to a parade of horrors that may never materialize. No doubt, restoring strength to the nondelegation doctrine will affect the balance of power between Congress and executive agencies.”



Southeastern Legal Foundation is a national, nonprofit legal organization dedicated to defending liberty and Rebuilding the American Republic®. Since 1976, SLF has been going to court for the American people when the government overreaches and violates your constitutional rights.

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