

The Supreme Court Update - June 28, 2024

by Ian Blodger, Jessica M. Leano, and Brock Huebner

The Supreme Court of the United States issued four decisions today:

Loper Bright Enterprises v. Raimondo, No. 22-451; Relentless v. Department of Commerce, No. 22-1219: These cases, decided in a single opinion, address the continued viability of the *Chevron* doctrine. As set forth in *Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U.S. 837 (1984), courts generally deferred to federal agencies' "permissible" interpretations of ambiguous federal statutes that the agency administered. In the decades since its announcement, the *Chevron* doctrine has been clarified, modified, and narrowed by subsequent cases. Both *Loper Bright* and *Relentless* asked the Court to consider directly whether *Chevron* should be overruled. In a 6-3 opinion authored by Chief Justice Roberts, the Court expressly overruled *Chevron*, holding that Article III and the Administrative Procedure Act require federal courts to exercise independent judgment to decide whether an agency's actions are allowed under a statute. Justices Thomas and Gorsuch each authored concurring opinions. Justice Kagan dissented and was joined by Justices Sotomayor and Jackson (only for *Relentless*; Justice Jackson did not participate in *Loper Bright*).

View the Court's [decisions](#).

Fischer v. United States, No. 23-5572: This case concerns the scope of the residual "otherwise" clause in 18 U.S.C. § 1512(c)(2), which imposes criminal liability on anyone who "otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so." Joseph Fischer was charged under Section 1512(c)(2) for his activities in the U.S. Capitol on January 6, 2021. Fischer moved to dismiss the charge, arguing that Section 1512(c)(2) is limited in scope by Section 1512(c)(1), which requires the defendant to "have taken some action with respect to a document, record, or other object." The district court granted the motion in relevant part, and a divided D.C. Circuit panel reversed. In a 6-3 opinion authored by Chief Justice Roberts, the Court vacated the D.C. Circuit's judgment, holding that to prove a violation of Section 1512(c)(2), the Government must establish that the defendant "impaired the availability or integrity for

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use in an official proceeding of records, documents, objects, or ... other things used in the proceeding, or attempted to do so.” Considering the “otherwise” clause’s link to the surrounding words, and applying principles of statutory interpretation, the majority found the “otherwise” clause in subsection (c)(2) was limited by the list of specific criminal violations preceding it in (c)(1), a conclusion confirmed by the broader context of Section 1512. Justice Jackson joined in the opinion, but wrote a separate concurrence regarding why and how that interpretation of Section 1512(c) follows from the legislative purpose that the statute’s text embodies. Justice Barrett, joined by Justices Sotomayor and Kagan, dissented on grounds that the majority did “textual backflips” to narrow the scope of Section 1512(c)(2).

View the Court's [decision](#).

City of Grants Pass, Oregon v. Johnson, No. 23-175: This case addresses whether a local government’s enforcement of generally applicable public camping restrictions against homeless persons violates the Eighth Amendment’s Cruel and Unusual Punishment Clause. A putative class of homeless persons living in Grants Pass, Oregon sued the city, relying on a Ninth Circuit precedent that recognized an Eighth Amendment violation when public camping ordinances are enforced in jurisdictions where the number of homeless persons exceeds the number of “practically available” shelter beds. The district court granted, and Ninth Circuit affirmed, an injunction against Grants Pass after concluding that the shelter beds in Grants Pass were not “available” due to religious and other restrictions imposed by local shelters. In a 6-3 decision authored by Justice Gorsuch, the Court reversed the injunction, concluding that the fines and short jail sentences at issue in Grants Pass’s ordinance were not “cruel and unusual,” and that the enforcement of the generally applicable ordinance does not criminalize “status” of homelessness. Justice Thomas concurred. Justice Sotomayor dissented and was joined by Justices Kagan and Jackson.

View the Court's [decision](#).