The Court v. the Power Grabbers

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The U.S. Supreme Court giveth and the U.S. Supreme Court taketh away.

A slew of Supreme Court decisions is keeping us off balance. While we were still reeling from the blow delivered by *Murthy v. Missouri*'s go-ahead for federal suppression of social-media speech, the court also acted to rein in runaway bureaucrats.

The decision, which some call a "major blow to big government" —let's see how it plays out before echoing this—is *Loper Bright Enterprises v. Raimondo*. In this 6–3 ruling to limit the administrative state's power to expand its power, the court reversed its own 1984 ruling, *Chevron USA v. NRDC*.

According to Stanford Law professor Michael McConnell, *Chevron* meant that when the actions of a federal agency—to stop you from cleaning up a pond ("wetland") on your own property or whatever—end up being litigated, courts must "defer to the agency's own construction of its operating statute" unless that construction is too wildly unreasonable.

Agencies consequently enjoyed "considerable leeway in determining the scope" of what they can do to us.

Guess what. They typically prefer more power to less, less constitutional restraint to more.

"Chevron is overruled," the new ruling states. Courts must "exercise their independent judgment in deciding whether an agency has acted within its statutory authority, and courts may not defer to an agency interpretation of the law simply because a statute is ambiguous."

Maybe more courts will now more often stop runaway bureaucrats in their tracks.

This is Common Sense. I'm Paul Jacob.