



**June 2024**

Dear Majority Leader Schumer, Minority Leader McConnell, Speaker Johnson, Minority Leader Jeffries, Chairman Durbin, Ranking Member Graham, Chairman Whitehouse, and Ranking Member Kennedy:

The Supreme Court has, in recent years, abandoned established precedent and embraced a framework of its own design in order to amass more power for itself by taking it from federal agencies, and by extension the peoples' elected representatives in Congress. All signs point to the Court supercharging this effort in the coming months.

We therefore write to you on behalf of the tens of millions of Americans we represent to sound the alarm about the threat the Supreme Court's *relentless* power grab poses to our communities and to your authority as democratically elected officials. A series of cases on the docket this term, with *Relentless Inc. v. Department of Commerce* and *Loper Bright Enterprises v. Raimondo* being the most prominent examples, have the potential to completely upend the balance of power between the judicial, legislative, and executive branches of government with consequences that will reverberate in our country for decades.

Put simply, the Supreme Court is coming for Congress's power and the executive branch's ability to appropriately implement legislative mandates. And that means Americans' representation in their government — our most basic right — is at stake.

In *Relentless Inc. v. Department of Commerce* the right-wing justices on the Supreme Court are threatening to overturn 40 years of legal precedent to give themselves the power to rewrite policy decisions enacted by federal agencies. This case could grant partisan, life-tenured, unelected judges more power to overrule elected officials like you who are accountable to the American people, solidifying the Roberts Court's legacy advancing an extreme agenda that benefits billionaires over the interests of the American people. A decision empowering the Supreme Court with more decision-making power over policy could:

- Give Supreme Court justices the ability to set drug safety standards — impacting which medications we have access to.
- Empower the Supreme Court to dictate environmental policy rather than deferring to scientists and experts at the EPA.
- Put Supreme Court justices in charge of evaluating worker safety standards.
- Enable Supreme Court justices to decide who should get Social Security benefits.

On these topics and so many more, *Relentless* opens the door for Supreme Court justices to supersede elected officials' intentions by overriding agency experts' interpretation and execution

of Congressional intent. And the impact of this power grab would not stop at Supreme Court rulings. This case would multiply the destabilizing effect of the extremist Supreme Court by empowering lower court justices with limited expertise to make consequential decisions about every aspect of our government. In doing so, the Supreme Court diminishes Congress's ability — your ability — to effectively represent your constituents.

Undoing the current ability of agency experts to interpret the laws they administer, should the Supreme Court do so, will inevitably have unpredictable and unintended effects. As Congress is well aware, most laws are written with the current framework of deference in mind. Without it, we anticipate a huge increase in litigation, creating an uncertain environment for businesses, as well as a patchwork of interpretations across the country that will exacerbate the trend of manipulating outcomes in cases via federal court venue-shopping and judge shopping. The damage to our nation's ability to innovate, to the services our government provides for our most vulnerable citizens, and to our rights altogether, could be severe.

We already have a window into a post-Chevron world. Since the newly conceived major questions doctrine became standard practice at the high court, the majority has overridden Congressional intent and agency rulemaking to severely restrict the EPA's climate authority under the Clean Air Act, overturn President Biden's student loan forgiveness program, and more, despite the broad authority Congress provided agencies to implement these directives. The status quo is already harmful to our communities, now *Relentless* stands to further codify and prop open the floodgates to judicial lawmaking.

None of this is happening by accident. Meticulous investigative reporting has revealed the massive influence that billionaires like Leonard Leo and the Koch brothers have exercised at the Supreme Court. Right-wing justices are being showered with luxury gifts and travel, refusing to recuse themselves from cases that impact their benefactors, and even refusing to respond to inquiries from Congress. Rather than being fair, objective final arbiters of the law, the right-wing majority on the Supreme Court is rewriting the rules in favor of their billionaire benefactors who are determined to force their own extreme agenda on Americans. Taken together, the *Relentless* cases represent the latest front in the attack on Americans' rights and freedoms.

To date, Congress has virtually ignored the damage the Supreme Court has done and could do in these cases, both to itself as an institution and to the American people. The *Relentless* case attacks the heart of our balanced system of government and will profoundly undercut Congress's ability to enact legislation that protects our nation, conserves our environment, and supports the wellbeing of our people. The basic rights and protections put in place by democratically elected representatives will be eroded over months and years of courtroom litigation. And while we may not feel the impacts immediately, by the time we do feel them, it will be too late. We deserve better.

Our communities need a Supreme Court that can be trusted to ensure equal justice under the law for all people. Congress should use its role in our system of checks and balances to defend the rights and freedoms this broken Supreme Court appears poised to take away — while it still can.

Signed,

Accountable.US  
Action Together NEPA  
AFT  
Albert Shanker Institute  
All\* Above All  
America's Voice  
American Atheists  
American Center for Religious Freedom  
American Federation of State County and  
Municipal Employees  
American Humanist Association  
Americans for Tax Fairness  
Beyt Tikkun  
Blue Future  
Catholics for Choice  
Center for American Progress Action Fund  
Center for Popular Democracy  
Center for WorkLife Law  
Clean Elections Texas  
Climate Hawks Vote  
CommonDefense.us  
Courage California  
Court Accountability  
DemCast USA  
Democratic Messaging Project  
Dēmos  
Disability Victory  
Emancipate NC  
End Citizens United // Let America Vote Action  
Fund  
Enough of Gun Violence  
Equal Ground Action Fund  
Equal Justice Society  
Equality California  
Evergreen Action  
Faith For Black Lives  
Fourth Branch Action  
Free Speech For People  
Freedom From Religion Foundation  
Fuerte Arts Movement  
Greenpeace USA  
Indivisible  
Indivisible Hawaii  
Indivisible Rural Illinois  
Indivisible Santa Fe  
Interfaith Center on Corporate Responsibility  
Jewish Alliance for Law and Social Action

JustUS Coordinating Council  
Lawyers for Good Government  
League of Conservation Voters  
National Council of Churches  
National Education Association  
National Employment Law Project  
National Partnership for Women & Families  
National Women's Law Center  
New Disabled South  
Newtown Action Alliance  
Ocean Defense Initiative  
P Street  
Patriotic Millionaires  
People For the American Way  
People Power United  
People's Parity Project  
Progress Arizona  
Protect Borrowers Action  
PureLegacee  
Reproductive Rights Coalition  
Revolving Door Project  
RootsAction.org  
Secure Elections Network  
SEIU  
SisterLove, Inc.  
Social Security Works  
Sojourners-SojoAction  
Stand Up America  
Student Borrower Protection Center  
Take Back the Court Action Fund  
The Media and Democracy Project  
The Restaurant Opportunities Centers United  
(ROC UNITED)  
The Workers Circle  
True North Research  
Tulipshare  
Un-PAC  
Union of Concerned Scientists  
Unitarian Universalist Association  
Vote Pro-Choice  
Voter Choice Connecticut  
Voters of Tomorrow  
Voters Rights and Protection Taskforce  
Voto Latino  
Wisconsin Faith Voices for Justice  
Worker Power