

Washington, D.C., Justice

‘A Quiet Coup,’ Murphy Warns of Court Decision

— Juliann Ventura, 7.6.2024



WASHINGTON, D.C. — After the Supreme Court overturned the decades-long Chevron doctrine, effectively curtailing the power of federal agencies to regulate sectors like technology and the environment, Connecticut’s lawmakers on the Hill blasted the ruling with Sen. Chris Murphy going so far as to call it “a quiet coup.”

“This was a massive power grab by the Court,” Sen. Chris Murphy posted in a thread of **posts** about the decision on X. “They will now be in charge, for all practical purposes, of enforcing our laws. The executive branch will be held hostage to an increasingly right wing, pro-corporate, anti-worker court. The result is a disaster for our economy.”

In a 6-3 **ruling** written by Chief Justice John G. Roberts Jr., the majority conservative court decision rolled back the authority that federal agencies have to interpret ambiguous statutes and guide the courts on subject areas outside of their expertise.

“It’s clear that going forward, any new rule or regulation that comes out of a federal agency is going to be subjected to immediate and certain challenge in court, so that will kind of tie the hands of the agencies, because it’ll take many years in court to defend the legality of their regulations,” said Douglas Kysar, an environmental law professor at Yale Law School.

He added that the reversal is going to cause agencies to approach their delegated authority in a “fearful fashion” because it will almost certainly be challenged in court.

In the thread of posts on X, Murphy also said that, the “Supreme Court decision, decided by Trump appointed justices, is a gift wrapped present to these corporations and billionaires.”

“It ends the deference to agencies, and puts unaccountable life-appointed right wing judges in charge of deciding how to enforce our laws,” he said in the statement.

Rep. Rosa DeLauro echoed Murphy in a statement, characterizing the ruling as a “judicial overreach and a blatant power grab.”

“The conservatives on the Supreme Court have decided to empower billionaires and giant corporations to act with impunity,” she said in the statement.

Brigham McCown, the director of the conservative think tank Hudson Institute’s Initiative on American Energy Security, said that there’s one aspect of the decision that isn’t being talked about enough.

“None of this would be an issue if Congress would write with more specificity and the statutes, the laws that they pass were less ambiguous,” McCown said.

McCown added that, through hearings, Congress gets to hear from experts and thus make “informed decisions based upon all stakeholders” so that its legislation needn’t be ambiguous.

While Roberts, his decision, said that earlier decisions that relied on Chevron would not be affected by the reversal, Justice Kagan argued in her dissent that it would create “large-scale disruption” and would raise “new doubts about agency constructions of statutes.”

Kysar, on the other hand, said it was “very hard to take what Roberts said at face value” given that the court **issued** an opinion on Monday that effectively relaxes time limits on challenging federal rules, even long standing ones like the Clean Air Act and the Clean Water Act.

The Administrative Procedure Act, which essentially lays out the process by which administrative agencies and the federal government establish regulations, allows for a six-year statute of limitations on lawsuits. But under the Supreme Court’s decision, the clock starts only after an entity has been affected by a rule.

“The court has just pulled the rug out from under that federal regulatory role,” Kysar said.

Kysar also questioned how this power shift could impact states, offering Connecticut as an example.

“Like Connecticut, we can’t control the quality of our air because our air quality is determined by the power plant emissions that are happening in the Midwest, and we don’t have any authority over coal fired power plants in Kentucky or Indiana,” he said. “So it’s up to the federal government to deal with those cross boundary interstate disputes.”

In a statement, Sen. Richard Blumenthal said that reversing Chevron “has eroded the separation of powers.”

“The Court rewards big corporations and the wealthy—prioritizing corporate greed over the health, safety, and welfare of the American people and putting our ability to protect workers, consumers, and the environment at risk,” Blumenthal said in the statement.

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