

Syllabus

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SUPREME COURT OF THE UNITED STATES

Syllabus

BLUE v. UNITED STATES**REVIEW TO THE UNITED STATES GOVERNMENT**

No. 09–45. Decided August 1, 2020

Congress enacted the Shielding Our Officers Act in June 2020 in part to prevent Municipal officers from arresting federal officers for crimes against Municipal law. After petitioner was detained under that Act for arresting a federal officer on the grounds of reckless driving, he challenged subsections 2(a) and (b) of the SOOA for infringing on the Municipality’s right as an inviolably sovereign entity not to be commandeered by the Federal Government.

Held: Subsections 2(a) and (b) of the SOOA are unconstitutional. Municipal officers may enforce municipal law against federal officers unless the federal officer is responding to an emergency situation. Pp. 1–3.

(a) SOOA infringes on the Tenth Amendment rights of Municipalities. Congress cannot infringe on a Municipality’s right to enact laws for the protection of their citizens by preventing their officers from carrying out those laws. Pp. 1–2.

(b) Moreover, *Hamilton v. United States*, 9 U. S. ___, bars Congress from regulating through the Municipalities; it can only regulate the People of the United States directly. It is clear that SOOA regulates the Municipalities, rather than the People of the United States. As such, it is unconstitutional. Pp. 2–3.

(c) The Constitution itself may limit the ability of municipal law enforcement to obstruct federal agents in emergency situations, but that does not authorize Congress to supplement that constitutional protection with an unconstitutional law like the SOOA. P. 3.

JAY, J., delivered the opinion for a unanimous Court.

Opinion of the Court

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SUPREME COURT OF THE UNITED STATES

No. 09–45

BLUEKILLERFOREVER, PETITIONER *v.* UNITED
STATES

ON WRIT OF REVIEW TO THE UNITED STATES GOVERNMENT

[August 1, 2020]

JUSTICE JAY delivered the opinion of the Court.

Our current Constitution establishes a system of “dual sovereignty” with Federal institutions having nationwide jurisdiction and Municipal institutions having local jurisdiction. The case before us examines the distinctive relationship and power struggle between both these institutions: the United States and the District of Columbia. The current dilemma before us began when a Sergeant from the Metropolitan Police Department was detained for supposedly violating the Shielding Our Officers Act (SOOA), Pub. L. No. 80–9. According to this law, federal officers are immune from arrest for reckless driving unless they receive three warnings, which contends with the reckless driving statute under municipal law that does not afford federal officers three warnings. The Constitution is very explicit on this matter asserting that Congress does not have the power to enact such legislation on the District of Columbia.

I

At the center of this case lies the Tenth Amendment which bestows the municipalities with many powers. The Constitution forbids the federal government from enacting legislation that is not within their power. According to the

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Tenth Amendment all powers not bestowed to the federal government “are reserved to the Municipalities.” One of those powers is a “police power . . . ‘to safeguard the vital interests of [the Municipality’s] people.’” *Energy Reserves Group, Inc. v. Kansas Power & Light Co.*, 459 U. S. 400, 410 (1983) (quoting *Home Bldg. & Loan Assn. v. Blaisdell*, 290 U. S. 398, 434 (1934)). This power allows municipal law makers to establish municipal offences and punishments, which municipal law enforcement agencies must enforce. In this case, Congress is overstepping their authority by prohibiting the District of Columbia to exercise its police power on federal law enforcement officers. The federal government crossed the line by coercing the District of Columbia to exercise their police power the way Congress says so rather than the way the Municipality determines to be in the “vital interests of [its] people.” *Ibid.*

Congress cannot force municipalities to decide between enforcing their own police power or to face detainment from federal officers. By doing this they would utterly ruin the federalist structure enshrined in the Tenth Amendment.

II

Although the Federal Constitution permits Congress to pass laws that directly control the People of the United States, it does not allow them to infringe upon the sovereignty of the Municipalities. In *Hamilton v. United States*, 9 U. S. ____ (2020), this Court held that Congress does not have the power to “to infringe on the inviolable sovereignty of Municipalities by commandeering their entities and implementing federal legislation through them.” *Id.*, at ____ (slip op., at 11). Congress, by enforcing the SOOA, is not directly controlling the People of the United States but rather is regulating the Municipality by preventing municipal officers from carrying out their duty. In that sense, Congress is attempting to control and regulate the employees of the Municipality, which would signify that Congress is

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directly attempting to control the Municipality itself.

Moreover, this court held that Congress “lacks the power to enact legislation either abolishing or internally reforming local agencies.” *Id.*, at ____ (slip op., at 13). It is quite evident that the SOOA drastically internally reforms municipal law enforcement agencies by limiting their powers to enforce their own municipal law. The SOOA is one of those attempts by the Congress to commandeer the Municipality and is a threat to the core values that this nation is built upon.

The Constitution itself may limit the ability of municipal law enforcement to obstruct federal agents in emergency situations, but that does not authorize Congress to supplement that constitutional protection with an unconstitutional law like the SOOA.

* * *

We hold that federal statutes such as the SOOA that limit the enforcement of municipal law on federal law enforcement officers and effectively amend portions of municipal criminal law violate the Tenth Amendment. As such, the Shielding Our Officers Act, Pub. L. No. 80–9, is unconstitutional and overturned as to subsections 2(a) and (b).

It is so ordered.