

5 Takeaways From Major Supreme Court Ruling on Nationwide Injunctions

By limiting the ability of judges to issue universal blocks, the court's ruling is expected to affect other cases contesting Trump administration policies.

The Supreme Court issued a landmark opinion on June 27 that effectively restrained judges' ability to issue sweeping orders blocking the president's policies. Known as nationwide injunctions, the number of orders has exploded in frequency, with a particular spike under President Donald Trump.

In a 6–3 [decision](#), the Supreme Court said that Congress hadn't granted judges authority to issue broad relief to individuals not before the court. Some of the details still need to be ironed out and the ultimate fate of Trump's policies has yet to be decided. However, the court's order did give the administration leverage in fighting federal judges on how far they can limit the president's policies.

At a more practical level, the decision temporarily halted three nationwide blocks on Trump's attempt to limit birthright citizenship.

Justice Amy Coney Barrett, who delivered the decision of the court, qualified that it was only intended to halt the injunctions "to the extent that the injunctions are broader than necessary to provide complete relief to each plaintiff with standing to sue."

The judges who issued those orders are expected to reconsider them in light of the Supreme Court's latest decision. Ultimately, their orders could wind up back at the Supreme Court, as could a deeper debate about the constitutionality of Trump's policy on birthright citizenship.

Here are some of the key takeaways for the decision and how it could impact future policies.

Nationwide Injunctions Not Consistent With Nation's History

The majority's primary holding focused on the Judiciary Act of 1789 and whether it allowed judges to issue nationwide injunctions.

It refrained, however, from deciding whether Article III of the Constitution, which generally outlines federal courts' authority, allowed judges to issue such orders. Article III has been cited by Republicans and was used by the Trump administration to argue against the injunctions on birthright citizenship.

Regardless, Barrett's majority opinion indicates that nationwide injunctions don't align with how courts have operated in both the United States and England.

“The universal injunction was conspicuously nonexistent for most of our Nation’s history,” Barrett said. “Its absence from 18th- and 19th-century equity practice settles the question of judicial authority.”

Broad Relief Still Possible

A key aspect of Barrett’s opinion indicated that broad relief was not necessarily bad but depended on who the plaintiffs in particular cases were. Courts, she said, could issue orders designed to provide “complete” relief for the parties before the court rather than other individuals in similar situations.

One of the blocks on Trump’s policy came from a case known as *CASA, Inc. v. Trump*, which involved two organizations and pregnant women suing the administration. Barrett said that in that case, courts may provide relief by blocking Trump’s policy as it affected the women who sued.

“Extending the injunction to cover all other similarly situated individuals would not render her relief any more complete,” she said.

But the court wasn’t just handling that case. It was also weighing in on two nationwide injunctions issued in cases brought by states. Those cases were more complicated, Barrett said, because the courts issued nationwide orders because they thought doing so would provide the states themselves relief.

For example, U.S. District Judge John Coughenour said in February that a geographically limited injunction would be “ineffective” because plaintiff states would have to pay for the children of illegal immigrants who travel from other states.

Both Justices Samuel Alito and Brett Kavanaugh issued concurrences indicating that courts could provide broad relief through something known as class certification. In those situations, courts may issue orders affecting a group of people who are represented by individuals who actually brought the lawsuits.

In the *CASA* case, the plaintiffs quickly followed the Supreme Court’s ruling on June 27 with a [request](#) that their judge issue a new order protecting a particular class of individuals. It’s unclear how that request and others will play out in court. Alito’s concurrence seemed concerned that lower court judges may use class certification to get around the majority’s decision.

“Lax enforcement of the requirements for third-party standing and class certification would create a potentially significant loophole to today’s decision,” he said.

Unclear How Birthright Citizenship Issue Will Play Out

Barrett’s opinion refused to delve into the constitutionality of Trump’s order, as well as whether he might be successful in arguing that it aligned with the 14th Amendment. That question is for

a later date and likely won't be decided until after the lower courts update their orders blocking Trump's policy.



No one disputes that the Executive has a duty to follow the law. But the Judiciary does not have unbridled authority to enforce this obligation.

Justice Amy Coney Barrett

It's clear from her opinion, however, that she thinks judges should exercise restraint in how they block executive branch policies.

"No one disputes that the Executive has a duty to follow the law," Barrett said. "But the Judiciary does not have unbridled authority to enforce this obligation—in fact, sometimes the law prohibits the Judiciary from doing so."

The underlying cases focus on whether Trump violated the 14th Amendment's guarantee that "all persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside."

In 1898, the Supreme Court said the provision meant that a man born to lawful residents of the United States was a citizen. According to Sotomayor and others, that case settled the issue, but Trump disagreed.

Sotomayor, in her dissent, said addressing the constitutionality of Trump's order was critical for understanding why nationwide injunctions were appropriate. The "patent unlawfulness" of Trump's order, she said, "reveals the gravity of the majority's error and underscores why equity supports universal injunctions."

Dissenters Say Constitutional Rights in Danger

Sotomayor and Justice Ketanji Brown Jackson, who penned her own dissent, expressed their disagreement with Barrett and her majority opinion colleagues.

"No right is safe in the new legal regime the Court creates," Sotomayor said. She added that while birthright citizenship might be under threat today, "tomorrow, a different administration may try to seize firearms from law-abiding citizens or prevent people of certain faiths from gathering to worship."

Because the majority decision limited relief to parties before the court, it rendered "constitutional guarantees meaningful in name only for any individuals who are not parties to a lawsuit," Sotomayor said.

Jackson, meanwhile, described the majority's decision as "an existential threat to the rule of law." Her separate dissent suggested that Barrett had focused too much on history and not enough on broader and more basic principles, like whether the judiciary can stop unlawful behavior.

Justice Sotomayor said the majority decision rendered "constitutional guarantees meaningful in name only for any individuals who are not parties to a lawsuit."

"The majority's ruling thus not only diverges from first principles, it is also profoundly dangerous, since it gives the Executive the go-ahead to sometimes wield the kind of unchecked, arbitrary power the Founders crafted our Constitution to eradicate," she said.

Majority Has Strong Words for Jackson

In multiple portions of Barrett's majority opinion, she and her fellow justices leveled criticisms of Jackson's dissent.

At one point, Barrett said that Jackson's position was "difficult to pin down." After briefly discussing Jackson's dissent, Barrett adds that the majority "will not dwell on Justice Jackson's argument, which is at odds with more than two centuries' worth of precedent, not to mention the Constitution itself."

At another point, Barrett contrasts Jackson's approach with Sotomayor's. While the latter grappled with things like the Judiciary Act and court precedent, Jackson "chooses a startling line of attack that is tethered neither to these sources nor, frankly, to any doctrine whatsoever," Barrett said.

She added that Jackson's vision for the judiciary "would make even the most ardent defender of judicial supremacy blush."