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NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

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UNITED STATES *v.* COMSTOCK ET AL.CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE FOURTH CIRCUIT

No. 08–1224. Argued January 12, 2010—Decided May 17, 2010

Federal law allows a district court to order the civil commitment of a mentally ill, sexually dangerous federal prisoner beyond the date he would otherwise be released. 18 U. S. C. §4248. The Government instituted civil-commitment proceedings under §4248 against respondents, each of whom moved to dismiss on the ground, *inter alia*, that, in enacting the statute, Congress exceeded its powers under the Necessary and Proper Clause, U. S. Const., Art. I, §8, cl. 18. Agreeing, the District Court granted dismissal, and the Fourth Circuit affirmed on the legislative-power ground.

Held: The Necessary and Proper Clause grants Congress authority sufficient to enact §4248. Taken together, five considerations compel this conclusion. Pp. 5–22.

(1) The Clause grants Congress broad authority to pass laws in furtherance of its constitutionally enumerated powers. It makes clear that grants of specific federal legislative authority are accompanied by broad power to enact laws that are “convenient, or useful” or “conducive” to the enumerated power’s “beneficial exercise,” *e.g.*, *McCulloch v. Maryland*, 4 Wheat. 316, 413, 418, and that Congress can “legislate on that vast mass of incidental powers which must be involved in the constitution,” *id.*, at 421. In determining whether the Clause authorizes a particular federal statute, there must be “means-ends rationality” between the enacted statute and the source of federal power. *Sabri v. United States*, 541 U. S. 600, 605. The Constitution “addresse[s]” the “choice of means” “primarily . . . to the judgment of Congress. If it can be seen that the means adopted are really calculated to attain the end, the degree of their necessity, the extent to which they conduce to the end, the closeness of the relationship between the means adopted and the end to be attained, are matters for

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congressional determination alone.” *Burroughs v. United States*, 290 U. S. 534, 547–548. Thus, although the Constitution nowhere grants Congress express power to create federal crimes beyond those specifically enumerated, to punish their violation, to imprison violators, to provide appropriately for those imprisoned, or to maintain the security of those who are not imprisoned but who may be affected by the federal imprisonment of others, Congress possesses broad authority to do each of those things under the Clause. Pp. 5–9.

(2) Congress has long been involved in the delivery of mental health care to federal prisoners, and has long provided for their civil commitment. See, e.g., Act of Mar. 3, 1855, 10 Stat. 682; Insanity Defense Reform Act of 1984, 18 U. S. C. §§4241–4247. A longstanding history of related federal action does not demonstrate a statute’s constitutionality, see, e.g., *Walz v. Tax Comm’n of City of New York*, 397 U. S. 664, 678, but can be “helpful in reviewing the substance of a congressional statutory scheme,” *Gonzales v. Raich*, 545 U. S. 1, 21, and, in particular, the reasonableness of the relation between the new statute and pre-existing federal interests. Section 4248 differs from earlier statutes in that it focuses directly upon persons who, due to a mental illness, are sexually dangerous. Many of these individuals, however, were likely already subject to civil commitment under §4246, which, since 1949, has authorized the postsentence detention of federal prisoners who suffer from a mental illness and who are thereby dangerous (whether sexually or otherwise). The similarities between §4246 and §4248 demonstrate that the latter is a modest addition to a longstanding federal statutory framework. Pp. 9–14.

(3) There are sound reasons for §4248’s enactment. The Federal Government, as custodian of its prisoners, has the constitutional power to act in order to protect nearby (and other) communities from the danger such prisoners may pose. Moreover, §4248 is “reasonably adapted” to Congress’ power to act as a responsible federal custodian. *United States v. Darby*, 312 U. S. 100, 121. Congress could have reasonably concluded that federal inmates who suffer from a mental illness that causes them to “have serious difficulty in refraining from sexually violent conduct,” §4247(a)(6), would pose an especially high danger to the public if released. And Congress could also have reasonably concluded that a reasonable number of such individuals would likely not be detained by the States if released from federal custody. Congress’ desire to address these specific challenges, taken together with its responsibilities as a federal custodian, supports the conclusion that §4248 satisfies “review for means-end rationality,” *Sabri, supra*, at 605. Pp. 14–16.

(4) Respondents’ contention that §4248 violates the Tenth Amendment because it invades the province of state sovereignty in an area

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typically left to state control is rejected. That Amendment does not “reserve to the States” those powers that are “delegated to the United States by the Constitution,” including the powers delegated by the Necessary and Proper Clause. See, e.g., *New York v. United States*, 505 U. S. 144, 159. And §4248 does not “invade” state sovereignty, but rather requires *accommodation* of state interests: Among other things, it directs the Attorney General to inform the States where the federal prisoner “is domiciled or was tried” of his detention, §4248(d), and gives either State the right, at any time, to assert its authority over the individual, which will prompt the individual’s immediate transfer to State custody, §4248(d)(1). In *Greenwood v. United States*, 350 U. S. 366, 375–376, the Court rejected a similar challenge to §4248’s predecessor, the 1949 statute described above. Because the version of the statute at issue in *Greenwood* was *less* protective of state interests than §4248, *a fortiori*, the current statute does not invade state interests. Pp. 16–18.

(5) Section 4248 is narrow in scope. The Court rejects respondents’ argument that, when legislating pursuant to the Necessary and Proper Clause, Congress’ authority can be no more than one step removed from a specifically enumerated power. See, e.g., *McCulloch*, *supra*, at 417. Nor will the Court’s holding today confer on Congress a general “police power, which the Founders denied the National Government and reposed in the States.” *United States v. Morrison*, 529 U. S. 598, 618. Section §4248 has been applied to only a small fraction of federal prisoners, and its reach is limited to individuals already “in the custody of the” Federal Government, §4248(a). Thus, far from a “general police power,” §4248 is a reasonably adapted and narrowly tailored means of pursuing the Government’s legitimate interest as a federal custodian in the responsible administration of its prison system. See *New York*, *supra*, at 157. Pp. 18–22.

The Court does not reach or decide any claim that the statute or its application denies equal protection, procedural or substantive due process, or any other constitutional rights. Respondents are free to pursue those claims on remand, and any others they have preserved. P. 22.

551 F. 3d 274, reversed and remanded.

BREYER, J., delivered the opinion of the Court, in which ROBERTS, C. J., and STEVENS, GINSBURG, and SOTOMAYOR, JJ., joined. KENNEDY, J., and ALITO, J., filed opinions concurring in the judgment. THOMAS, J., filed a dissenting opinion, in which SCALIA, J., joined in all but Part III–A–1–b.