

No. 25-246

IN THE
Supreme Court of the United States

KENNETH JOHN JOUPPI,
Petitioner,

v.

STATE OF ALASKA,
Respondent.

On Writ of Certiorari to the
Supreme Court of Alaska

BRIEF OF THE
NATIONAL AIR TRANSPORTATION
ASSOCIATION AS AMICUS CURIAE
IN SUPPORT OF PETITIONER

LARS H. LIEBELER
Counsel of Record
LARS LIEBELER, PC
900 7th Street, NW
Suite 725
Washington, DC 20001
(703) 216-2120
LLiebeler@LHL-LawFirm.com
Counsel for Amicus Curiae

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INTEREST OF AMICUS CURIAE¹

The National Air Transportation Association (“NATA”) is the leading national trade association representing the business interests of general aviation service companies on legislative and regulatory matters at the federal level. Founded in 1940, NATA has for more than eight decades represented aviation businesses and promoted safe, efficient, and economically viable general aviation.

NATA’s nearly 3,700 member companies provide a broad range of aeronautical services, including on-demand air charter, aircraft maintenance and overhaul, fueling and ground support, aircraft rental, flight training, passenger and crew services, aircraft management, and related aviation services. NATA members range from companies with an international presence to small, single-location operators that depend upon general aviation for their livelihood. Smaller companies comprise the majority of NATA’s membership, and most NATA members have fewer than forty employees.

NATA has particular expertise concerning on-demand air charter operations conducted under Part 135 of the Federal Aviation Regulations. Its Air Charter Committee represents members holding on-demand Part 135 air-carrier certificates and includes

¹ Pursuant to Supreme Court Rule 37.6, amicus curiae states that no counsel for a party authored this brief in whole or in part and that no person or entity other than amicus, its members, or its counsel made a monetary contribution intended to fund the preparation or submission of this brief.

operators using aircraft ranging from large turbine-powered business jets to small single-engine piston airplanes and helicopters. NATA also provides safety training and regulatory guidance to aviation businesses and regularly engages with the Federal Aviation Administration, the Transportation Security Administration, Congress, and other governmental bodies on matters affecting aviation safety and operations.

The Air Charter Committee publishes a wide variety of guidance materials on topics ranging from repair certifications, to excise tax principles, to guidance for international transportation of minors. The Safety Committee operates an educational “Safety First” program to educate member companies on best practices for ground handling, refueling operations, and aircraft deicing – a highly relevant topic for aviation operations in Alaska.

This case concerns a form of aviation with which NATA’s members are intimately familiar: the small on-demand operator in which a pilot must personally attend to the aircraft, the weather, loading, performance, flight planning, passenger safety, and the numerous other matters necessary to conduct a safe flight. Those responsibilities take on particular significance in Alaska, where small aircraft are not merely recreational conveniences. Across much of rural Alaska, aviation performs the transportation function that roads normally perform in the lower 48.

NATA submits this brief because the gravity of petitioner Ken Jouppi’s conduct cannot be evaluated intelligently without understanding the regulatory

and operational role of a small-aircraft pilot in command. Federal aviation law placed extensive and direct safety responsibilities on Mr. Jouppi. Those rules regulated passenger baggage for purposes of safe loading and carriage, but they did not impose a general duty to open and search passengers' private luggage for alcohol prohibited by state or local law.

NATA takes no position on Alaska's authority to prohibit the importation of alcohol into local-option communities or to punish a pilot who knowingly participates in unlawful transportation. Its concern is narrower. A constitutional inquiry into the gravity of a particular pilot's wrongdoing should reflect the duties the pilot actually had and the work he was actually performing, rather than rest upon an abstract conception of a charter pilot as a general-purpose law-enforcement inspector.

SUMMARY OF THE ARGUMENT

Petitioner's merits brief demonstrates that the Excessive Fines Clause requires a court to measure a punitive forfeiture against the gravity of the defendant's own wrongdoing, rather than against the social harms associated with an offense at the highest level of generality. NATA writes to address a concrete aspect of that inquiry that the parties' constitutional briefing cannot fully develop: the operational reality of a one-pilot air-taxi flight in Alaska.

The Alaska Supreme Court upheld forfeiture of Jouppi's airplane based on the trial court's factual finding that he was "willfully blind" to a six-pack of beer that was "clearly visible." Pet. App. 6a. The trial

court made no finding that Jouppi was culpable for the other 66 beers packed among the passenger's belongings, and the Alaska Supreme Court expressly declined to require such a finding. It instead held that the forfeiture was constitutional even assuming Jouppi's culpability extended only to the visible six-pack. *Id.* at 22a–23a.

Yet the other 66 beers did not disappear from the court's proportionality analysis. In determining whether Jouppi fell within the class of persons targeted by the forfeiture statute, the court emphasized that "[t]he seventy-two beers were destined for a dry village." *Id.* at 18a. And in assessing the harm caused by Jouppi's offense, the court relied upon the generalized harms associated with aircraft-facilitated alcohol importation into rural Alaska, concluding that "the illegal importation of even a six-pack of beer causes grave societal harm." *Id.* at 21a. Thus, although the court did not formally attribute the other 66 beers to Jouppi, its analysis blurred the distinction between the quantity of alcohol physically aboard the aircraft (72 beers) and the gravity of the conduct for which Jouppi himself was culpable (6 beers).

That distinction is particularly important here because the possibility of attributing all 72 beers to Jouppi arose expressly in the proceedings below. The trial court identified two possible views of Jouppi's culpability: his offense could be viewed as attempting to transport the visible six-pack, or the six-pack could be viewed as having alerted him to the possibility of additional alcohol elsewhere in the passenger's belongings, thereby extending his willful blindness to

all of the alcohol aboard the aircraft. *State v. Jouppi*, 519 P.3d 653, 660–61 (Alaska App. 2022). The trial court never resolved that question.

Federal aviation law supplies important context for why those two theories cannot simply be treated as equivalent. NATA does not dispute Jouppi’s culpability for the six-pack the Alaska courts found clearly visible. But neither Part 135 nor the other aviation regulations governing this flight imposed upon Jouppi an affirmative duty, upon seeing that six-pack, to suspend his aviation responsibilities and conduct a comprehensive search of the passenger’s remaining luggage for additional alcohol. His duties as pilot in command centered upon the safe operation of the aircraft, not general law enforcement.

The distinction is relevant to a proper evaluation of the Excessive Fines Clause. Criminal liability for knowingly transporting the visible six-pack does not itself establish culpability for the additional alcohol packed elsewhere among the passenger’s belongings. Nor does it permit the gravity of Jouppi’s individual wrongdoing to be measured by the aggregate societal harms associated with aircraft bootlegging generally, or alcohol importation into a “dry village” specifically. On remand, the constitutional inquiry should remain tied to the conduct properly attributable to Jouppi himself.

The realities of Alaskan charter flights are integral to a full understanding of Jouppi’s role and responsibilities as a sole pilot. Alaska’s vast geography and varied terrain mean that Alaskan aviation plays an outsized role within the state.

Contemporaneous materials published by the Alaska Department of Transportation and Public Facilities in 2012 reported that 82 percent of Alaska communities were not connected to a highway or road system and described aviation as a “lifeline” providing access to food, mail, schools, medical services, commerce, and travel. Alaska’s aviation system included then, and still does today, hundreds of airports serving communities scattered across an enormous geographic area. Small charter operators therefore occupy a role in rural Alaska unlike that of general aviation in most of the Nation.

FAA regulations set forth in Part 135, which governed Jouppi’s charter flight, imposed requirements concerning airworthiness, mechanical irregularities, passenger safety, cargo and baggage, weather, and flight operations upon the flight in question. In a one-pilot operation, these responsibilities converge on one person.

The federal rule governing cargo and carry-on baggage further illustrates the nature of the pilot’s responsibility. Section 135.87 regulated whether baggage was properly secured, within load limits, positioned so as not to obstruct emergency exits or injure occupants, and safely stowed for takeoff and landing. Those are substantial responsibilities. But they are aviation-safety responsibilities. The rule did not create a general obligation to open a passenger’s private luggage and search it for alcohol prohibited by the law of the passenger’s destination.

FAA checklist guidance likewise illustrates the safety-centered nature of the pilot’s role. As discussed

below, the FAA's then-current Airplane Flying Handbook called for systematic checklist use from preflight inspection through securing the aircraft. That discipline does not excuse knowing illegality; it helps define the professional function against which Jouppi's conduct should be assessed.

Finally, that operational context matters to the constitutional question. There is a material difference in culpability between a pilot who deliberately undertakes to smuggle alcohol into a dry community and a charter pilot who transports a passenger and her groceries and is found culpable for a six-pack the Alaska courts treated as clearly visible. The Alaska Supreme Court expressly assumed for purposes of its analysis that Jouppi's culpability extended only to that six-pack. Yet, in deciding whether he belonged to the class targeted by the statute, the court also emphasized that "[t]he seventy-two beers were destined for a dry village." Pet. App. 21a.

The point is not that the Alaska Supreme Court imposed a baggage-search duty or formally attributed the other 66 beers to Jouppi. The concern is that its analysis blurred the line between the alcohol physically aboard the aircraft and the conduct properly attributable to Jouppi when assessing gravity. The Excessive Fines Clause requires the latter inquiry to remain individualized.

The judgment of the Alaska Supreme Court should be reversed and the case remanded for an excessiveness analysis that accounts for the gravity of Mr. Jouppi's own wrongdoing in the real-world setting in which it occurred.

ARGUMENT

I. Aviation Is Essential Transportation Infrastructure In Rural Alaska.

The setting of this case is a critical element directly related to the Eighth Amendment analysis. Alaska's dependence on aviation is not a matter of nostalgic history or regional identity. It is a structural fact about transportation in the State, and it was expressly recognized by Alaska itself at the time of Jouppe's 2012 flight.

The Alaska Department of Transportation and Public Facilities' 2012 Alaska Airports & Aviation Annual Report described the "scope and scale of aviation in Alaska" as "simply incomparable to any other state." The Department explained that aviation was a "lifeline to much of rural Alaska," providing "a vital link for access to food, mail, schools, medical services and travel." The report identified the central reason: 82 percent of Alaska's rural communities had no road access. Alaska Department of Transportation & Public Facilities, 2012 Alaska Airports & Aviation Annual Report 1 (2012).

Other contemporaneous State materials made the same point. In April 2012—the very month of the flight at issue—the Department announced an educational initiative illustrating how aviation "serves as a lifeline for 82% of the communities in Alaska." Alaska DOT&PF, Press Release No. 12-2526 (Apr. 9, 2012). In September 2012, the State again explained that 82 percent of Alaska communities were not connected to a highway or road system and

relied on aviation for “all-season access for commerce, transportation, and emergency medical services.” Alaska DOT&PF, Press Release No. 12-2581 (Sept. 5, 2012).

The numbers convey the scale. The 2012 aviation report described a statewide aviation system with more than 700 airports supporting more than 10,000 pilots, including 255 airports owned or operated by the State. Rural Alaskans flew at roughly eight times the rate per capita of rural residents in the western United States and shipped almost forty times more freight per capita.

Those facts explain the role of operators such as KenAir. In communities disconnected from the road system, a small airplane can serve functions performed elsewhere by automobiles, delivery trucks, buses, and ambulances. Passengers, groceries, mail, medicine, workers, and essential supplies travel by air because in many cases – including the Town of Beaver which was Jouppi’s destination on the day in question -- there is no practical road alternative.

That context does not immunize an air carrier from generally applicable law. It does, however, matter when a court attempts to characterize the gravity of a pilot’s conduct. Jouppi was not operating an aircraft as an incidental instrument of some unrelated enterprise. He was performing the ordinary transportation function of a small Alaska air-taxi operator—carrying a passenger and her belongings, including groceries, from Fairbanks to Beaver.

II. Federal Aviation Law Made The Safe Operation Of The Aircraft Jouppi's Central Responsibility As Pilot In Command.

Federal aviation law assigns the pilot in command an unusually direct form of responsibility. The governing rule is categorical: "The pilot in command of an aircraft is directly responsible for, and is the final authority as to, the operation of that aircraft." 14 C.F.R. § 91.3(a) (2012).

That responsibility begins well before takeoff. Under 14 C.F.R. § 91.103, the pilot in command must, before beginning a flight, become familiar with all available information concerning the flight. For a flight away from the vicinity of an airport, that information includes weather reports and forecasts, fuel requirements, alternatives if the planned flight cannot be completed, known traffic delays, runway lengths, and aircraft takeoff and landing performance. Weather therefore is not collateral to the pilot's task; it is expressly part of the information federal law requires the pilot to evaluate in deciding whether and how the flight can safely be made.

For this on-demand commercial flight under Part 135, those general duties were supplemented by a detailed regulatory structure directed toward safe operations. Among other things, Part 135 addressed mechanical irregularities, airworthiness, passenger briefings, cargo and baggage, weather, fuel, takeoff and landing limitations, and flight operations. *See, e.g.*, 14 C.F.R. §§ 135.65, 135.71, 135.87, 135.205,

135.213 (2012). The regulations prescribed permissible weather sources, imposed visibility requirements for VFR operations, and, for IFR operations, tied departure and approach decisions to the latest weather reports and forecasts. *See id.* §§ 135.205, 135.213, 135.219, 135.225. In a one-pilot operation, these responsibilities converge on one person.

Further confirmation that safe operation is the pilot's central regulatory responsibility is found in the "sterile cockpit" rule. Adopted after the FAA identified accidents involving distracted flightcrew members, 14 C.F.R. § 135.100 limits nonessential duties and activities during critical phases of flight including taxi, takeoff, and landing.

The allocation of responsibility for safe operations is particularly significant in a one-pilot operation in Alaska. Weather can change the feasibility of the flight itself. The pilot must evaluate conditions prior to and at the time of departure, along the contemplated route, and at the destination, while preserving alternatives if the flight cannot safely be completed as planned. Alaska's own aviation guidance emphasizes the point: adverse weather and marginal VFR conditions can cause delays; weather reporting points may be far apart; icing can occur year-round; and alternative routes and airports require serious consideration. Those realities reinforce why weather assessment and changing flight conditions command a pilot's attention before the engine starts and through the go/no-go decision.

That distinction is not offered simply to romanticize bush flying or to suggest that small operators are subject to lesser legal standards. Quite the opposite. Federal law assigns the individual pilot substantial safety responsibilities, and Alaska makes those responsibilities operationally demanding. When assessing the gravity of Jouppi's particular wrongdoing, the relevant professional context is therefore a pilot preparing a Part 135 flight while attending to aircraft condition, loading, performance, fuel, weather, visibility, route, destination, and the other matters that determine whether the flight can safely depart and safely reach its destination.

III. Federal Baggage Rules Required Safe Loading And Carriage; They Did Not Make A Small-Aircraft Pilot A General Contraband Inspector.

Passenger baggage illustrates an important boundary on that professional responsibility. The point is not that Jouppi had no obligation to respond to the six-pack the Alaska courts treated as clearly visible. NATA accepts that premise for purposes of this brief. The point is that the visible six-pack does not automatically transform the pilot's aviation responsibility into a duty to conduct a full investigative search of the passenger's remaining bags and boxes for additional alcohol.

In 2012, 14 C.F.R. § 135.87 governed the carriage of cargo, including carry-on baggage. The regulation prohibited carriage unless the cargo was carried in an approved compartment, properly secured, or

otherwise carried subject to specified safety conditions. Those conditions addressed whether the baggage could move in flight, whether it was packaged or covered to avoid injury, whether it complied with structural load limitations, whether its location permitted access to emergency and regular exits and aisles, whether it was carried directly above seated occupants, and whether it was properly stowed for takeoff and landing.

Those requirements are substantial. A small-aircraft pilot cannot be indifferent to baggage. In conducting a preflight weight and balance assessment the pilot must consider luggage weight, location, restraint, and movement as each element can affect aircraft performance, center of gravity, occupant safety, and emergency egress. But § 135.87 regulated baggage because of those aviation risks. It did not direct the pilot to open passengers' luggage and search its contents for state-law contraband.

The distinction is reinforced by the regulatory treatment of alcohol itself. Part 135 contained an express rule concerning alcoholic beverages aboard an aircraft. See 14 C.F.R. § 135.121 (2012). That provision regulated the consumption and service of alcohol aboard the aircraft and intoxicated passengers. It did not impose a general preflight obligation on the pilot to search baggage for alcoholic beverages that might be unlawful at the destination.

Nor should ordinary aviation security concepts be merged with a state alcohol search obligation. Federal aviation security rules address threats to aircraft and persons and vary with the type and size of operation.

The existence of security rules directed toward weapons, explosives, or other aviation threats does not itself establish a duty on the pilot of a small single-engine charter aircraft to search passenger baggage for alcohol prohibited by a local-option community.

None of this means that a pilot may knowingly transport unlawful cargo. Alaska's statute prohibited knowingly sending, transporting, or bringing alcoholic beverages into a local-option community. NATA does not ask the Court to disturb Jouppi's conviction or decide the elements of that offense anew.

However, the foregoing regulatory overlay is directly relevant to proportionality because a broader-search theory arose in this case. The trial court acknowledged the State's contention that the visible six-pack should have alerted Jouppi to the possibility of still more alcohol among the passenger's belongings, potentially extending his culpability beyond the six-pack to all 72 beers. *State v. Jouppi*, 519 P.3d 653, 661 (Alaska App. 2022). Because of the nature of the general verdict form, the jury did not resolve that issue. The Alaska Supreme Court ultimately found remand unnecessary because it concluded that forfeiture was constitutional even assuming Jouppi's culpability extended only to the clearly visible six-pack. *Jouppi v. State*, 566 P.3d 943, 963–64 (Alaska 2025); Pet. App. 14a-24a.

Federal aviation law helps explain why the boundary between what Jouppi observed and what the State of Alaska believes he should have done next matters. Jouppi's professional obligations required

him to attend to passenger baggage for aviation-safety purposes, but the ordinary Part 135 rules did not impose a generalized duty to open the passenger's private bags and boxes to investigate whether the visible six-pack was merely the tip of a larger cache of destination-specific contraband. Thus, the no-search-duty point does not excuse the visible six-pack. It prevents the remaining 66 beers from silently enlarging the gravity of Jouppi's conduct through an aviation duty that federal law did not impose.

IV. FAA Checklist Guidance Illustrates The Safety Responsibilities That Command A Single Pilot's Attention.

The use of systematic checklists was a fundamental feature of safe aircraft operation at the time of Jouppi's flight. The FAA's then-current Airplane Flying Handbook explained that "[c]hecklists have been the foundation of pilot standardization and cockpit safety for years" and that a checklist serves as an aid to memory to ensure that critical items necessary for safe aircraft operation are not overlooked or forgotten. FAA, Airplane Flying Handbook, FAA-H-8083-3A, at 1-6 (2004). The FAA instructed that, "[a]t a minimum," prepared checklists should be used for preflight inspection, engine start, taxi, before takeoff, after takeoff, cruise, descent, before landing, after landing, engine shutdown, and securing the aircraft. *Id.*

The FAA's checklist guidance illustrates the professional role Jouppi was performing as the sole pilot of a Part 135 flight. Checklist discipline called

for systematic attention to the aircraft and its systems, while federal regulations independently imposed the safety responsibilities discussed above. In a one-pilot operation, those responsibilities rest solely on the pilot.

That context does not excuse Jouppi's culpability for the six-pack the Alaska courts treated as clearly visible. Nor is checklist practice offered to show that Jouppi was too occupied with safety tasks to notice it. The point is narrower: checklist discipline helps define the pilot's professional function and where aviation law and practice directed his attention.

That distinction matters because hindsight can distort judgments of culpability. The visible six-pack may establish Jouppi's culpability for knowingly transporting that alcohol. But the ordinary safety responsibilities of a Part 135 pilot do not supply the additional premise necessary to attribute the other 66 beers to him—namely, that seeing one visible item of destination-specific contraband transformed his aviation responsibilities into an obligation to conduct a comprehensive search of the passenger's remaining belongings.

For a single pilot operating in Alaska, those safety responsibilities are substantial and can determine whether a flight should depart at all. Federal aviation law makes safe operation the pilot's responsibility. It does not make the pilot a general-purpose contraband inspector.

V. The Aviation Context Demonstrates Why The Gravity Of Jouppi's Own Conduct Cannot Be Measured By The Abstract Harms Of Bootlegging.

The preceding aviation facts are relevant because the Excessive Fines Clause requires proportionality. Under *United States v. Bajakajian*, 524 U.S. 321 (1998), a punitive forfeiture violates the Clause when it is grossly disproportional to the gravity of the defendant's offense. Petitioner's merits brief demonstrates at length that the gravity side of that comparison must account for the defendant's own wrongdoing.

NATA does not repeat that historical showing. It submits that the aviation context supplies a concrete example of why an individualized inquiry is necessary.

The Alaska Supreme Court accepted, for purposes of its analysis, that Jouppi's culpability extended only to one six-pack and that he had no related misconduct. Pet. App. 17a. The court nevertheless reasoned at a high level of generality, invoking the societal harms of alcohol abuse and the legislature's concern with alcohol importation into dry communities. *Id.* at 21a. That approach obscures the difference between the harms associated with bootlegging as a phenomenon and the gravity of Jouppi's particular conduct in the context of his actual responsibilities as the sole pilot of this flight.

The case presents at least three analytically distinct levels of culpability. First is the clearly visible six-pack: NATA accepts the Alaska courts' premise that Jouppi was culpable for transporting it. Second are the other 66 beers found among the passenger's bags and boxes: attributing those beers to Jouppi requires an additional inference that the visible six-pack should have caused him to investigate further. Third is aircraft bootlegging as a general social problem: deliberate or repeated use of aircraft to supply dry communities with alcohol. The constitutional error occurs when the limited first category is assigned the gravity of the second or third without an individualized basis for doing so.

The jury returned a general guilty verdict after hearing conflicting evidence about how the beer was packed and how much was visible to Jouppi. In the later forfeiture proceedings, the trial court did not determine whether Jouppi was culpable for all 72 beers or only for the clearly visible six-pack. The Alaska Supreme Court ultimately held that remand on that issue was unnecessary because, even assuming culpability only for the six-pack, it regarded forfeiture as proportionate. *See Jouppi v. State*, 566 P.3d 943, 963–64 (Alaska 2025). In doing so, it failed to undertake the required individualized assessment of Jouppi's culpability in context.

The operational setting reinforces why the Alaska Supreme Court erred. Jouppi was operating a legitimate Part 135 air-taxi flight, not an aircraft devoted to a bootlegging enterprise. His professional role was the safe conduct of that flight; the governing aviation rules did not impose a general duty to search

the passenger's belongings for additional alcohol. The visible six-pack may establish culpability for the offense; it does not, without more, make Jouppi culpable for every beer packed elsewhere or for the generalized harms of commercial bootlegging.

None of those facts eliminates the knowledge finding inherent in the conviction. They instead identify the proper scope of conduct on the gravity side of the proportionality analysis. The Alaska Supreme Court assumed culpability for the visible six-pack. It should therefore have measured the gravity of that particular wrongdoing, rather than allowing the broader social harms associated with aircraft-assisted alcohol importation to supply the missing weight.

Bajakajian is illustrative. The defendant there committed the monetary reporting offense of which he was convicted. Yet this Court did not stop at the statutory label or attribute to him the harms associated with money laundering, drug trafficking, and other crimes that currency-reporting laws were designed to help prevent. It examined his *actual* conduct, his relative culpability, and the harm he caused. 524 U.S. at 337–40. The same mode of analysis is necessary here.

Alaska may regard alcohol importation into dry communities as a serious social problem. NATA does not question that policy judgment. But the seriousness of the general problem cannot substitute for identifying the gravity of this defendant's contribution to it. Otherwise, every person who falls within the statute inherits the gravity of the worst

offender and the aggregate harms of the entire prohibited practice.

That approach is particularly consequential when the forfeited property is the central productive asset of a lawful transportation business. The trial court valued Jouppi's Cessna at approximately \$95,000. Br. for Pet'r 6. For a one-pilot air-taxi operation, the aircraft is not merely property that happened to be present during an offense. It is the instrument by which the operator earns his livelihood and supplies transportation to passengers in a State where aviation is essential infrastructure.

The Court need not decide in the first instance precisely how those facts affect the ultimate proportionality determination. Petitioner asks for reversal and remand so that the Alaska courts may apply the correct individualized standard. NATA's point is that, on remand, the aviation context belongs on the gravity side of the scale. It explains what Jouppi was doing, what responsibilities federal law placed on him, what responsibilities it did not place on him, and why the six-pack premise accepted by the Alaska Supreme Court cannot fairly be equated with the gravity of deliberate bootlegging in the abstract.

VI. A Rule That Effectively Expects Small Charter Pilots To Search Passengers' Private Baggage Would Distort The Role Federal Aviation Law Assigns To The Pilot In Command.

A theory advanced in the proceedings below treated the visible six-pack as a reason Jouppi should have suspected additional alcohol and investigated the passenger's remaining belongings. The Alaska Supreme Court did not adopt that theory; it instead assumed culpability only for the six-pack and directed forfeiture of the aircraft on that basis. But the theory illustrates why the aviation context matters: a fact relevant to criminal knowledge should not silently become an undefined professional duty to conduct a comprehensive contraband search. Federal aviation law does not assign that general law-enforcement function to the Part 135 pilot.

For NATA members, the distinction is important. On-demand operators transport passengers to thousands of destinations under a complex overlay of federal, state, and local law. Pilots must comply with laws that actually govern their operations and may not knowingly participate in unlawful transportation. But an excessiveness analysis should not enlarge a pilot's culpability by treating the absence of a comprehensive baggage search as though such a search were part of the pilot's ordinary professional role.

That is especially problematic in small-aircraft operations, where the pilot bears direct responsibility for the safe conduct of the flight. In Alaska, weather and remote operating conditions can materially affect a go/no-go decision and the need for alternatives. The law should not inflate culpability by presuming that the pilot's ordinary professional role also included an open-ended investigative search for destination-specific contraband.

In evaluating an excessive-fines challenge, a court should not inflate the gravity of a pilot's conduct by attributing additional passenger-carried contraband to him on the unstated premise that searching private passenger baggage was part of his ordinary aviation role. The governing safety regulations did not make it so. Keeping that distinction clear is essential to the individualized culpability inquiry the Excessive Fines Clause requires.

The Court should reverse the judgment below and make clear that the gravity of Jouppi's offense must be assessed with reference to his own conduct in its actual operational setting as a single pilot preparing to fly passengers to the remote Alaskan bush.

CONCLUSION

For the foregoing reasons, amicus curiae National Air Transportation Association respectfully urges the Court to reverse the judgment of the Supreme Court of Alaska and remand for application of an Excessive Fines Clause analysis that takes into account the full and specific circumstances of Jouppi's operational responsibilities in assessing his culpability.

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Respectfully submitted,

Lars H. Liebeler
Counsel of Record
Lars Liebeler PC
900 7th Street, N.W.
Suite 725
Washington, D.C. 20001
(703) 216-2120
LLiebeler@LHL-LawFirm.com

Counsel for Amicus Curiae