



ALABAMA SHARES IN TWO U.S. SUPREME COURT VICTORIES
COURT STRENGTHENS PROPERTY OWNER RIGHTS IN FEDERAL WATER DISPUTES,
UPHOLDS STATES' RIGHTS TO ADMINISTER CRIMINAL COURTS

(MONTGOMERY) – Attorney General Luther Strange hailed victories for the State of Alabama in two decisions released Tuesday by the U.S. Supreme Court. The High Court unanimously ruled today in favor of strengthening private property rights in water disputes with the federal government. In a separate case, the justices unanimously upheld the right of State criminal courts to reject certain claims defendants previously chose not to raise on appeal.

“Alabama was on the winning side in two major cases before the U.S. Supreme Court today,” said Attorney General Luther Strange. “Alabama led a politically diverse 24-state coalition in an amicus brief in support of the right of States’ to administer their criminal courts. The Court’s decision in the case *Johnson v. Lee* is a victory for federalism and the rule of law.”

In its unanimous *per curiam* decision, the Supreme Court observed, “A State’s procedural rules are of vital importance to the orderly administration of its criminal courts; when a federal court permits them to be readily evaded, it undermines the criminal justice system.”

Attorney General Strange also praised the Supreme Court’s decision to strengthen the rights of property owners in water disputes with the federal government.

“The Supreme Court unanimously ruled in favor of property owners’ rights to immediately challenge in court U.S. Army Corps of Engineers’ declarations that their property is subject to the Clean Water Act. This property rights defense is even more important with the threat of an expansion of federal jurisdiction under the EPA’s Waters of the U.S. rule.”

Alabama was one of 23 states to file an amicus brief in support of the right of property owners in the case *U.S. Army Corps of Engineers v. Hawkes*.

In September, Alabama and 17 other states petitioned the U.S. Sixth Circuit Court of Appeals for a nationwide stay of the EPA’s controversial Waters of the U.S. rule, which was subsequently granted by the court on October 9. The U.S. Sixth Circuit Court is currently hearing the nationwide challenge to the rule.

Link to amicus brief in [Johnson v. Lee](#)

Link to amicus brief in [U.S. Army Corps of Engineers v. Hawkes](#)

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