NEWS RELEASE

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**Attorney General Steve Marshall Leads 17-State Coalition to Ensure Biden Administration Cannot Radically Transform U.S. Energy Policy Through the Courts**

(MONTGOMERY)—Attorney General Steve Marshall is leading a 17-state coalition of attorneys general to prevent the Biden administration from radically transforming the national energy policy of the United States by federal-court fiat.

The attorneys general have moved to intervene in *Juliana v. United States*, a lawsuit that seeks to enact a sweeping climate change agenda not through Congress or through executive rulemaking, but through federal courts. Both the Obama and Trump administrations fought to have the case dismissed, arguing that the U.S. Constitution gives the judicial branch no such policy-making power, which resides exclusively in the legislative and executive branches. The U.S. Court of Appeals for the Ninth Circuit agreed with the federal government's position, and, earlier this year, ordered the district court to dismiss the case. Now, however, the Biden administration is preparing to have settlement talks with the plaintiffs.

"In 2015, an environmental group and several individuals filed suit alleging that the federal government is violating their constitutional rights by not doing enough to control the global atmosphere of the Earth, claiming to have found in the Constitution a hitherto undiscovered fundamental right to a 'stable climate system,'" said Attorney General Marshall. "For relief, the plaintiffs demanded an 'order' requiring the United States 'to prepare and implement an enforceable national remedial plan to phase out fossil fuel emissions and . . . stabilize the climate system.'

"Last year, the U.S. Ninth Circuit Court of Appeals ordered the lawsuit dismissed. The Ninth Circuit correctly concluded that no court has the constitutional authority to force the federal government to follow the plaintiffs' energy-policy demands, which the Court noted would result in 'no less than a fundamental transformation of this country's energy system, if not that of the industrialized world.'

"Despite the Ninth Circuit's decision, which remanded the case and explicitly instructed the district court to dismiss it, the Biden administration and the plaintiffs are now preparing to discuss settling the case—even though the Biden administration has essentially already won it.

"Alabama has an interest in being at the table during those settlement talks because the Biden administration has repeatedly used collusive litigation agreements to implement policies without the hassle of following the processes dictated by law. Multiple times, when the Biden administration has been poised to prevail in its defense of federal policies, it has surrendered without warning to ensure that those policies remain barred by lower court orders. I cannot risk allowing something similar to happen in this case when there is so much on the line for our state and country.

"That is why I have filed a motion on behalf Alabama and 16 other states to intervene as defendants in this lawsuit—to defend the interests of our states and the right of the people to have their elected representatives retain decision-making authority over such critical issues. We will not allow President Biden to impose his agenda on the American people by using behind-closed-doors deals to create de-facto laws. Not now. Not ever."

The State of Alabama, joined by the States of Alaska, Arkansas, Georgia, Indiana, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, Texas, Utah and West Virginia, filed the motion to intervene on Tuesday in the U.S. District Court in Oregon.

The motion to intervene can be read here.

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