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Attorney General Steve Marshall Continues Fight to Prevent Biden Administration Collusive Settlement in 'Kids' Climate' Case

(MONTGOMERY) – Alabama Attorney General Steve Marshall is leading an 18-state coalition focused on preventing a collusive settlement between the Biden administration and an environmental group seeking to radically transform the national energy policy of the United States through the federal courts.

On July 20, Attorney General Marshall and 17 other attorneys general filed a reply brief in the case *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. The reply brief comes in response to the plaintiffs' efforts to prevent Alabama and the 17 other states from intervening in the climate change lawsuit.

“The Biden Administration has said publicly that this case should be dismissed, but it has not put an end to private settlement negotiations with environmental activists over the future of our national energy policy,” said Attorney General Marshall. “That is why Alabama is leading 18 States in an effort to get a seat at the table and ensure that monumental decisions about how Americans will live their lives are made by the people’s representatives through legislation, not by activists and government lawyers through collusive settlements.”

Marshall and the 17 other attorneys general argued in their reply brief that the case should be dismissed. “The States seek to intervene because this case requires dismissal for lack of jurisdiction and because Defendants have shown apparent willingness to consider settlement of nonviable claims, – indeed, non-justiciable claims – thus posing a threat to the States’ interests.”

In 2015, an environmental group and 21 young people 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.” 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.”

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Last year, the U.S. Ninth Circuit Court of Appeals ordered the “Kids’ Climate” 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 engaged in ongoing settlement negotiations – even though the Biden administration has essentially already won the case.

Joining Alabama in seeking to intervene in *Juliana v. United States* are Alaska, Arkansas, Georgia, Indiana, Kansas, Louisiana, Mississippi, Missouri, Montana, Nebraska, North Dakota, Ohio, Oklahoma, South Carolina, Texas, Utah and West Virginia.

Read the Alabama-led reply brief [here](#).