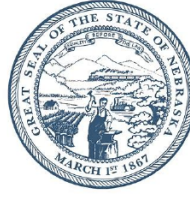




State of West Virginia
Office of the Attorney General
John B. McCuskey
Attorney General



State of Nebraska
Office of the Attorney General
Mike Hilgers
Attorney General

June 12, 2025

The Honorable Pamela Bondi
Attorney General
United States Department of Justice
950 Pennsylvania Avenue NW
Washington, D.C. 20530

Submitted via email

Dear Attorney General Bondi:

We, the undersigned Attorneys General, write to applaud the Department of Justice's recent actions to curtail the climate lawfare that has intensified our Nation's energy crisis.

The energy industry is foundational to American flourishing. President Trump rightly observed that our Nation "is blessed with an abundance of energy and natural resources that historically powered our Nation's economic prosperity."¹ The industry has created millions of American jobs and annually generates billions of dollars in tax revenue. This money supports schools, hospitals, and public infrastructure; it also helps ensure that everything from electricity to transportation to consumer goods remains both available and affordable for all Americans. Altogether, "[t]he development of domestic energy resources is of paramount public interest."² And *traditional* energy resources like "oil, natural gas, and coal provide 80% of American energy."³

President Trump's recent Executive Orders recognize just how important the energy industry is to American success. The President noted that the "burdensome and ideologically motivated 'climate change' [and] energy policies" enacted by some States "weaken our national security and devastate Americans by driving up energy costs for families coast-to-coast, despite

¹ Unleashing American Energy, Exec. Order No. 14154, 90 Fed. Reg. 8353, 8353 (Jan. 29, 2025).

² U.S. Dep't of Energy, *The Economic Benefits of Oil & Gas* (2025), <https://perma.cc/7R3G-TZCP>.

³ *Nat. Res. Def. Council v. Kempthorne*, 525 F. Supp. 2d 115, 127 (D.D.C. 2007).

some of these families not living or voting in states with these crippling policies.”⁴ These state policies and laws also “undermine Federalism,” “try to dictate interstate and international disputes over air, water, and resources; unduly discriminate against out-of-[s]tate businesses; contravene the equality of States; and retroactively impose arbitrary and excessive fines without legitimate justification.”⁵ The President therefore directed the Attorney General to “take all appropriate action to stop the enforcement” of these unlawful attempts to “extort[] energy producers” and to “recommend any additional Presidential or legislative action necessary to stop the enforcement” of such laws.⁶

Already, the Department has stepped up for American energy, just as the President directed. It has filed lawsuits against States seeking to quash domestic energy.⁷ It has launched an anticompetitive regulations task force focusing in part on energy-related matters.⁸ And we understand it is working with client agencies to step back from disastrous Biden-era regulatory policies that have stifled the domestic energy industry and left room for misguided state-level efforts. The Department’s actions to maintain prosperity by taking such actions are commendable.

Despite the Administration’s strong leadership on this front, some state and local governments continue to undermine American energy production and use. Under the banner of “global climate change,” they have effectively declared an all-out war on traditional American energy. Lawsuits against energy companies by state and local governments—often funded by nongovernmental organizations⁹ and buttressed by questionable attempts to influence the judiciary¹⁰—have increased at an alarming rate. These suits, invoking flimsy legal theories and

⁴ Protecting American Energy From State Overreach, Exec. Order 14260, 90 Fed. Reg. 15513, 15513 (Apr. 8, 2025).

⁵ *Id.* at 15513–14.

⁶ *Ibid.*

⁷ Press Release, U.S. Dep’t of Just., Justice Department Files Complaints Against Hawaii, Michigan, New York and Vermont Over Unconstitutional State Climate Actions (May 1, 2025), <https://perma.cc/HSZ7-GK4H>.

⁸ Press Release, U.S. Dep’t of Just., Justice Department Launches Anticompetitive Regulations Task Force (Mar. 27, 2025), <https://perma.cc/XGR5-EJYH>.

⁹ *E.g.*, S. Comm. On Com., Sci., & Transp. And H.R. Comm. on Oversight & Accountability, Republican Staff, Report, *Investigation into Sher Edling, LLP* (Oct. 7, 2024), <https://perma.cc/4YNQ-GQXE>.

¹⁰ Am. Energy Inst., *The Environmental Law Institute’s Climate Judiciary Project (CJP) Is Corruptly Influencing the Courts and Destroying the Rule of Law to Promote Questionable Climate Science* (2024), <https://perma.cc/8TJT-JNZD>.

flawed models,¹¹ seek billions of dollars. Some States have even enacted “climate superfund” laws to hold American energy companies strictly liable for global weather patterns and to force these companies to underwrite extravagant plans for alleged climate “adaptation.”¹²

Lawfare against the energy industry is deeply damaging. It threatens our shared economic prosperity, energy independence, and national security. It injects uncertainty into energy production. It diverts valuable resources from productive uses, like the responsible development of American energy sources, to defending against litigation. And this lawfare contravenes the rule of law. State laws and litigation that attempt to reshape the American energy industry by imposing billions of dollars of liability on American companies commandeer the federal prerogative over certain interstate issues. What’s more, such efforts also violate our States’ sovereignty. They unlawfully impose liability on out-of-state businesses, attempt to regulate out-of-state emissions that were lawful at the time and in the places where they occurred, and make our residents pay increased energy costs to support other States’ spending initiatives. Undeniably, then, “[l]awfare is an ugly tool by which to seek ... environmental policy changes ..., enlisting the judiciary ... to persuade [the other branches’] constituents that anthropogenic climate change (a) has been conclusively proved and (b) must be remedied by crippling the energy industry.”¹³

Unfortunately, the United States Supreme Court has declined up to this point to tackle these modern-day climate lawsuits and anti-energy state laws head on. For instance, the Court has recently denied petitions asking the Court to consider whether these state-law-based claims against energy companies belong in federal court (as they undoubtedly do). Our own efforts before that Court to protect the interests of our citizens in a strong American energy industry have largely been rebuffed.¹⁴ Thus, we expect that only legislative and executive actions can provide real answers to these continuing problems.

We therefore write to suggest additional steps the Department could take to effectuate the President’s Executive Orders and assist our States in continuing the fight against anti-energy interests. In particular, the Department could recommend legislation that would:

¹¹ E.g., Patrick Brown, *How Much Did Increasing “Climate Whiplash” Impact the Los Angeles Fires?*, Breakthrough Inst. (Jan. 29, 2025), <https://perma.cc/UEH2-LYF9>.

¹² *Climate Change Superfund Act*, N.Y. S.2129-B, 2023–24 Session; *Climate Superfund Act*, Vt. S.259, 2023–24 Session.

¹³ *City of San Francisco v. Exxon Mobil Corp.*, No. 02-18-00106-CV, 2020 WL 3969558, at *20 (Tex. App. June 18, 2020).

¹⁴ E.g., *Alabama v. California*, 145 S. Ct. 757 (Mar. 10, 2025).

- Reinforce and further confirm existing federal preemption¹⁵ of state laws or causes of action that seek to impose liability on, or require payment from, energy companies for climate change or out-of-state greenhouse-gas emissions;
- Restrict federal funding for States that seek to impose liability on, or require payment from, energy companies for climate change or out-of-state greenhouse-gas emissions;
- Create a right of removal to federal district court for any suit involving claims that implicate climate or ambient greenhouse-gas-related harms;
- Stop activist-funded climate lawsuits with a liability shield protecting necessary and federally permitted and compliant activity, similar to the Protection of Lawful Commerce in Arms Act of 2005;
- Clarify that the Supreme Court’s original jurisdiction is mandatory, so that the Court cannot willfully ignore claims brought by one State against another State, including claims related to state climate laws and litigation; and

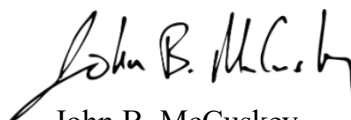
These protective measures could complement other initiatives that could affirmatively strengthen our American energy industry. Among other things, Congress and the Administration could streamline required permitting for energy-related facilities (including related environmental assessment requirements), extend current grant and tax-incentive programs limited to so-called “green” energy to domestic energy producers, and continue peeling back anti-energy regulations from past administrations. Measures like these could be expected to re-empower American industry, better enabling it to fend off unjustified attacks like that seen in recent years.

We unhesitatingly support President Trump’s goals to “restore American prosperity” and “rebuild our Nation’s economic and military security” by unleashing American energy, and his commitment to protecting American energy from state overreach. Ending the unlawful assault on American energy is critical to achieving those objectives. We commend the Department for already taking action to stop climate lawfare and hope that you will consider our suggestions to further bolster your efforts.

Sincerely,



Mike Hilgers
Nebraska Attorney General

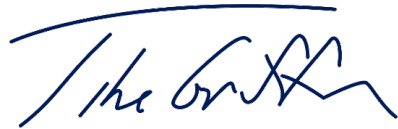


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¹⁵ Cf. *Am. Elec. Power Co. v. Connecticut*, 564 U.S. 410, 424 (2011); see also *City of New York v. Chevron Corp.*, 993 F.3d 81, 100 (2d Cir. 2021).



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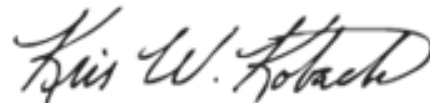
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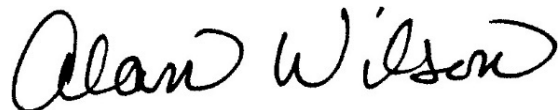
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