

Social, Legal and Policy Arguments Against Trump's Pro-Pollution EO

This memorandum outlines the legal, constitutional, and policy-based objections to Executive Order No. 14260, titled "*Protecting American Energy from State Overreach*." Signed by President Trump on April 8, 2025, the order directs the U.S. Attorney General to identify and stop state and local laws and civil actions that allegedly "burden" the oil and gas industry. The order also poses serious legal, practical, and societal concerns, as detailed below:

I. Legal and Constitutional Concerns

- **Violation of States' Rights and Sovereignty** – The EO attempts to override states' authority to enforce their own time-honored tort laws, infringing upon powers reserved to the states under the Tenth Amendment.
- **Interference with Judicial Authority** – The EO interferes with and potentially delays pending judicial proceedings, undermining the independence of courts to adjudicate state-law claims.
- **Attempt to Preempt State Tort Law Without Congressional Action** – The EO operates as a de facto preemption mechanism absent statutory authority, conflicting with the principles of federalism. The federal district court in Portland, Oregon has already determined that Multnomah County's civil action does not invoke federal subject matter jurisdiction.
- **Improper Retroactive Interference** – The EO attempts to halt ongoing lawsuits, violating norms against retroactive executive interference in judicial matters.
- **Executive Overreach** – The EO lacks a clear statutory basis authorizing the president to direct the Attorney General to intervene in lawful state civil actions.

II. Policy and Ethical Harms

- **Targeting Truth and Accountability** – The EO attempts to shield companies accused of long-term deception from public scrutiny and accountability.
- **Undermining Climate Adaptation** – The order impairs local governments' ability to obtain funding through litigation to protect communities from climate harms, forcing the taxpayers to pick up the bill, which will exceed trillions of dollars.
- **Encouragement of Corporate Impunity** – By nullifying civil accountability, the EO removes incentives for lawful, ethical corporate conduct, which will further encourage Big Oil to accelerate their deception and greenhouse gas pollution.

- **Deterrent to Scientific and Legal Progress** – It disincentivizes progress in climate attribution science and its use in legitimate tort litigation. The EO ignores the fundamental roles deception and pollution have played in causing catastrophic weather events, such as heat domes, droughts, and wildfires.

III. Practical and Societal Damage

- **Threat to Public Health and Safety** – The EO blocks recourse for harms from extreme weather, heatwaves, wildfires, and other fossil-fuel-driven impacts.
- **Cost Shift to Taxpayers** – Without legal redress, the financial burden of climate adaptation falls on the public. Meanwhile, the oil and gas industry over the last several decades has reaped \$2.8 billion *per day* in profits.
- **Suppression of Local Democratic Action** – The EO penalizes communities that choose to pursue accountability through local governance. It is likely that the Trump administration will attempt to withhold federal funding to Multnomah County as retaliation.
- **Chilling Effect on Legitimate Claims** – It intimidates public officials and legal advocates from exercising lawful rights.
- **Political Motivation** – The EO appears influenced by large-scale campaign contributions from the fossil fuel industry, raising concerns about undue private influence.