



Written by [Bob Adelman](#) on March 31, 2021

## Montana AG: “Strong Constitutional Case” Against Biden EO Cancelling Keystone Pipeline

Montana Attorney General Austin Knudsen told Breitbart News Sunday host Matt Boyle that he thinks the lawsuit he and Texas AG Ken Paxton brought against the Biden administration over the cancellation of the Keystone XL pipeline [has “a strong Constitutional” foundation](#).

He summed up [the lawsuit, which was filed two weeks ago](#):

Interstate ... commerce, according to the Constitution, is to be regulated by Congress [and] not by the president. That’s really the crux of our argument....

Joe Biden doesn’t get to step in here on Day One, with no comment, no [due] process, no talking to any stakeholders ... come in here with a foregone conclusion and just wipe this thing out.



mj0007/iStock/Getty Images Plus

The suit was signed by the attorneys general of the 21 states directly affected by the executive order:

[We] bring this suit to prevent the [Biden] Administration from circumventing limits placed on it by the Constitution....

[His executive] order cites no statutory or other authorization permitting the President to change energy policy as set by Congress in this matter....

The President lacks the power to enact his “ambitious plan” to reshape the economy in defiance of Congress’s unwillingness to do so....

The President, together with various senior executive officials, violated those rules. The action should be set aside as inconsistent with the Constitution.

The suit relied heavily on the constitutional restrictions and limitations designed to prevent the concentration of such power into the hands of a single individual. They quoted James Madison, who defined tyranny in the *The Federalist*, No. 47: “The very definition of tyranny is when all powers are gathered under one piece.”

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The lawsuit continued:



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Under the Constitution the power to regulate ... interstate commerce resides with the Congress — not the President....

The President's [executive order] is contrary to law and an affront to the separation of powers [doctrine]. This Court should declare that his [order] is therefore unlawful and void.

The suit asked for relief from the Biden tyranny:

Declare that Defendants [Biden et al.] lack the legal authority to prohibit TC Energy from constructing and operating the Keystone XL cross-border facilities ... [and]

Declare that the President's [order] is unconstitutional and unlawful and lacks legal effect.

If the court grants such relief, it's highly likely the case will be appealed to the Supreme Court. So an injunction against the Biden administration is more likely, pending such anticipated appeal.

In any event, the move by 21 state attorneys general is a warning to the Biden administration that it simply cannot rule as a czar or a king or a dictator, as much as Biden and his handlers would like to do so.

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