



Written by [Steve Byas](#) on December 9, 2016

## Trump Picks Okla. Attorney General to Lead EPA: Big Win for Climate Realists, Constitutionalists

“We’re certainly going to draw a line in the sand. This is the worst-case scenario when it comes to clean air and clean water, to nominate a climate denier to the agency charged with protecting our natural resources,” groused Senator Brian Schatz (D-Hawaii), expressing his opposition to President-elect Donald Trump’s nomination of Oklahoma Attorney General Scott Pruitt as director of the Environmental Protection Agency (EPA).



For conservatives, however, it was a home run. Pruitt has fought President Barack Obama in court on a host of issues, including Obama’s executive orders on ObamaCare, immigration, and even bathroom use by transgenders, in addition to his lawsuit against the very agency he is now slated to head.

Pruitt was a leader in state litigation against Obama’s climate rule for power plants, and has also challenged the president’s water regulations and standards for ground-level ozone pollution, haze, and methane. Trump intends to repeal the Clean Water Rule and generally roll back rules on fossil fuel production, stating that he will place a moratorium on new regulations by requiring two rules be repealed for every new rule created by the EPA.

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Senator Bernie Sanders (I-Vt.), a member of the Environment and Public Works (EPW) Committee, was likewise incensed at the nomination of Pruitt, promising to “vigorously” oppose it. Senator Richard Blumenthal (D-Conn.) also warned he would “fight” against Pruitt, declaring, “I think he has a record and it will be scrutinized, and there will be opposition there as a result.”

It is that very record that should reassure conservatives who were concerned when Trump met with former Vice President Al Gore, perhaps the most visible advocate of stringent laws to stop “climate change,” which Gore claims is caused by human economic activity. It also is a setback to Trump’s daughter Ivanka, who essentially agrees with Gore on the issue.

Obama had ordered a 32-percent cut in the emission of carbon dioxide emissions by the fossil fuel industries (such as oil and gas and coal) by 2030. Trump called the harsh regulation a “war on coal.” It is thought that Obama’s draconian rule, which Democratic presidential candidate Hillary Clinton fully supported, contributed to Trump’s surprising win in Pennsylvania.

Pruitt said the plan would have shut down numerous coal-fired power plants in Oklahoma and raised the price of electricity for consumers. “This is an effort that I think is extraordinary in cost, extraordinary in scope, and I think extraordinary as it relates to the intrusion into the sovereignty of the states,” Pruitt charged recently, in commenting about the rule of Obama’s EPA, which he contends “coerces” states to reorganize their electricity systems and “commandeer” state resources to do that. He states that the rule is clearly unconstitutional. “It’s an invasion ... of the state regulatory domain,



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and it's something that is unique and breathtaking as it relates to the kind of rulemaking the EPA has engaged in historically." Pruitt led fellow Republican attorneys general in getting the Supreme Court to put a hold on the rule earlier this year.

Another battle taken on by Pruitt was a legal fight against the Clean Water Rule of the EPA, sometimes called the Waters of the United States. It claimed that small waterways such as wetlands and streams are under federal, not state, jurisdiction. To that claim, Pruitt retorted, "This regulation usurps the state's authority over its land and water use, and triggers numerous and costly obligations under the [Clean Water] Act for the state and its citizens." He convinced a federal court to block its implementation, as well.

Pruitt is also skeptical of the assertions of Gore and others like him on the issue of "climate change." Writing in the *Tulsa World* in May, Pruitt said the debate on global warming "is far from settled" and that "scientists continue to disagree about the degree and extent of global warming and its connection to the actions of mankind."

Scott Pruitt was elected attorney general of Oklahoma in 2010 as a close ally of Oklahoma's conservative Senator Jim Inhofe. Inhofe is the outgoing chairman of the Senate's Environmental and Public Works Committee, and has written a book, *The Greatest Hoax*, in opposition to so-called human-caused climate change. Before his election as attorney general, Pruitt was part-owner and general manager of the Oklahoma Redhawks baseball team, and had served in the Oklahoma State Senate, where he was named a Top Conservative Legislator by the *Oklahoma Constitution* newspaper.

As attorney general, Pruitt has taken on several causes in support of limited government and the sovereignty of the states. He filed suit in federal court in an effort to combat ObamaCare (the Affordable Care Act). He won in federal court, arguing that the Internal Revenue Service (IRS) did "not have the authority to expand access to subsidies (or levy penalties) beyond what is clearly written in the law. These issues are of great importance to the State of Oklahoma because we value our state's economic stability and growth, and the rule of law."

Pruitt was challenging the decision of Obama's IRS to force Oklahoma citizens (and those of 33 other states) to be part of ObamaCare, despite the choice of those states to not set up healthcare exchanges. Unfortunately, the Supreme Court eventually ruled that, even though the 2010 law said the subsidies would come through state exchanges (or if the state chose, federal exchanges), that it did not matter. Commentator Dick Morris agreed with Pruitt's position, explaining that the law had said tax credits could be given only if a plan was enrolled in through the exchange established by the state under Section 1311 of the Affordable Care Act.

Had the Supreme Court sided with Pruitt, it would have crippled the ObamaCare law in Oklahoma and 33 other states.

On the state level, Pruitt told an interviewer with the libertarian think tank CATO that he does not agree with civil asset forfeiture, unless it is "post-conviction."

In the podcast with CATO, Pruitt said he had no trouble with seizing property of drug dealers used in the drug trade, but that a person should have to be convicted before permanent asset forfeiture could take place. "The system we have in Oklahoma is wrong and flawed," he declared.

He cited the following case, which he called an "egregious" example of abuse of civil asset forfeiture in Oklahoma. A Kansas resident was traveling in Oklahoma with a contemporary Christian band, having raised a large amount of charity money to send to Burma, when he was stopped by a sheriff's office in



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Muskogee County for a broken taillight. Since the man was carrying \$53,000 in cash, the sheriff's office just presumed it was drug money and confiscated it. They called in a drug dog, who alerted that drugs were in the vehicle, though no drugs were ever found. Pruitt told CATO that the use of drug dogs "can be manipulated."

Pruitt has even stood up to fellow Republicans in Oklahoma when he believes they are not following the law. For example, when a state school superintendent hired three high-level staffers at the Department of Education without approval from the State Board of Education (as required by law), using private funds, Pruitt issued an opinion against the action, even though the superintendent was a fellow Republican. In Oklahoma, attorneys general may issue "opinions" on the legality of actions by state officials that are held as a lawful interpretation unless overturned by a court

"A person cannot perform official duties of a state agency with compensation paid directly to them by a private person or entity," Pruitt asserted. "Only employees and offices of the state who are authorized by law to do so may perform the official duties of the state, and those who are authorized may only be compensated as authorized by law."

With this pick of Pruitt, Trump gives hope that the presidential election indeed made a difference — a positive difference.



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