



Written by [James Murphy](#) on July 3, 2022

## Kagan Warns We Could See “Eastern Seaboard Swallowed by the Ocean”

This week, Supreme Court Justice Elena Kagan warned that portions of the United States could be “swallowed by the ocean” in the next generation. Kagan made the remark in her dissent on the *West Virginia v. EPA* decision, which read more like a United Nations Intergovernmental Panel on Climate Change document than a reasoned dissent based on the Constitution.

“If the current rate of emissions continues, children born this year could live to see parts of the Eastern seaboard swallowed by the ocean,” the associate justice, an Obama nominee confirmed in 2010, noted.



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On Thursday, the Supreme Court handed down its [decision](#) in *West Virginia v. EPA*. A 6-3 majority ruled that the Environmental Protection Agency did not possess broad constitutional power to make greenhouse gas emissions regulations without specific congressional approval.

“Today, the Court strips the Environmental Protection Agency (EPA) of the power Congress gave it to respond to ‘the most pressing environmental challenge of our time,’” Kagan lamented.

Kagan argued that the EPA was given those broad powers under Section 111 of the Clean Air Act, which allowed the agency to regulate substances that “may reasonably be anticipated to endanger public health or welfare.”

The majority disagreed, claiming that it was inconceivable that the Clear Air Act gave an alphabet agency such as the EPA full latitude to essentially destroy an entire industry.

“But it is not plausible that Congress gave EPA the authority to adopt on its own such a regulatory scheme,” Chief Justice John Roberts wrote. “A decision of such magnitude and consequence rests with Congress itself, or an agency acting pursuant to a clear delegation from that representative body.”

It was Kagan’s belief that atmospheric carbon dioxide — a gas necessary for plants to grow — was one such substance that the EPA needed to regulate. “Carbon dioxide and other greenhouse gases fit that description,” Kagan wrote.

Much of Kagan’s writing was shrouded in the language of climate hysteria instead of logical dispute of the majority’s decision.

Her dissent claimed that the Earth was “now warmer than any time in the history of modern civilization,” and warned that “rising waters, scorching heat, and other severe weather conditions could force ‘mass migration events, political crises, civil unrest,’ and even state failure.”

According to Kagan, the EPA was largely responsible, on its own authority, for saving us from our own shortsightedness. “It is EPA (that’s the Environmental Protection Agency, in case the majority forgot) acting to address the greatest environmental challenge of our time.”



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Despite her fairly unhinged dissent to *West Virginia v. EPA*, Kagan was far from the only climate alarmist who was dismayed by the decision. Climate activist Jamie Margolin tweeted: “The Supreme Court is a deadly threat to our Earth and all life on it.”

“This is a judicial coup at this point,” said Margolin, who also referenced Nazism and fascism in reacting to the Court’s decision. “The judicial branch is absolutely overreaching in their power and completely overturning what the majority of people want.”

Politicians joined in on the cacophony of voices angered by the Supreme Court decision.

Senators reacted:

Elizabeth Warren (D-Mass.) questioned the Court’s legitimacy: “Our planet is on fire, and this extremist Supreme Court has destroyed the federal government’s ability to fight back,” she [tweeted](#). “This radical Supreme Court is increasingly facing a legitimacy crisis, and we can’t let them have the last word.”

State officials chimed in:

“Today we get yet another outrageous opinion from the Supreme Court, with this one weakening the ability of the EPA to limit air pollution that is resulting in a climate disaster,” said North Carolina Governor Roy Cooper, a Democrat, in a [statement](#).

And, of course, President Biden commented. “Yesterday’s Supreme Court ruling in *West Virginia vs. EPA* aims to take our country backwards. Our fight against climate change must carry forward,” he tweeted. “My Administration and I will leverage every authority to protect public health, keep our air clean, and tackle the climate crisis.”

A quick recap of what actually occurred: A majority of the Supreme Court asserted that an alphabet agency, such as the EPA, must receive specific congressional approval in order to issue rules that will, essentially, destroy an industry — such as what’s already been done to the coal industry. Kagan and the others took this to mean that the Supreme Court doesn’t care if the Eastern seaboard is swallowed up by the Atlantic Ocean.

Somebody should tell President Obama to sell that mansion on Martha’s Vineyard quick.



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