This is pretty self-explanatory:

> The Obama administration has urged the Supreme Court to toss out an appeals court decision that would allow lawsuits against major emitters for their contributions to global warming, stunning environmentalists who see the case as a powerful prod on climate change.

Read the whole thing. It's hard for me to tell whether this is craven or stupid. Note that the SG didn't have to take a position on this case. This represents the administration going above and beyond the call of duty to undermine the chances of a sensible energy policy. Yes, a comprehensive statute would be better. And you know what? It ain't going to happen.

What about just allowing the EPA regulatory process to go forward? The 2nd Circuit allows that. In fact, it helps that process by saying that it cannot rule on the displacement question until EPA climate change regulations are final. So if the utilities sue over those regulations, and hold them up in court, then they have to face the consequences of the common-law claim. In other words, the SG's brief represents an invitation for the polluters to sue EPA.

Will this matter? It could; for the SG to step in and take a position on the case that it did not need to sends a signal to the Supremes that this is important.

What next? Bernie Madoff as the head of the Consumer Financial Protection Agency?