

D I A L O G U E

# GAS, THE GULF, AND THE “GOD SQUAD”

---

## SUMMARY

---

On March 31, 2026, the federal government convened a high-level meeting of the Endangered Species Committee (known as the “God Squad”), the first in over 30 years. Citing the Secretary of Defense’s finding that the Endangered Species Act (ESA) threatens national security by hindering Gulf of Mexico oil and gas exploration, the committee exempted all such activity across the Gulf from ESA protections. The action was immediately challenged in court, with multiple lawsuits alleging deficiencies in both the procedure and substance of the committee’s decision, and there is immediate concern about impacts on species such as the Rice’s whale. On April 23, 2026, the Environmental Law Institute hosted a panel of leading experts in the ESA, energy law, and national security law to discuss these breaking developments and the legal issues and interests at stake. Below, we present a transcript of that discussion, which has been edited for style, clarity, and space considerations.

---

**Madison Calhoun** is Senior Manager of Educational Programs at the Environmental Law Institute.

**Rebecca Bratspies** (moderator) is the Oliver Houck Chair in Environmental Law at Tulane University Law School.

**Pat Parenteau** is a Professor of Law Emeritus at Vermont Law School.

**Mark Nevitt** is an Associate Professor of Law at Emory University School of Law.

**Chinonso Anozie** is an Assistant Professor of Law at the University of Houston Law Center.

**Madison Calhoun:** Welcome to the Environmental Law Institute’s breaking news webinar on gas, the Gulf, and the “God Squad.” Our moderator is Rebecca Bratspies, the Oliver Houck Chair in Environmental Law at Tulane University Law School. We have three wonderful panelists joining her: Chinonso Anozie, who is an assistant professor at the University of Houston Law Center; Pat Parenteau, who is an emeritus professor at Vermont Law School; and Mark Nevitt, who is an associate professor at Emory University School of Law. Rebecca, I will turn things over to you.

**Rebecca Bratspies:** We’re going to start with questions for each of our panelists, then we’ll have a discussion and take questions from the audience. I’m going to start with Pat. Section 7 of the Endangered Species Act (ESA)<sup>1</sup> directs federal agencies to conserve threatened and endangered species and to limit the harmful effects on listed species or their critical habitats. Can you give us an overview of the

Endangered Species Committee, the so-called God Squad, and the purpose it’s intended to serve in the statute?

**Pat Parenteau:** This all results from the seminal decision by the U.S. Supreme Court in *Tennessee Valley Authority v. Hill*,<sup>2</sup> the Tellico Dam case in which Chief Justice Warren Burger said that ESA §7—the prohibition on agency actions that would jeopardize the continued existence of listed species—admits of no exception, and basically strips the courts of any equitable power they might otherwise have to balance off economic interest versus the interest of the species in habitat preservation.

Burger basically said: “Congress, you created this situation. You’re going to have to fix the problem that actions like Tellico Dam, which was 90% complete at the time the case was argued, cannot be completed given the statutory prohibition.” The Court said it’s up to the U.S. Congress to figure out how to resolve conflicts between endangered species preservation and other federal actions.

So, Congress amended the statute in 1978<sup>3</sup> to create this whole elaborate, baroque really, exemption process. It’s all laid out in §7, starting with §7(g) through (h) and then all the way down to (p). The Endangered Species Committee is a cabinet-level body of six senior federal officials. The Secretary of the Interior is the chair of the committee and is empowered to convene the committee to consider applications for exemptions.

It takes a vote of five members of the committee to grant an exemption. There are two different pathways to

---

1. 16 U.S.C. §1536.

2. 437 U.S. 153 (1978).

3. Endangered Species Act Amendments of 1978, Pub. L. No. 95-632, 92 Stat. 3751.