



EARTHJUSTICE

Because the earth needs a good lawyer

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ENVIRONMENTAL LAW CLINIC AT STANFORD UNIVERSITY

April 26, 2004

The Honorable Orrin Hatch
Chairman, Senate Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Patrick Leahy
Ranking Member, Senate Committee on the Judiciary
United States Senate
Washington, DC 20510

Re: Nomination of Brett Kavanaugh to a Lifetime Position on the
U.S. Court of Appeals for the District of Columbia Circuit

Dear Chairman Hatch and Ranking Member Leahy:

As you review and decide upon the nomination of Brett Kavanaugh to a lifetime position on the United States Court of Appeals for the District of the Columbia Circuit, please consider the attached letter and include it in the record of the Committee on the Judiciary and the Senate. This attached September 23, 2002 letter,¹ explains, on behalf of the more than one million members of 16 national environmental organizations, how the D.C. Circuit's unique jurisdiction makes the court the second most powerful environmental court in the country, surpassed only by the Supreme Court; and expresses the affirmative standards that the Senate should apply in exercising its constitutional advise-and-consent responsibility for judicial nominations.

On behalf of Earthjustice, we also particularly stress our very serious concerns with Mr. Kavanaugh's lack of relevant trial, appellate or academic scholarship experience for this critically important court, as well as the details of his experience, which include the fact that he served from January 2001 until July 2003 as Associate Counsel and Senior Associate Counsel in the Office of White House Counsel, where he worked on the nomination and confirmation of federal judges. Earthjustice strongly urges you to explore fully and to consider carefully Mr. Kavanaugh's nomination, including his role regarding a number of nominees whom Earthjustice has opposed based upon their extreme records on environmental safeguards and related issues, as explained in detail at www.earthjustice.org/policy/judicial/nominees/index.html.

¹ September 23, 2002 letter from Community Rights Counsel, Defenders Of Wildlife, Earthjustice, Endangered Species Coalition, Environmental Defense, Environmental Working Group, Friends of the Earth, National Environmental Trust, Natural Resources Defense Council, Oceana, Physicians for Social Responsibility, Scenic America, Sierra Club, Southern Utah Wilderness Alliance, U.S. Public Interest Research Group, and The Wilderness Society to The Honorable Charles E. Schumer, Chair, Judiciary Subcommittee on Administrative Oversight and the Courts, regarding the Subcommittee's hearing on "The D.C. Circuit: The Importance of Balance on the Nation's Second Highest Court."

Thank you for consideration of our views on this nomination to a lifetime seat on this critically important court of appeals.

Sincerely yours,

Glenn P. Sugameli
Senior Legislative Counsel
Earthjustice

Attachment
c: Members, Senate Committee on the Judiciary