

ALLIANCE FOR JUSTICE ♦ AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES (AFSCME) ♦ AMERICANS FOR DEMOCRATIC ACTION ♦ CENTER FOR INTERNATIONAL ENVIRONMENTAL LAW (CIEL) ♦ DEFENDERS OF WILDLIFE ♦ DISABILITY RIGHTS EDUCATION & DEFENSE FUND (DREDF) ♦ EARTHJUSTICE ♦ EQUAL JUSTICE SOCIETY ♦ FEMINIST MAJORITY ♦ FRIENDS OF ANIMALS ♦ FRIENDS OF THE EARTH ♦ JUDGE DAVID L. BAZELON CENTER FOR MENTAL HEALTH LAW ♦ LEGAL MOMENTUM ♦ LIVING EARTH ♦ LOVE MAKES A FAMILY, INC. ♦ MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND (MALDEF) ♦ NATIONAL AUDUBON SOCIETY ♦ NATIONAL CENTER FOR LESBIAN RIGHTS ♦ NATIONAL COUNCIL OF JEWISH WOMEN ♦ NATIONAL GAY AND LESBIAN TASK FORCE ♦ NATIONAL HEALTH LAW PROGRAM ♦ NATURAL RESOURCES DEFENSE COUNCIL ♦ THE OCEAN CONSERVANCY ♦ PEOPLE FOR THE AMERICAN WAY ♦ PROGRESSIVE JEWISH ALLIANCE ♦ PROJECT FREEDOM OF RELIGION (AN AFFILIATE OF THE UNITARIAN UNIVERSALIST SERVICE COMMITTEE) ♦ PUBLIC EMPLOYEES FOR ENVIRONMENTAL RESPONSIBILITY ♦ RETHINKING SCHOOLS ♦ SIERRA CLUB ♦ THE WILDERNESS SOCIETY ♦ WILDLANDS CPR ♦ THE WOODHULL FREEDOM FOUNDATION ♦ THE XERCES SOCIETY FOR INVERTEBRATE CONSERVATION

ALASKA COALITION ♦ ALASKA COMMUNITY ACTION ON TOXICS ♦ ALASKA CONSERVATION SOLUTIONS ♦ ALASKA RAINFOREST CAMPAIGN ♦ AMERICAN WILDLANDS ♦ AUDUBON SOCIETY OF PORTLAND ♦ BARK ♦ CALIFORNIA COMMUNITIES AGAINST TOXICS ♦ CALIFORNIA NATIONAL ORGANIZATION FOR WOMEN ♦ CALIFORNIA NATIVE PLANT SOCIETY ♦ CALIFORNIA WILDERNESS COALITION ♦ CALIFORNIANS FOR ALTERNATIVES TO TOXICS ♦ CENTER FOR BIOLOGICAL DIVERSITY ♦ CENTER FOR COMMUNITY ACTION AND ENVIRONMENTAL JUSTICE ♦ CENTER FOR NATIVE ECOSYSTEMS ♦ CITIZENS FOR THE CHUCKWALLA VALLEY ♦ COMMITTEE FOR JUDICIAL INDEPENDENCE ♦ CONSERVATION NORTHWEST ♦ ENDANGERED HABITATS LEAGUE ♦ ENVIRONMENTAL LAW FOUNDATION ♦ THE ENVIRONMENTAL PROTECTION INFORMATION CENTER (EPIC) ♦ FOREST GUARDIANS ♦ FRIENDS OF THE COLUMBIA GORGE ♦ FRIENDS OF THE PANAMINTS ♦ GIFFORD PINCHOT TASK FORCE ♦ GREAT OLD BROADS FOR WILDERNESS ♦ HEADWATERS ♦ KLAMATH-SISKIYOU WILDLANDS CENTER ♦ THE LANDS COUNCIL ♦ LOS ANGELES CHAPTER OF AMERICANS UNITED FOR SEPARATION OF CHURCH AND STATE ♦ MCKENZIE GUARDIANS ♦ NARAL PRO-CHOICE CALIFORNIA ♦ NATIONAL COUNCIL OF JEWISH WOMEN CALIFORNIA STATE PUBLIC AFFAIRS NETWORK ♦ NATIONAL LAWYERS GUILD SAN FRANCISCO BAY AREA ♦ NORTHWEST ENVIRONMENTAL ADVOCATES ♦ NORTHWEST ENVIRONMENTAL DEFENSE CENTER ♦ OKANOGAN HIGHLANDS ALLIANCE ♦ OLYMPIC FOREST COALITION ♦ OREGON COUNCIL TROUT UNLIMITED ♦ OREGON NATURAL DESERT ASSOCIATION ♦ OREGON NATURAL RESOURCES COUNCIL ♦ PACIFIC ENVIRONMENTAL ADVOCACY CENTER ♦ PUBLIC ADVOCATES, INC. ♦ RELIGIOUS CAMPAIGN FOR FOREST CONSERVATION ♦ SAN DIEGO COUNTY NOW ♦ TEMPLE KOL TIKVAH ♦ UMPQUA WATERSHEDS, INC. ♦ VALLEY WATCH, INC. ♦ WESTERN ENVIRONMENTAL LAW CENTER ♦ WORKMEN'S CIRCLE/ARBETER RING SOUTHERN CALIFORNIA DISTRICT

October 24, 2005

Oppose Proposals to Split the Ninth Circuit

Dear Senator:

On behalf of our millions of members, we urge you to oppose S. 1845, The Circuit Court of Appeals Restructuring and Modernization Act of 2005, and other proposals to split the U. S. Ninth Circuit Court of Appeals into separate appellate courts.

Anti-environmental and other special interests have long desired to increase their ability to “judge-shop” by dividing the Ninth Circuit Court of Appeals into a number of smaller courts of appeals. By “dividing and conquering” the Ninth Circuit, polluters hope to change the pool of judges who will decide their cases. The result would be less consistency in the law, resulting in more exploitation and mismanagement of natural resources in the Pacific Ocean and numerous special places in the western states.

Pete Wilson, as a Republican U.S. Senator from California (who later served two-terms as Governor), condemned previous efforts to split the Ninth Circuit, calling them attempts at “environmental gerrymandering” by those who had been angered by rulings upholding and enforcing environmental laws. Bi-partisan opposition to the current efforts to split the Ninth Circuit includes Mary Schroeder, the current Chief Judge; Senior Judge Clifford Wallace, a former Chief Judge who was nominated by a Republican President; Alex Kozinski, a conservative judge who was appointed to the Ninth Circuit in 1985 by President Ronald Reagan, and who maintains his chambers in California; and the vast majority of other Ninth Circuit judges. Other opponents of splitting the Ninth Circuit include California Governor Arnold Schwarzenegger, Arizona Governor Janet Napolitano, then-Washington Governor Gary Locke, the American Bar Association, the Federal Bar Association, the State Bar of Arizona, the State Bar of Montana, Washington State Bar, and the Hawaii State Bar Association, as well as numerous local bar associations, prominent jurists and legal advocates.

Splitting the Ninth Circuit would not only be bad for the environment, it would be fiscally irresponsible as well. The current proposal would only exacerbate the federal judiciary’s virtually unprecedented fiscal crisis, which has led to suspension of new court construction and layoffs of court employees.

Please oppose ill-considered efforts to divide the Ninth Circuit.

Sincerely,

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