

**Defenders of Wildlife ♦ Earthjustice ♦ Environmental Media Services
Friends of the Earth ♦ Natural Resources Defense Council
The Ocean Conservancy ♦ Sierra Club ♦ The Wilderness Society**

October 5, 2004

Oppose Simpson amendment to S.878 – Floor vote today

Dear Representative:

On behalf of our millions of members, we urge you to oppose Representative Mike Simpson's (R-ID) amendment to split the U. S. Ninth Circuit Court of Appeals into three separate appellate courts that will be offered to S. 878 on the House Floor later today.

Anti-environmental 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 numerous special places in the western states.

Pete Wilson, the former Republican Governor and U.S. Senator from California, 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 the vast majority of Ninth Circuit judges, Mary Schroeder, the current Chief Judge; Senior Judge Clifford Wallace, a former Chief Judge who was nominated by a Republican President; and 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. Other opponents of splitting the Ninth Circuit include California Governor Arnold Schwarzenegger, Washington Governor Gary Locke, the American Bar Association, the State Bar of Arizona, the Oregon State Bar, the Hawaii State Bar Association, as well as numerous 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 the Simpson Amendment to S. 878

Sincerely,

Karen Wayland
Legislative Director
Natural Resources Defense Council

Debbie Sease
Legislative Director
Sierra Club

Mary Beth Beetham
Director of Legislative Affairs
Defenders Of Wildlife

Marty Hayden
Legislative Director
Earthjustice

Sara Zdeb
Legislative Director
Friends of the Earth

Catherine Hazlewood
Clean Oceans Program Manager
The Ocean Conservancy

Arlie Schardt
President
Environmental Media Services

Linda Lance
Vice President of Public Policy
The Wilderness Society