

ALASKA WILDERNESS LEAGUE ▫ AMERICAN RIVERS ▫ DEFENDERS OF WILDLIFE
EARTHJUSTICE ▫ ENVIRONMENTAL WORKING GROUP ▫ FRIENDS OF THE EARTH
LEAGUE OF CONSERVATION VOTERS ▫ NATIVE AMERICAN RIGHTS FUND
NATURAL RESOURCES DEFENSE COUNCIL ▫ OCEANA ▫ SIERRA CLUB
UNION OF CONCERNED SCIENTISTS ▫ THE WILDERNESS SOCIETY

October 25, 2013

The Honorable Harry Reid
U.S. Senate Majority Leader
522 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Mitch McConnell
U.S. Senate Republican Leader
317 Russell Senate Office Building
Washington, D.C. 20510

Dear Leaders Reid and McConnell:

Our federal courts are in crisis. After years of obstruction and delay, more than ten percent of the courts' seats sit empty. On what is widely considered the nation's second-highest court, the D.C. Circuit, three of eleven seats are unfilled. These vacancies matter, as every empty seat compromises the courts' ability to enforce the laws Congress has enacted. On behalf of our millions of members and supporters, we urge you to end the gridlock of recent years and ensure that the Senate takes prompt action on all pending nominations to the D.C. Circuit and our other federal courts.

For more than four decades, the federal courts have played a critical role in vindicating the intent of Congress in enacting our environmental laws and the right of citizens, businesses, communities, and states to have the benefit of their protections. The influence of the D.C. Circuit alone has proven extraordinary. Under a number of environmental statutes—including the Clean Air Act, the Safe Drinking Water Act, and the nation's hazardous-waste laws—cases of national significance must be brought in the D.C. Circuit. The court also hears many matters concerning the management and protection of our public lands and imperiled wildlife. Only a few of these cases make it to the Supreme Court. As a result, the D.C. Circuit often has the last word on pivotal environmental questions, determining whether or not Americans across the country have clean air to breathe, clean water to drink, and a healthy environment to leave for their children.

Despite their critical importance, the federal courts have been hobbled by a vacancy crisis. According to the Administrative Office of the U.S. Courts, 91 of the courts' 874 seats are currently empty – almost twice the number of vacancies that existed at this point in the prior administration. On the D.C. Circuit, three of the court's eleven seats are vacant. In the words of former Chief Judge Patricia Wald, the D.C. Circuit's vacancies are "denying the court the human resources it needs to carry out its weighty mandates," as the "complex" and "labyrinthine" cases it considers "can require thousands of hours of preparation by the judges, often consuming days of argument, involving hundreds of parties and interveners, and necessitating dozens of briefs and thousands of pages of record—all of which culminates in lengthy, technically intricate legal opinions."

In order to ensure that our federal courts are capable of securing the steady, upright, and impartial administration of federal law, we urge you to come together on this important issue as the Senate's leaders. It is vital that the Senate fulfill its responsibilities when it comes to judicial nominations. Every pending nomination must be acted upon promptly. And every vacant seat must be filled.

Thank you for your consideration.

Sincerely,

Trip Van Noppen
President
Earthjustice

Cindy Shogan
Executive Director
Alaska Wilderness League

Wm. Robert Irvin
President and CEO
American Rivers

Jamie Rappaport Clark
President
Defenders of Wildlife

Ken Cook
President
Environmental Working Group

Erich Pica
President
Friends of the Earth

Gene Karpinski
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League of Conservation Voters

John E. Echohawk
Executive Director
Native American Rights Fund

Frances Beinecke
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Andrew F. Sharpless
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Michael Brune
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Kathleen Rest, PhD, MPA
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Jamie Williams
President
The Wilderness Society