

**COMMUNITY RIGHTS COUNSEL
EARTHJUSTICE**

November 15, 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 Thomas B. Griffith 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 Thomas B. Griffith to a lifetime position on the United States Court of Appeals for the District of 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 letter¹ 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 Community Rights Counsel and Earthjustice, we also encourage the Senate to review fully and carefully whether, during the last six years, Mr. Griffith has inappropriately disregarded his obligation to maintain an active law license in the jurisdictions in which he practiced, and whether he has practiced law without a valid license. Particularly with respect to a nominee to the DC Circuit, these considerations raise serious issues that should be fully explored in the Senate confirmation process.

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,

Doug Kendall
Executive Director
Community Rights Counsel

Glenn P. Sugameli
Senior Legislative Counsel
Earthjustice

Attachment

CC: Members, Senate Committee on the Judiciary