

## **Earthjustice Opposes Judge Alito's Nomination to the Supreme Court**

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Today, Earthjustice joined four other national environmental groups in announcing formal opposition to the nomination of Judge Samuel Alito Jr. to a lifetime seat on the Supreme Court. This is the first time in nearly 20 years that Earthjustice has opposed a Supreme Court nominee.

"America depends upon Supreme Court justices to uphold and enforce our nation's environmental safeguards and to protect the rights of all Americans. We cannot afford to have someone like Judge Alito deciding which rights will be protected, and which will be thrown out," said Buck Parker, Executive Director of Earthjustice. "After a careful consideration of Judge Alito's record, we believe that, if confirmed to the Supreme Court, he would vote to roll back key protections for public health and the environment."

The last Supreme Court nominee to be opposed by Earthjustice and other national environmental groups was Robert Bork, nominated in 1987. Earthjustice did not oppose any of the eight Supreme Court nominees between Judge Bork and Judge Alito.

Like Judge Bork, Judge Alito has an extreme record on issues that are central to fundamental legal safeguards for public health and our environment, including the scope of the Commerce Clause, which is the constitutional basis for most federal environmental laws. Judge Alito's positions also threaten the ability of average Americans and government agencies to ensure that these laws are enforced.

For example, one of his dissenting opinions concluded that a Congressional ban on possession of machine guns was unconstitutional under the Commerce Clause, contradicting many circuit courts of appeal decisions. Alito's views indicate that he would support Commerce Clause challenges by polluters and developers to public health and environmental laws that Americans have relied upon for decades, including the Clean Water Act, the Clean Air Act the Endangered Species Act, and the Safe Drinking Water Act.

In other cases, Alito provided the deciding vote in favor of polluters to overturn pro-environmental actions by the U.S. Environmental Protection Agency (EPA). One of these cases overturned an EPA emergency Safe Drinking Water Act clean-up order that protected drinking water for 180,000 people from toxic pollution. Alito also joined another 2-1 Clean Water Act decision that unfairly barred average Americans from court, by creating constitutional barriers that were later essentially overruled by the Supreme Court.

"Judge Alito's record indicates that he would pursue his own extreme legal theories to create new barriers that prevent the enactment and enforcement of national laws that protect families and communities from pollution," said Glenn Sugameli, Earthjustice Senior Judicial Counsel. "There is too much at stake; Judge Alito's nomination must be defeated."