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CLEAN WATER ACTION
DEFENDERS OF WILDLIFE
ENDANGERED SPECIES COALITION
FRIENDS OF THE EARTH
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LEAGUE OF CONSERVATION VOTERS
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VENTURA COASTKEEPER ♦ WATERWATCH OF OREGON
WESTERN ENVIRONMENTAL LAW CENTER
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WESTERN RESOURCE ADVOCATES ♦ WILDEARTH GUARDIANS
WILDLANDS CPR ♦ WISHTOYO FOUNDATION
THE XERCES SOCIETY FOR INVERTEBRATE CONSERVATION**

July 9, 2009

The Honorable Patrick J. Leahy, Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Jeff Sessions, Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Re: Confirmation of Judge Sonia Sotomayor

Dear Chairman Leahy and Ranking Member Sessions:

We write to express our strong support for confirmation of Judge Sonia Sotomayor as an Associate Justice of the U.S. Supreme Court. Judge Sotomayor is extremely well qualified to serve on the Supreme Court and we endorse her nomination without qualification.

Judge Sotomayor has exemplary academic and legal credentials, a stellar reputation as a New York prosecutor, coupled with several years in a private firm, and an enviable record of public service in both governmental and nonprofit sectors. She has served nearly 11 years on the United States Court of Appeals for the Second Circuit and previously spent several years as a United States District Judge in the Southern District of New York. Her rigorous preparation and thoroughly researched and well-reasoned opinions have earned praise and respect from her fellow judges and legal colleagues.

Despite her long tenure on the federal bench, Judge Sotomayor has sat on relatively few environmental cases. She wrote a notable Clean Water Act decision, methodically analyzing and resolving various conservation, state, and industry challenges to a regulation designed to protect fish from being killed in the cooling water intake structures at large power plants. While a divided Supreme Court reversed one of the more than a dozen rulings in the case, her decision reflects well-researched, thorough, and thoughtful legal analysis that probes the statute, its context, legislative history, and judicial precedent to discern and remain true to congressional intent. The Second Circuit has yet to issue a decision in a public nuisance case brought against utilities for harm caused by power plant greenhouse gas emissions, but observers praised Judge Sotomayor's preparation and deep engagement in the complex issues at oral argument. Beyond the decisions she has written, Judge Sotomayor joined a decision upholding a Vermont law requiring that labels inform consumers that certain products contain mercury and must be disposed of as hazardous waste, although she also joined a Clean Air Act decision that went against environmental litigants. Some conservatives have decried Judge Sotomayor's vote – as part of a *unanimous* Second Circuit panel with two President George W.

Bush appointed judges– to uphold the district court’s dismissal of a case involving a challenge to the taking of property as part of a town’s comprehensive redevelopment project. It is difficult, however, to draw any conclusions from that decision other than that Judge Sotomayor carefully follows applicable law and precedent. The two-page, unpublished summary order affirms the trial court’s ruling that the case was filed after the statute of limitations had run and states that, even if it were not time-barred, a recent Supreme Court decision obliged the panel to affirm the district court’s rejection of the lawsuit. It appears that critics are disputing the Supreme Court precedent, rather than the Second Circuit’s adherence to that precedent, which as a lower court, it was obligated to follow.

Judge Sotomayor’s record evinces no clear bias in favor of or against environmental claims. Instead, it reflects intellectual rigor, meticulous preparation, and fairness. Her record demonstrates a consistently balanced and thoughtful review of complex legal issues. She has interpreted and applied the laws as Congress intended and safeguarded constitutional rights. She brings a welcome perspective both through her wide-ranging legal work, as well as her humble beginnings and her experience as a Latina. Her impeccable credentials, wealth of experience, and exceptional legal mind will benefit the Court and the nation. We urge her swift confirmation.

Sincerely,

Trip Van Noppen, President
Earthjustice

Kierán Suckling, Executive Director
Center for Biological Diversity

Philip D. Radford, Executive Director
Greenpeace USA

Daniel Magraw, President
Center for International Environmental Law

Fred O’Regan, Chief Executive Officer
International Fund for Animal Welfare

John DeCock, President
Clean Water Action

Gene Karpinski, President
League of Conservation Voters

Rodger Schlickeisen, President
Defenders of Wildlife

John Flicker, President
National Audubon Society

Leda Huta, Executive Director
Endangered Species Coalition

Roger Rivera, President
National Hispanic Environmental Council

Brent Blackwelder, President
Friends of the Earth

Larry Schweiger, President and CEO
National Wildlife Federation

John E. Echohawk, Executive Director
Native American Rights Fund

Carl Pope, Executive Director
Sierra Club

William Meadows, President
The Wilderness Society

Laird J. Lucas, Executive Director
Advocates for the West

Mike Clark, Executive Director
Greater Yellowstone Coalition

Eugenia Marks, Senior Policy Director
Audubon Society of Rhode Island

Cynthia Sarthou, Executive Director
Gulf Restoration Network

Donna Charpied, Executive Director
Citizens for the Chuckwalla Valley [CA]

Ernie Reed, Council Chair
Heartwood

Elise Jones, Executive Director
Colorado Environmental Coalition

Jesse Kharbanda, Executive Director
Hoosier Environmental Council

Brett VandenHeuvel, Executive Director
Columbia Riverkeeper

Rick Johnson | Executive Director
Idaho Conservation League

Mitch Friedman, Executive Director
Conservation Northwest

Kevin Lewis, Conservation Program
Director
Idaho Rivers United

Mike Garfield, Director
Ecology Center

Tom FitzGerald, Director
Kentucky Resources Council, Inc.

Dan Silver, Executive Director
Endangered Habitats League

Kimberly Baker, Forest and Wildlife
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James Baker, President
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**Minnesota Center for Environmental
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Olympic Forest Coalition

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Regna Merritt, Executive Director
Oregon Wild

Jan Jarrett, President and CEO
PennFuture

Mike Hudak, Director
Public Lands Without Livestock

Dave Willis, Coordinator
Soda Mountain Wilderness Council

Scott Groene, Executive Director
Southern Utah Wilderness Alliance

Jason Weiner, Associate Director
Ventura Coastkeeper

John DeVoe, Executive Director
WaterWatch of Oregon

Greg Costello, Executive Director
Western Environmental Law Center

Santana Tamarak, Board Chair
Western Nebraska Resources Council

Karin P. Sheldon, Executive Director
Western Resource Advocates

John Horning, Executive Director
WildEarth Guardians

Bethanie Walder, Executive Director
Wildlands CPR

Mati Waiya, Executive Director
Wishtoyo Foundation

Scott Hoffman Black, Executive Director
**The Xerces Society for Invertebrate
Conservation**

C: United States Senators