

Alaska Wilderness League * Christian Council of Delmarva * Corazón Latino *
Defenders of Wildlife * Earthjustice * Endangered Habitats League *
Endangered Species Coalition * Environmental Defense Fund *
Environmental Law & Policy Center * Environmental Working Group * GreenLatinos *
Howling For Wolves * Natural Resources Defense Council *
League of Conservation Voters * Sierra Club * Southern Utah Wilderness Alliance *
The Climate Reality Project * The Wilderness Society *
Western Environmental Law Center * Western Nebraska Resources Council

February 21, 2021

The Honorable Dick Durbin, Chairman The Honorable Chuck Grassley, Ranking Member
Senate Committee on the Judiciary Senate Committee on the Judiciary
United States Senate United States Senate
Washington, DC 20510 Washington, DC 20510

**RE: Letter of Support for Department of Justice nominees: Judge Merrick Garland,
Vanita Gupta, Kristen Clarke & Lisa Monaco**

Dear Chairman Durbin and Ranking Member Grassley:

The twenty undersigned environmental groups write today on behalf of our millions of members and supporters to express our strong support for the slate of four nominees to lead the United States Justice Department (“DOJ”): Judge Merrick Garland, to be Attorney General of the United States, Vanita Gupta to be Associate Attorney General, Kristen Clarke to be Assistant Attorney General for the Civil Rights Division, and Lisa Monaco to be Deputy Attorney General. We urge the Senate Judiciary Committee to support all four nominees.

As the nation’s top law enforcement agency, the Justice Department is responsible for safeguarding our civil and constitutional rights, including our right to live free from toxic air and polluted waters. The Department and the American people need and deserve leadership committed to that mission and to our country’s ongoing progress toward equal justice and racial equality.

Judge Garland, Ms. Gupta, Ms. Clarke, and Ms. Monaco are the leaders we need. They are all accomplished public servants who understand that the DOJ should serve the *people* by upholding the rule of law and defending our Constitution. President Biden said it best when he declared that they “are eminently qualified, embody character and judgment that is beyond reproach, and have devoted their careers to serving the American people with honor

and integrity. They will restore the independence of the Department so it serves the interests of the people not a presidency, rebuild public trust in the rule of law, and work tirelessly to ensure a more fair and equitable justice system.”

These nominees face a daunting task. Over the past four years, political appointees at DOJ focused on the interests of the former president, and sometimes worse, the interests of corporate special interests. As a result, DOJ rolled back environmental and voting rights enforcement, restricted civil and human rights, including LGBTQ rights, at every turn,¹ and implemented extreme policies on access to justice and immigration. Those policies put lives in peril and increased burdens for already vulnerable communities. Their lax enforcement also abetted the previous administration’s “energy development above all” agenda that threatened our public lands, waters, and wildlife. Moreover, it undermined the career professionals who swore an oath to serve and protect the American people and ensure justice for all.

The Environment is a Civil and Human Right

Because a healthy environment is a civil and human right, we need a Justice Department that defends and enforces our laws, and that supports the right of the public to enforce environmental laws when the government fails to do so.

Over the last four years, the Justice Department worked to weaken rather than strengthen our environmental laws. We need the DOJ to advocate instead for the broad power of federal agencies to implement statutes like the Clean Air Act, Clean Water Act, Endangered Species Act and the National Environmental Policy Act, as Congress intended. We need leadership that understand science is about facts, not politics or corporate influence, and that human caused climate change is a scientific fact that desperately needs our collective attention.

The Justice Department must also reverse course to vigorously enforce our laws after four years that saw a 90% reduction in corporate penalties and enforcement actions.² The burden of that neglect has fallen disproportionately — as it always does in our nation — on Black, Brown, Latinx, and Asian people, Native Americans, immigrant communities and wage workers. The Justice Department must recognize this, and must also recognize that our pollution control system has perpetuated sacrifice zones in these marginalized communities, that our public lands policies have deprived indigenous communities of sacred lands, and

¹ <https://civilrights.org/trump-rollbacks/>.

² Public Citizen 2018 report at 13 (see <https://www.citizen.org/sites/default/files/corporate-enforcement-public-citizen-report-july-2018.pdf>). See also - https://www.washingtonpost.com/national/health-science/civil-penalties-for-polluters-dropped-dramatically-in-trumps-first-two-years-analysis-shows/2019/01/24/7384d168-1a82-11e9-88fe-f9f77a3bcb6c_story.html; <https://www.nytimes.com/2020/10/13/climate/pollution-lawsuits-trump-environment.html>

that federal policies place the greatest burdens of the climate crisis on those least able to bear them. As our nation reckons with its racist past and the need for justice, the Biden-Harris Administration's DOJ leadership must do its part to advance environmental justice.

Finally, we need a Justice Department that will recognize the public's right to seek justice in court. Without court access, the environmental laws aren't worth the paper they are written on. For the past four years, the Justice Department actively sought to restrict citizens' right to seek justice in courts, and to grossly restrict the scope of things they can do once they get there. In particular, the last Administration's appointees actively applied a restrictive view of "standing doctrine" to prevent people from suing about damage to the environment. It is critical that Judge Garland, Ms. Gupta, Ms. Clarke, and Ms. Monaco reverse that damage.

Conclusion

While there is much to do to restore the public faith in the Justice Department, we believe that Judge Garland, Ms. Gupta, Ms. Clarke, and Ms. Monaco are up to that challenge. We urge the Senate Judiciary Committee to swiftly confirm all four nominees in the weeks ahead.

Sincerely,

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