

April 9, 2021

The Honorable Richard J. Durbin
Chairman, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable Charles E. Grassley
Ranking Member, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, D.C. 20510

Dear Chairman Durbin and Ranking Member Grassley:

We, the undersigned, are former senior officials of the Environment and Natural Resources Division (ENRD) of the United States Department of Justice. We write in support of President Biden's nomination of former District of Columbia Solicitor General Todd Kim to serve as the next Assistant Attorney General for ENRD, and to express our strong belief that Mr. Kim is supremely qualified for that position, with the necessary leadership experience, legal expertise and outstanding judgment to lead the Division in addressing the nation's most pressing environmental, environmental justice, natural resources, and Native American issues.

The undersigned include virtually everyone who served in senior leadership positions in ENRD, as either Assistant Attorney General or Deputy Assistant Attorney General, and overlapped with Mr. Kim. We were appointed by Presidents of both political parties and reflect diverse perspectives from within the environmental law bar. We understand the critical importance of ENRD's mission to faithfully implement and enforce not only the federal environmental and natural resources laws, but also the laws protecting the rights and resources of Native American communities. And we appreciate that ENRD could not serve the American people as well as it does without the incredible talent and dedication of its more than 400 attorneys and hundreds of other staff. An organization as special as ENRD requires a special kind of leadership. We are confident that Mr. Kim is the right person to lead ENRD, and that he will do so with an open mind, with respect for the Division and its employees, and with a firm belief in the even-handed administration of justice.

A 1997 graduate of Harvard Law School, Mr. Kim has dedicated most of his career to public service and the just and fair administration of the law. After clerking for the Honorable Judith Rogers, United States Court of Appeals for the District of Columbia Circuit, he began his career as an Honors Attorney in ENRD, where he made a notable impression on the Division that he has been nominated to lead. For seven years (1998 to 2006), he served with distinction in the Environment and Natural Resources Division's Appellate Section. Mr. Kim was an effective advocate for numerous federal agencies, handling some of the most complex and important environmental law cases during that period. He was recognized for his superlative work on a diverse array of matters, ranging from upholding the conviction under the hazardous waste laws

of a corporate manager who had sent employees into a cyanide-filled tank without safety equipment, to enforcement of wetlands protections under the Clean Water Act in a case that spawned important Supreme Court precedent, to cases defending tribal land claims.

While serving in the Division, Mr. Kim approached his cases with the utmost integrity and humility, dedicated to full and fair enforcement of the law, conscious of his responsibility as an officer of the court and a representative of the people of the United States. Importantly, Mr. Kim earned the well-deserved respect of his career colleagues in the Justice Department both for his intellect and the quality of his character. The respect he garnered during his time as an ENRD attorney will serve him well as he seeks to lead the Division into its future.

Mr. Kim's distinguished legal career and devotion to public service continued after he left ENRD to serve as Washington, D.C.'s first solicitor general for nearly a dozen years. In that position, he supervised hundreds of cases in the U.S. Court of Appeals for the D.C. Circuit and the D.C. Court of Appeals, including multiple high-profile criminal cases and other matters of national significance. He has won appeals in the U.S. Supreme Court, all 13 federal courts of appeals, and many state supreme courts.

Mr. Kim is a two-time winner of the National Association of Attorneys General's Supreme Court Best Brief Award; a three-time winner of both the D.C. Attorney General's award for Outstanding Head of a Division, and DOJ's Outstanding Performance Award; and he was awarded the U.S. Environmental Protection Agency's Gold Medal for Exceptional Service. Kim is a member of the Edward Coke Appellate Inn of Court, the Lawyers Club of Washington, D.C., the National Asian Pacific American Bar Association, and the Asian Pacific American Bar Association of Greater Washington, D.C.

For all these reasons, we enthusiastically endorse Mr. Kim's nomination, and we urge the Senate to confirm him promptly as the next Assistant Attorney General of the Environment and Natural Resources Division of the United States Department of Justice.

Sincerely,

John C. Cruden

Assistant Attorney General (2015 - 2017),
Deputy Assistant Attorney General (1995 - 2011) for the
Environment and Natural Resources Division

Lisa Jones Foose

Deputy Assistant Attorney General (2014 - 2017),
Assistant Chief of the Appellate Section (2006 - 2012) for the
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Kelly Johnson

Acting Assistant Attorney General (2005),
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Thomas L. Sansonetti

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