



October 15, 2020

United States Senate
Washington, DC 20510

Re: Oppose the Judicial Nomination of Amy Coney Barrett to the United States Supreme Court.

Dear Senator,

The League of Conservation Voters (LCV) believes our earth is worth fighting for because everyone has a right to clean air, water, lands, and a safe, healthy community. Each year, LCV publishes the National Environmental Scorecard, which details the voting records of members of Congress on environmental legislation. The Scorecard is distributed to LCV members, concerned voters nationwide, and the media.

LCV urges you to oppose the confirmation of Judge Amy Coney Barrett to a lifetime appointment on the Supreme Court of the United States. This flawed nomination process has further delayed the pressing need for the Senate to address the COVID-19 pandemic, which continues to expose deep injustices in our country. The months of delay to necessary relief has put communities at further harm, and the decision to ignore these pressing needs to rush through with a Supreme Court nomination is unconscionable and puts lives and livelihoods at risk.

President Trump has made every attempt to undermine the legitimacy of the voting process in this election, and admitted he is rushing the confirmation before Election Day because “I think this will end up in the Supreme Court.” His expectation that Judge Barrett will help him politically, and her unwillingness to recuse herself from election-related cases, raises fundamental questions about her fitness to serve fairly on the Court. The Senate should allow the results of this election determine this nomination, not the other way around.

The Supreme Court holds immense power to protect our right to breathe clean air, drink clean water, and participate equitably in our democracy. Justices on the Court have an impact lasting generations, and it is essential that anyone nominated to the Court seeks to respect precedent, interpret the law in a fair and well-reasoned manner, and act as an independent check on the President. Judge Barrett’s record reflects a philosophy that will make it harder for those suffering environmental harms to get their day in court, and for federal agencies to issue critical public protections.

Judge Barrett has repeatedly applied a narrow view of the public’s right to access the courts. In *Protect Our Parks, Inc. v. Chicago Park District*, she implied personal injury and injury to the environment are unrelated, directly in conflict with Justice Ginsburg’s decision in *Friends of the Earth v. Laidlaw*.¹ Failing to properly recognize environmental harms has devastating impacts for enforcing environmental protections in our courts. In particular, communities of color have experienced the targeted and disproportionate effects of pollution for generations, and a narrow view of standing will close the door to efforts to seek justice. Judge Barrett’s previous rulings

¹ 971 F.3d 722, 732 (2020).



against standing, including a case involving unlawful debt collection,² raise questions about how she weighs harms to those most vulnerable in our communities.

Judge Barrett's academic writings also suggest a willingness to undermine critical environmental protections, both by reversing longstanding precedent and rejecting scientific experts. She argues that a justice may ignore Supreme Court cases they feel are wrongly decided, putting landmark cases like *Chevron v. Natural Resources Defense Council* or *Massachusetts v. Environmental Protection Agency* at risk of her personal interpretations. She also questions the ability of Congress to delegate its powers to agency experts, opening the door for striking down fundamental environmental protections, or standing the way of meaningful climate action.

Climate change is one of the most pressing issues facing our nation, and requires both immediate and extensive action. But when asked about climate change, Judge Barrett said "I've read things about climate change. I would not say that I have firm views on it." The idea that a nominee to a lifetime position on the Supreme Court has not developed a view on the existential threat of climate crisis is inexcusable and disqualifying for a position that will have a significant impact on our ability to address climate change. The overwhelming evidence of human-caused climate change is not up for debate, and judges willing to ignore or disregard scientific facts for political purposes are unfit for the bench. Moreover, her response is an insult to those communities on the front lines of climate change, already suffering the effects of extreme weather events and other harms.

For all those who want to breathe clean air, drink clean water, and leave a safer planet for future generations, and for the rights of workers, women, immigrants, the disabled, the LGBTQ community, and others, we strongly urge you to oppose the confirmation of Judge Amy Coney Barrett to the Supreme Court of the United States. We will strongly consider including this vote in our 2020 *Scorecard*. If you need more information, please call my office at (202) 785-8683 and ask to speak with a member of our Government Relations team.

Sincerely,

A handwritten signature in black ink that reads "Gene Karpinski".

Gene Karpinski
President

² *Casillas v. Madison Ave. Associates Inc*, 926 F.3d 329 (2019).