

For Immediate Release

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Contact: Doug Kendall

202 296-6889, x3

Community Rights Counsel Report: Alito Nomination Raises Fundamental Concerns about the Future of Environmental Law

Today, Community Rights Counsel (CRC) released a detailed report raising serious concerns over Judge Samuel A. Alito's record on constitutional issues relating to environmental protection. In particular, the report highlights three areas of concerns:

First, Alito's record indicates he has a very narrow view of the role of the federal government and that his policy views in this area can infect his judicial decision making on issues such as the appropriate interpretation of the Constitution's Commerce Clause – the authority used by Congress to pass all of this nation's major environmental statutes.

Second, Alito's record suggests he will impose unjustifiable burdens upon citizens trying to ensure that corporate polluters in their area obey federal environmental mandates.

Third, Alito's embrace of the "theory of the unitary executive" potentially threatens the constitutionality of numerous environmental statutes that give states, through programs of cooperative federalism, and citizens, through citizen suit provisions, a role in the enforcement of federal environmental law.

With two monumental challenges to the constitutionality of the Clean Water Act presently pending before the Supreme Court, the importance of a full explication of Judge Alito's views on these critical topics could not be more important. These cases threaten to reduce by up to 99 percent the streams, rivers and other waters currently protected by federal law. If confirmed, Judge Alito could cast a deciding vote in these cases.

According to Community Rights Counsel's Executive Director Doug Kendall, "Anyone concerned about the future of this country's environmental safeguards should be glued to the television starting on Monday. The future of environmental law could hang in the balance."

Community Rights Counsel is a public interest law firm that promotes constitutional principles to defend laws that make our communities environmental sound and socially just. Together with Earthjustice, CRC directs the "Judging the Environment" project, a comprehensive effort to raise environmental issues in the judicial nomination and confirmation process.