



United States Senate
Washington, DC 20510

Re: Oppose the judicial nomination of Kenneth Lee to the United States Court of Appeals for the Ninth Circuit.

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.

We urge you to oppose the judicial nomination of Kenneth Lee to the United States Court of Appeals for the Ninth Circuit. His explicitly partisan record and hateful rhetoric regarding race, gender, sexual orientation and more are disqualifying for a nomination where he would be expected to serve as a fair and independent arbiter of the law.

Lee has taken several extreme stances that would prevent his objectivity in cases involving environmental harms. He repeatedly criticized class action lawsuits—often necessary to addressing widespread pollution and other environmental harms—referring to them as “lawyer-manufactured lawsuits in which there has been no real harm to the consumers.” Lee also extensively attacked “left-wing lawyers,” and sought to dismiss the well-established fact that pollution and other threats to public health often disproportionately impact low-income communities and communities of color.

This record is of particular concern given his nomination to the Ninth Circuit Court of Appeals, which covers nearly three-quarters of the United States’ public lands and serves a critical role in deciding some of our nation’s most important environmental cases.

LCV is committed to racial justice and equity, and Lee’s writings on race, gender, and LGBTQ equality are offensive and would create an unacceptably hostile atmosphere in a courtroom. Among his more hateful writings, Lee: mocked “sexual harassment witch hunts;” arbitrarily declared “homosexuals are generally more promiscuous than heterosexuals;” decried discrimination against conservatives in academia as “statistically even starker than previous blackballings by race;” and attacked affirmative action by calling it “a pernicious ethnic spoils system.”

In addition, President Trump nominated Lee without meaningfully consulting either home-state senator, California Senators Dianne Feinstein and Kamala Harris, and Senate Republican leadership is moving forward with the nomination over the objections of both members. Lee also failed to be forthright during the nomination process, withholding information about dozens of controversial and inflammatory writings, and having to supplement his record three times. The decision to move forward with this nomination is damaging both to the integrity of the courts and the Senate.

Lee’s nomination is part of a disturbing pattern by the Trump Administration to nominate judicial appointments without a rigorous process to ensure we have qualified, non-ideological nominees for these lifetime appointments. The administration should work with Senators Feinstein and Harris to find a consensus candidate to serve fairly and impartially on the court.

For these reasons, LCV strongly urges you to oppose the judicial nomination of Kenneth Lee to the United States Court of Appeals for the Ninth Circuit. We will consider including this confirmation vote in the 2019 *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,

Gene Karpinski
President