

U.S. Supreme Court and the Clean Water Act

December 31, 2008



Defending U.S. Waters at Supreme Court

Dear Merrillee,

The first case before the U.S. Supreme Court in 2009 will be argued on Monday by Earthjustice as we oppose a combined attack on our nation's waterways by the Bush administration and Alaska Gov. Sarah Palin.

We are sending out this news alert to our supporters because of the issue's great significance.

Bush and Palin are jointly asking the Supreme Court to re-interpret the Clean Water Act so that the mining industry can dump its wastes in streams, rivers and lakes throughout America. They want permission to kill every fish and organism in a particular waterway if necessary.

The only obstacle to achieving their ambitions is Earthjustice.

Arguing the case is Earthjustice attorney Tom Waldo, whose appearance before the Supreme Court climaxes a successful, years-long battle in lower courts to prevent a mining company from killing a pristine Alaska lake with chemically treated waste. It's this case the high court is hearing on Monday.

Tom Waldo, Earthjustice attorney

But, as Tom knows all too well, the stakes are much higher than one small lake. An adverse decision would make a shambles of the

Clean Water Act and the waters it is supposed to protect.

The threat is especially imminent in Alaska, whose governor openly promotes unrestrained dumping of mine tailings because of the mining boom it could ignite. The first venture to benefit would be the proposed Pebble Mine—a monster gold mine planned to operate above Alaska’s remarkable Bristol Bay, home to the world’s richest sockeye salmon fishery. Dumping mine wastes into its waters could be disastrous.

As a supporter of Earthjustice, you have the opportunity to read a live report from the Supreme Court on Monday through our blog, [unEarthed](#). The case will be heard at 10 a.m. (EST), and we expect to have our first blog report shortly after noon.



[Tom Waldo, Earthjustice attorney](#)

Regards,

Trip Van Noppen
Trip Van Noppen
President, Earthjustice

P.S. As you can imagine, the costs of preparing for this historic case—and the many critical cases we’re working on right now—are staggering, and we rely on your support to succeed. Won’t you please consider making a special tax-deductible gift today to help support our legal work on behalf of the environment?



Lower Slate Lake, at the center of the case,
after surrounding trees were cut
down and access roads built.