

## **RESOLUTION URGING REPAIR OF DAMAGE CAUSED BY RECENT SUPREME COURT DECISIONS**

**Whereas** recent decisions of the United States Supreme Court have ignored the clear intent of U.S. environmental-protection laws and other duly enacted laws of the United States; and

**Whereas** in *Exxon Shipping Co. v. Baker* (2008), a case involving a mammoth oil spill in which the jury had assessed \$5 billion in punitive damages against Exxon for extreme negligence, the Supreme Court, in a 5-3 decision, (a) created a wholly new and severely limited theory of assessing punitive damages in maritime cases, contrary to the Congressional intent that punitive damages not be limited in such cases, and (b) thereby reduced Exxon's punitive damages to \$507 million (equal to less than two days of Exxon profits); and

**Whereas** in *Coeur Alaska, Inc. v. Southeast Alaska Conservation Council* (2009) the Court, in a 6-3 decision, approved the dumping of "slurry discharge" wastes (a/k/a "tailings") directly into lakes by a mining company holding a U.S. Army Corps of Engineers permit, even though such dumping is expressly prohibited by Environmental Protection Agency regulations; and

**Whereas** in *Citizens United v. Federal Elections Commission* (2009) the Court, in an extraordinary exercise of judicial over-reaching, decided an issue that was not even properly before the Court by ruling, 5-4 and contrary to numerous precedents, that the McCain-Feingold Act could not constitutionally prohibit private corporations from spending as much money as they want on political campaigns at all levels; and

**Whereas** in *Ledbetter v. Goodyear Tire & Rubber Co, Inc.* (2007), a case involving decades of unlawful discrimination in pay, the Court, in a 5-4 decision, applied the statute of limitations to bar the claim even though the victim had been kept unaware of the pay disparity throughout those decades; and

**Whereas**, upon widespread recognition of the simple unfairness of the *Ledbetter* decision, Congress acted through legislation to prevent further such injustice to other workers, thus providing an example of legislative redress of damage caused by misguided Supreme Court decisions;

**Therefore, be it resolved** that we strongly condemn the above decisions by the U.S. Supreme Court and urge our U.S. Senators and Congressional Representatives to introduce and promote legislation to counteract the remaining effects of the other three decisions named above; and

**Be it further resolved** that our Senators and Congressional Representatives be queried as to their actions and intended actions in furtherance of the above.

*Adopted June 16, 2011 by 46<sup>th</sup> District Democrats*

Initiated by Nancy R. Malmgren, PCO 46-2201 (363-4116)

Edited by KCDCC Resolutions Committee