



**OFFICE OF THE ARIZONA ATTORNEY GENERAL
SOLICITOR GENERAL'S OFFICE**

June 27, 2017

Hon. Charles E. Grassley
Chairman
Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

Hon. Dianne Feinstein
Ranking Member
Committee on the Judiciary
152 Dirksen Senate Office Building
Washington, DC 20510

Members of the Senate Judiciary Committee:

We write to urge the confirmation of Jeffrey Bossert Clark as Assistant Attorney General for the Environment and Natural Resources Division of the Department of Justice.

Both of us currently serve as the solicitor general of our State, and each of us has known Mr. Clark as a colleague in private practice. We have also been directly involved in litigation over federal environmental regulations—both challenging and defending federal action. Based on our experiences, we are heartened by Mr. Clark's nomination and believe him to be the perfect choice to head ENRD.

Mr. Clark is one the smartest, most dedicated, and most ethical attorneys with whom we have worked. He has been a leader and role model for hundreds of young lawyers, instilling the best traditions of our profession in those who work with him. Mr. Clark's ethics and integrity are also beyond reproach. He zealously advocates for his clients while honoring the basic values of honesty, candor, fairness, and collegiality to all. Mr. Clark's decency and humility complements and reinforces his openness and willingness to hear all legal arguments and perspectives before deciding on a course of action.


Beyond impeccable credentials, integrity, ethics, and management experience, Mr. Clark will bring to the job a serious and heartfelt sensitivity to the importance of state autonomy and federalism in our country's constitutional system generally and our environmental laws specifically. This is incredibly important. Too often, federal regulators pay too little attention to our nation's broad diversity of geography, ecology, and industry. When

regulators stretch the statutes Congress enacted or fail to account for regional variation, it becomes our responsibility to bring challenges in court. In recent years, we have submitted comments and later led litigation over the Clean Power Plan, the 2015 national ambient air quality standard for ozone, and EPA's novel interpretation of "critical habitat" under the Endangered Species Act. In each of these cases, we have encountered federal lawyers who are professional and courteous, but whose work reflects an institutional blind spot for the States.

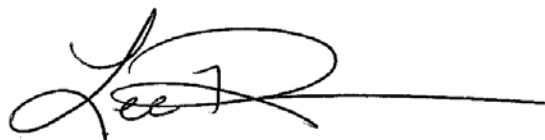
We are convinced that Mr. Clark will return the Department to an appreciation of the States as co-regulators and co-equal sovereigns. We have known Mr. Clark for years as an attorney in private practice, and his commitment to the rule of law and the division of governing power at the heart of our Constitution is beyond question. This perspective will benefit all States—regardless of their political leaning or geographic location. If all of our colleagues had the privilege of working with Mr. Clark as we have, we are certain that they would all join in our endorsement.

We take seriously our States' role in governing cooperatively with the federal government. Mr. Clark will be an effective leader in the Department of Justice while remaining respectful of the States impacted by his work. That Mr. Clark would choose to return to public service is a boon to our country and an illustration of his commitment to the common good.

Sincerely,

A handwritten signature in black ink that reads "Dominic Draye". The signature is written in a cursive, slightly stylized font.

Dominic E. Draye
Solicitor General of Arizona

A handwritten signature in black ink that reads "Lee Rudofsky". The signature is written in a cursive, stylized font with a long horizontal line extending to the right.

Lee Rudofsky
Solicitor General of Arkansas