

## Can You Help? Tell your friends about [StopAsianCarp.com](http://StopAsianCarp.com)

Thank you for signing the online petition to protect hundreds of thousands of jobs and the Great Lakes at [StopAsianCarp.com](http://StopAsianCarp.com). Your efforts are helping me make our case to President Obama and Congress that residents of the Great Lakes region will not stand by silently as federal officials allow Asian carp to destroy our Lakes.

TELL FIVE PEOPLE: [STOPASIANCARP.COM](http://STOPASIANCARP.COM)

Now you can do even more. Please forward this email to five friends or family members, one for each of the Great Lakes, asking them to sign the petition at [StopAsianCarp.com](http://StopAsianCarp.com).

We need to act because the U.S. Supreme Court declined this week to close the locks in Chicago that can stop Asian carp from entering the Lakes, ignoring Michigan's pleas and those of Ohio, Minnesota, Wisconsin, Pennsylvania, New York and Ontario.

Making things worse, it was revealed federal authorities knew of new DNA evidence of Asian carp IN LAKE MICHIGAN but did not make the Court aware before it made its decision.

The front door to Lake Michigan remains wide open even as these waterborne aliens threaten to devastate the Lakes' \$7 billion fishery and hundreds of thousands of jobs connected to the health of the Lakes. The need for each of us to act has never been greater.

TELL FIVE PEOPLE: [STOPASIANCARP.COM](http://STOPASIANCARP.COM)

Please forward this email right now to five friends or family members, asking them to visit [StopAsianCarp.com](http://StopAsianCarp.com) and sign the petition demanding authorities in Washington D.C. and Illinois act today.

That's telling one friend about [www.StopAsianCarp.com](http://www.StopAsianCarp.com) for each of the Great Lakes. Please help us sound this critical alarm.

Thank you,



Mike Cox  
Michigan Attorney General

---

# The Detroit News

## Carp data came too late for high court

High court rejected closing waterways to Lake Michigan without newest information

January 21, 2010

*JIM LYNCH*  
*The Detroit News*

When the U.S. Supreme Court chose not to order the immediate closure of waterways that may allow Asian carp into Lake Michigan, justices did so without the latest DNA testing data that show the invasive fish species may have established a foothold there.

By Wednesday, it was unclear if the new information about the latest data will cause the justices to revisit their decision.

Contacted Wednesday evening, a spokesman for the U.S. Department of Justice said: "As far as the Solicitor General's Office making a recommendation (to re-open the preliminary injunction issues), that would be an internal deliberation, and we wouldn't comment on that."

The Department of Justice's Office of the Solicitor General is responsible for responding to the request for immediate closure on behalf of the federal agencies involved, such as the U.S. Army Corps of Engineers.

Similarly, a Supreme Court representative did not answer questions about whether the new DNA findings might give justices a reason to reconsider closing the locks.

Wednesday night, Michigan Attorney General Michael Cox issued a statement saying: "It is troubling the Corps of Engineers did not give this information to the Court in a timely manner, and it is clear their attorneys at the Department of Justice saw the importance of this new evidence as well."

Last month, Cox sought a temporary injunction from the high court to close the O'Brien Lock and Dam and the Chicago Controlling Works in Illinois to stop water from carrying the carp into the

Great Lakes.

The court announced Tuesday morning it would not compel Illinois to close the locks and waterways connecting Lake Michigan with the Mississippi River Basin to block the fish's progress. Just a few hours later the U.S. Army Corps of Engineers announced a water sample taken from Lake Michigan in December had turned up Asian carp DNA.

The corps received the sampling results four days before the announcement.

Tuesday morning, U.S. Solicitor General Elena Kagan sent a letter to the Supreme Court Clerk's Office explaining why the new DNA testing data was not passed along in time for the justices' decision.

"This Office learned (of the latest DNA results) at 8 a.m. today," Kagan wrote. "As we prepared to inform the court about them, the court issued its order denying the preliminary injunction motion."

A DNA sample can include fish tissue, scales or feces, but does not necessarily mean the fish are there.

Also Wednesday, U.S. Rep. Dave Camp, R-Midland, chose to move forward to push for the closing of the locks without the Supreme Court. Camp introduced legislation -- called the Carp Act -- that would close the locks, install new barriers in the waterways leading to Lake Michigan and enhance the existing barriers.

"The failure of the Supreme Court to act yesterday jeopardizes the future of the Lakes and it is clear we must take additional steps now," Camp said in a press release. " ... This bill takes necessary action to protect the Great Lakes while minimizing the commercial and environmental impact on Chicago and the State of Illinois."

Nancy Sutley, chair of the White House Council on Environmental Quality, agreed Wednesday to meet with Gov. Jennifer Granholm and Wisconsin Gov. Jim Doyle in early February.

The two Great Lakes leaders had asked for an "immediate summit" at the White House to address the Asian carp problem.