

Five Decades of Public Service and Dedication to Rule of Law

“You have just presented your 160th argument before this court,” said Chief Justice John Roberts to longtime Deputy Solicitor General Edwin Kneedler standing at the lectern. “That is the record for modern times.” Noting the lawyer’s “extraordinary care and professionalism,” the Chief Justice then joined a standing ovation for Kneedler.

At the 2025 Annual Nancy Firestone Policy Forum, to be held October 7, the Environmental Law Institute will recognize Kneedler’s contributions to the rule of law and decades of public service. His career, spanning 10 presidential administrations and three chief justices, is a testament to the enduring power of principled legal advocacy.

Kneedler joined the Department of Justice in 1975 and moved to the Office of the Solicitor General in 1979, where he

remained for the rest of his career. As deputy SG from 1993 until his retirement this year, he was known not only for his relentless advocacy, but also for integrity and quiet excellence.

“Ed is the embodiment of the government lawyer ideal—one whose duty of candor to the court and interest in doing justice, not just winning a case, always carried the day,” said Gregory Garre, the SG under President George W. Bush. Merrick Garland, President Biden’s attorney general, echoed the sentiment: “As both an advocate before and a student of the Supreme Court, Ed represented the United States with the highest degree of skill and integrity. He was a true public servant and universally admired by everyone with whom he worked.”

Kneedler has received multiple recognitions for his record-setting tenure, but less attention for his substantial contributions to environmental,

natural resources, energy, and Indian law. Indeed, of his 160 high court arguments on behalf of the United States, at least 45 relate to these fields. Kneedler was responsible for a large portion of the cases emanating from DOJ’s Environment and Natural Resources Division, and his docket, as ENRD folks like to say, included lands and “critters.”

Open an environmental law case book and Kneedler’s influence is unmistakable. In the Court’s landmark Endangered Species Act decision, *Babbitt v. Sweet Home* (1995), Kneedler successfully defended the Interior Department’s regulatory definition of “harm” to include habitat modification that kills or injures wildlife. In

cases such as *Summers v. Earth Island Institute* (2009) and *Norton v. SUWA* (2004), he helped define the contours of standing and the Administrative Procedure Act.

He also argued important cases delineating state and federal ownership and control of the nation’s waterways.

Kneedler successfully defended his agency clients in some of the Court’s most influential NEPA decisions, from *Department of Transportation v. Public Citizen* (2004) to the recent 8-0 ruling in *Seven County Infrastructure Coalition v. Eagle County* (2025). And few advocates have been more directly involved in Fifth Amendment takings jurisprudence, including *Lingle v. Chevron* (2005), which clarified the line between regulatory takings and substantive due process claims.

His cases relating to tribal rights and sovereignty deserves special note. “This has been a remarkable 50 years in the development of Indian law and the development of Indian tribes, their growth in self-determination,” Kneedler has reflected. It is “one of

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Ethan Shenkman is a partner in the environmental practice at Arnold & Porter. Ethan.shenkman@arnoldporter.com.

the most gratifying pieces of my work . . . because [it] affects real people’s lives.” Indeed, one of his most notable achievements was *Haaland v. Brackeen* (2023), in which he successfully fended off a constitutional challenge to the Indian Child Welfare Act.

The SG office’s reach extends far beyond the Supreme Court. Kneedler oversaw thousands of ENRD appeal recommendations in the circuit courts. He helped resolve countless interagency disputes, touching water rights, mining, energy development, and management of our public lands. As those of us who worked with him know, he played this role with humility and a keen appreciation for public servants working tirelessly to achieve and protect their agencies’ missions. Kneedler has eschewed personal credit, instead choosing “to pass on the recognition . . . to all the people [in public service] whom I have worked with over the years,” and their “compassion and understanding . . . and dedication to our country.”

In his recent acceptance speech for the prestigious Thomas Jefferson Foundation Medal in Law from the University of Virginia, his alma mater, Kneedler’s message to the next generation of lawyers was clear: public service is not confined to the feds. “We’re all in this together, even though we may be on the opposite side of a case. . . . We’re all part of a process that is leading us to a more perfect union, which means a union in which we are coming together, not apart.”