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## High court frees Navy to use sonar despite possible risk to sea life

### STORY HIGHLIGHTS

- By 5-4 vote, Supreme Court
- California federal courts had
- Sound waves can permanent
- Navy fleet's safety, need to tr

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**WASHINGTON (AP)** -- The Supreme Court on Wednesday lifted restrictions on the Navy's use of sonar in training exercises off the California coast, a defeat for environmental groups who say the sonar can harm whales.



GETTY IMAGES/FILE

An endangered blue whale surfaces off the coast of Southern California in July.

The court, in its first decision of the term, voted 5-4 that the Navy needs to conduct realistic training exercises to respond to potential threats by enemy submarines.

Environmental groups had persuaded lower federal courts in California to impose restrictions on sonar use in submarine-hunting exercises to protect whales and other marine mammals.

The Bush administration argued that there is little evidence of harm to marine life in more than 40 years of exercises off the [California](#) coast.

Chief Justice John Roberts wrote the majority opinion, which was joined by Justices Samuel Alito, Anthony Kennedy, Antonin Scalia and Clarence Thomas.

The [court](#) did not deal with the merits of the claims put forward by the environmental groups. It said, rather, that federal courts abused their discretion by ordering the Navy to limit sonar use in some cases and to turn it off altogether in others.

Roberts pointed out that the federal appeals court decision restricting the Navy's sonar training acknowledged that the record contained no evidence marine mammals had been harmed.

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The overall public interest tips "strongly in favor of the Navy," Roberts wrote.

scientists

The most serious possible injury of allowing the Navy to proceed would be harm to an unknown number of the marine mammals, said Roberts.

"In contrast, forcing the [Navy](#) to deploy an inadequately trained anti-submarine force jeopardizes the safety of the fleet," the chief justice wrote.

In dissent, Justice Ruth Bader Ginsburg said that the Navy's own assessment predicted substantial and irreparable harm to [marine mammals](#) from the service's exercises. She said that "this likely harm ... cannot be lightly dismissed, even in the face of an alleged risk to the effectiveness of the Navy's 14 training exercises." [E-mail to a friend](#) | [Mixx it](#) | [Share](#)

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