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HEADLINE: Judges resign from board of Montana think tank

DATELINE: BOZEMAN, Mont.

BODY:

Three federal judges have resigned from a think tank's board of directors, after critics charged the judges' involvement was unethical.

Chief Judge Douglas Ginsburg of the Circuit Court of Appeals for the District of Columbia and Judge Jane Roth of the 3rd U.S. Circuit Court of Appeals in Philadelphia resigned Friday from the board of the Foundation for Research on Economics and the Environment, or FREE. Last month, Judge Andre Davis of the 4th U.S. Circuit Court of Appeals in Baltimore resigned from the board.

FREE advocates free-market approaches to environmental protection.

Last year, the Community Rights Council based in Washington, D.C., filed complaints charging that corporate interests were trying to influence judges who had environmental lawsuits pending before them. The council said FREE's Montana-based seminars gave corporations and individuals unusual access to the judges.

"These resignations prove the simple point that a judge can't sit on the board of an organization that takes money from corporations and other interested parties to influence the outcome of environmental cases," Doug Kendall, executive director of the Community Rights Council, told the Bozeman Daily Chronicle in a telephone interview.

"This should make any federal judge very concerned about taking a FREE trip."

FREE director John Baden on Friday praised the judges' work on the board and said Baden's allegations of influence peddling are unfounded.

"What bothers the judges so much is the assertion that we are anti-environmental, and that we run these boondoggles to brainwash judges," Baden said. "Every judge on our board is hurt and offended by the assertions that are made by an organization that has no regard for the truth."

In a resignation letter, Ginsburg said he was reluctant to leave the board. "As a judge, however, I am not in a position constantly to be correcting the false impressions and calumnies that appear in the press," he wrote.

The council said judges were flown to Montana for FREE seminars, trips funded by the same businesses that had pending litigation in those judges' courts. Sometimes, lawyers for industries with pending lawsuits were speaking to the judges who would decide the cases, the council said.

A complaint against FREE board member Chief Judge Danny J. Boggs of the 6th U.S. Circuit Court of Appeals in Kentucky, remains pending.

On the Net:

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Foundation for Research on Economics and the Environment: www.free-eco.org

Information from: Bozeman Daily Chronicle, <http://www.bozemandailychronicle.com>

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