

**FOR JOURNALISTS**

We welcome the opportunity to discuss our work, especially our environmental economics and risk analysis seminar series for federal judges. You'll find us most accommodating. If you're a journalist, be sure to let us know if you're on deadline.

However, before going on the record, we ask that you carefully read the material on this page (approximately 1,600 words). In addition, we respectfully suggest that you consider the following questions prior to our conversation.

How did you get your information about FREE? If it was from an activist group do you know:

Their sources of funding?  
 If they conduct contract research?  
 If they contacted us prior to the production and publication of their report?  
 Their mission and philosophic orientation?

- Are you aware of the requirement proscribed by the Society of Professional Journalists Code of Ethics? The first is to, "Test the accuracy of information from all source and exercise care to avoid inadvertent error. Deliberate distortion is never permissible".  
[Click here to view the complete list.](#)
- Have you ever attended a program sponsored by a corporation or foundation? Did you feel the program altered your world-view or otherwise influenced your reporting?
- Federal judges are smart, mature, sophisticated men and women at the top of their profession. They are disposed by training to be discerning, critical, and alert to shoddy arguments. What are they likely to get from our programs?
- Do you know the affiliations of our lecturers? Would you like to see copies of our program readings? Program agendas are posted on the [activities page](#) of this web site.
- Did you know our program is very popular with federal judges across the political spectrum? Would you like to see letters of evaluation from judges?
- We are accused of holding conferences at "luxury" resorts. Have you ever been to or spoken with representatives of our \$110 a night conference facility, the [Gallatin Gateway Inn](#)?
- Have you seen the comments regarding educational programs for federal judges in the May 1st, 2001 USA Today by Judge Fern Smith, Director of the Federal Judicial Center or the comments by Chief Justice Rehnquist regarding judicial education on the May 14, 2001 Associated Press? We would be happy to fax copies to you.
- Our critics often assert that only government funds should be used to educate the federal judiciary, because government funding is neutral. Does this claim stand under close examination? A skeptic might note that Winston Churchill was often banned from speaking over the BBC during the years before World War II because his views on appeasement constituted criticisms of the government.

## THE ROLE OF ECONOMICS IN ENVIRONMENTAL POLICY

"The causes of environmental problems are fundamentally economic, and the consequences have important economic dimensions. That's why anyone who wishes to play an effective role in the environmental policy process will benefit from having a real understanding of environmental economics."

Professor Robert Stavins, Faculty Chair, Economics and the Environment, John F. Kennedy School of Government, Harvard University.

Environmental issues remain scientifically complex and highly emotional. These are ingredients for error, acrimony, and poor public policy. We believe that one can't begin to understand (let alone develop constructive solutions to) environmental policy problems without an understanding of economics. It's not an accident that all of the nation's top law schools and departments of environmental science include (or require) substantial exposure to economics.

The concepts of property rights, tradeoffs, and opportunity costs are central in this literature. This is the material, much by Nobel Prize winners, we offer in our programs. In addition to academics, where appropriate, our programs feature leaders in environmental groups such as Environmental Defense and the National Wildlife Federation and often a business executive who confronts real environmental problems on a daily basis.

Many confuse FREE's classical liberal, pro-market process philosophic position with that advocated by those who support subsidized exploitation of the environment (e.g., below-cost timber sales on the national forests). Our published work over the past thirty years has stressed the importance of removing subsidies which encourage ecological exploitation. The distortions resulting from these subsidies, explicit and implicit, violate reasonable standards of equity, efficiency, and environmental quality. This position is strongly supported by informed and concerned environmentalists. Only the beneficiaries of subsidies, their clientele, and those who miss clear distinctions, object.

## POLICIES FOR ACCEPTING GIFTS

About seventy percent of FREE's total income comes from foundations, a quarter from corporations, and the rest from individuals. Unlike many nonprofit organizations, FREE does not accept money from the government. Nor do we conduct contract research. We do not use direct mail. Often, direct mail devolves into a campaign to demonize one's opponents, hyping some mythical "crisis". For example, see the series in the Sacramento Bee.

FREE maintains a diversity of funding sources to assure that no single source is perceived as having undue influence on our activities. It is our policy to publicly identify all corporate and foundation donors, though not the amount of their gifts.

It has been our experience that critics focus on our funding only when they cannot counter the facts and analysis contained in our work. Pointing to one or two unpopular industries among our many donors is a way to besmirch our reputation and avoid a real debate over the

substance of our programs. Attacking an organization's funders is no substitute for grappling with the logic of its arguments.

### **FUNDING FOR OUR FEDERAL JUDGES SEMINARS**

FREE does not accept any corporate support for judges' seminars. It is a violation of judicial standards for judges to accept such support, hence FREE relies on "dead-man" foundations to cover direct expenses (e.g., lodging, meals and travel) for judges participating in our seminars. We consider "dead-man" foundations to be those sharing the following characteristics: (1) a foundation whose principle founder is deceased; (2) a foundation whose operation and oversight is independent of any corporate entity; and (3) a foundation that does not participate in litigation in the federal courts.

Our contract with supporting foundations requires participants to attend all sessions, meals, and participate in group activities. The seminars are hard work - containing altogether, around 25 hours of lecture and discussion. Judges sign a letter of agreement assuring that they will meet our requirements and complete up to 250 pages of preparatory readings and our book, *A Federal Judge's Desk Reference to Environmental Economics*. Each of its seven chapters includes a contribution by a Nobel Laureate in economics. Simply put, our judicial education programs meet high levels of academic integrity.

Our federal judges seminars are supported by the M.J. Murdock Charitable Trust of Vancouver, Washington, the John M. Olin Foundation of New York, the Alex C. Walker Foundation of Pittsburgh, and the Charlotte and Walter Kohler Foundation of Sheboygan, Wisconsin. Once FREE has received a grant from a "dead-man" foundation, the funds are held in escrow (normally in an interest bearing certificate of deposit) until direct seminar expense are incurred.

### **THE COMMUNITY RIGHTS COUNSEL**

An activist organization, the Community Rights Counsel (CRC) working with Fenton Communications (of Alar fame), generates financial support by discrediting our federal judges programs. They have orchestrated four pieces in the Washington Post (two were page one features, another was on the editorial page), and a segment on ABC News. A New York Times reporter carefully considered writing a similar article, investigated, and decided there was no story.

We have sent the CRC a substantial body of material on the content of our work; have met with their Chief Counsel, Timothy J. Dowling; provided him material from our programs; and showed him FREE's financial disclosure. The CRC ignores this evidence and mischaracterize us as "environmental enemies".

The CRC has produced a distorted and indeed dishonest caricature of FREE's environmental economics and risk analysis seminar series for federal judges. The CRC's main concern is that the education FREE and other institutes offer for federal judges weakens our democratic institutions and compromises the integrity of the federal judiciary. They are wrong.

Many non-governmental institutions offer independent educational programs for the federal judiciary. Such organizations include the American Bar Association, Princeton University, Institute for Judicial Administration at New York University School of Law, and Yale

University, among others. The programs span the realm of academic thought and expertise. To state that educational programs for judges are "breeding a new conservative judicial activism," as the CRC claims, wholly ignores the scope of offerings available to judges.

Worse, such language unfairly mischaracterizes the missions of the institutes. By discussing the legitimacy of judicial educational institutes in terms of a concocted and simplistic debate about "conservative" versus "liberal" politics, CRC is attempting to cloud what is, in fact, the widely accepted consensus regarding the importance of offering a wide array of continuing education programs for members of the judiciary. For another perspective on the work of the CRC [click here](#).

Even the CRC concedes in its report that "it is imperative for judges to keep current with legal, scientific and technological trends." Given the recognized importance of judicial education, and the limited resources directly available to the federal judiciary for education, these educational programs clearly further social and jurisprudential goals.

The Federal Advisory Committee on Codes of Conduct of the Judicial Conference agrees. In 1980, the committee issued an opinion that speaks directly to the question of whether judges "may with propriety" attend educational seminars and have their expenses paid by the sponsoring organizations. In the past twenty years the opinion, Number 67, has undergone only minor revision. The relevant language states:

- The education of judges in various academic disciplines serves the public interest.
- That a lecture or seminar may emphasize a particular viewpoint or school of thought does not itself preclude a judge from attending.
- Judges are continually exposed to competing views and arguments and are trained to weigh them.

This language not only emphasizes the importance of continuing education for judges, but also indicates that it is important for judges to hear different and competing viewpoints. Without such a diversity of opinions to choose from, members of our judiciary would be taught, but not educated.

[Back to FREE home](#)