

28 of 170 DOCUMENTS

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HEADLINE: GROUP IN JUDGE SEMINARS DENIES SLANTED VIEWPOINT

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BODY:

A foundation that sponsors seminars on environmental economics for federal judges says its work is being mischaracterized by a land-use group seeking to derail the nomination of Western Pennsylvania U.S. District Judge D. Brooks Smith to the 3rd U.S. Circuit Court of Appeals.

Community Rights Counsel, an organization that provides legal aid to local governments and environmentalists in land-use cases, is one of 27 environmental, women's rights and civil rights groups that are raising questions about Smith's nomination by President Bush.

In a letter to members of the Senate Judiciary Committee, which holds confirmation hearings for nominees to the federal bench, the group claims that between 1992 and 2000 Smith spent "nearly three months at luxury resorts and dude ranches on trips funded by corporations and special interests with a stake in federal court litigation," including expenses-paid visits to seminars hosted by the Foundation for Research on Economics and the Environment, or FREE, which is based in Bozeman, Mont.

FREE Chairman John Baden said that while his group receives corporate money, only money from tax-exempt foundations is used to conduct the seminars for judges. Baden also said Community Rights Counsel wrongly portrays FREE as "right-wing."

"While FREE's programs are explicitly pro-environment, they explain why ecological values are not the only important ones. We stress that tradeoffs among competing values are inescapable. We show why it is ethically and materially irresponsible to pretend such choices can be avoided."

In a letter explaining his group's orientation, Baden went on to say, "The intellectually naive confuse FREE's classical liberal, incentive-based orientation with that advocated by those who support subsidized exploitation of the environment (e.g., below-cost timber sales on the national forests)."

Doug Kendall, a lawyer with Community Rights Counsel, says his group stands by its characterization of FREE as supported by "corporations that litigate in federal courts." He said, "Ninety percent of the speakers at their programs are right-wingers from think tanks or academia and one or two token environmentalists, some of whom say awful things about FREE and some of whom say good things."

FREE's Web site identifies its corporate funders in 2001 as the American Chemistry Council, Caterpillar, Exxon Mobil, General Electric, General Motors, Georgia Pacific, Merck, Shell and Tindall. Foundation supporters include the Ajax Foundation, the Chase Foundation of Virginia, the John M. Olin Foundation, the Sarah Scaife Foundation and the True Foundation.

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