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## REVIEW & OUTLOOK

### FREE No More

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Judicial politics is in the news, so readers may want to know about the latest attack on the federal judiciary: No, not by Tom DeLay, but the assault from the left against judicial seminars.

These are events designed to let judges and law professors build their intellectual capital by taking a few days to learn about a subject at a nice locale. One of the most popular has been hosted for 14 years by the Foundation for Research on Economics and the Environment, or FREE, a Bozeman, Montana, group that promotes free-market environmentalism.


The FREE seminars are now under attack from something called the Community Rights Counsel, one of those highly litigious outfits that shouts "conflict of interest" at the drop of a hat. Chief agitator Douglas Kendall has run a campaign against the seminars because FREE "receives its funding from both corporations that litigate in federal court" and because the seminars include trips to "resorts where judges are wined, dined, and instructed on how and why to strike down federal environmental laws." His implication is that a week in the Montana air amounts to a re-education camp in which judges will emerge like Cambodians indoctrinated by the Khmer Rouge.

In fact, such seminars are common, and useful. Groups ranging from Ivy League universities to bar associations to the Aspen Institute routinely host them. So do trial lawyers, who then pitch new litigation strategies -- not that Mr. Kendall seems concerned about those seminars. Because the sponsors often reimburse judges for their expenses, the U.S. Judicial Conference's Codes of Conduct Committee long ago established guidelines for attendance.

FREE's seminars are co-sponsored by Montana State University and observe those guidelines. And they are no lazy junkets. Participants get a reading list and must attend every session. FREE doesn't hide its philosophical leanings, but its seminars are intellectually balanced.

A group of judges and professors asked two former Clinton appointees to audit the program. The investigators, Sherry Matteucci and Alan Bersin, earlier this year concluded that FREE "has presented a varied, balanced, intellectually challenging and rigorous series of educational opportunities for participants." Endorsers include Thomas Schelling of the National Academy of Sciences, and Hank Fischer, a director of Defenders of Wildlife for 20 years.

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The latest Naderite twist is that CRC has filed ethics complaints against four judges who sit on FREE's board. And rather than deal with the hassle, three of the four recently resigned. One of those judges, Douglas Ginsburg of the D.C. Circuit, explained that he wasn't in "a position to constantly be correcting the false impressions and calumnies that appear in the press."

Sad to say, but too many reporters are also of the Naderite mind. Sad to say, too, that John Kerry fell for this nonsense a few years ago and actually tried to regulate seminar attendance by judges. His bill died after everyone from Chief Justice William Rehnquist to the Federal Bar Association protested. Imagine the uproar if Tom DeLay had pulled that stunt.

All Americans have an interest in an informed judiciary. Judges rule over every aspect of our lives, and the more knowledgeable they are about issues before their courts, the better the chance of justice being done. If judges can't attend seminars, what else might be a "threat" to their impartiality? Reading the newspaper? The CRC's actions are nothing more than an attack on the honor and integrity of our judiciary.

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