



May 23, 2002

Statement of Glenn Sugameli, Senior Legislative Counsel for Earthjustice
Response to Senate Committee's Approval of Lifetime Federal Appeals Court Nominee D. Brooks Smith

“We are disappointed that the Senate Judiciary Committee approved Judge D. Brooks Smith for a floor vote in the Senate. Thorough review of Judge Smith’s record reveals that he would not be an appropriate candidate for a lifetime federal judgeship. Earthjustice expressed opposition to the nomination last week, largely because Judge Smith’s rulings on access to the courts, illegal toxic dumping, and "takings" of private property unjustifiably threaten environmental and other safeguards.

“Judge Smith has endorsed in the past a view of federal authority so limited as to threaten enforcement of national environmental and other laws. Judge Smith’s record also raises very serious independent concerns about his willingness and ability to follow binding precedent, and his credibility and ethics. His extreme decisions twisting the law to favor large corporations over individuals have been repeatedly reversed by higher courts, usually by conservative judges appointed by Republican presidents. His unwillingness or inability to follow legal precedent would have made him a dangerous addition to the 3rd Circuit Court of Appeals.

“We urge the full Senate to exercise independent judgement when reviewing President Bush’s nominees for lifetime judgeships. When Judge Smith’s nomination is granted a floor vote, the Senators should vote not to confirm him.”

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