

Environmentalists Go After Ohioan's Judicial Nomination

Sabrina Eaton (Cleveland) Plain Dealer, 04/23/03

Washington - Federal appeals court nominee Jeffrey Sutton of Ohio, already opposed by advocates for the disabled, is now being targeted by environmentalists who worry he would advance "an anti-environmental policy agenda from the federal bench."

Groups including the Sierra Club, the Natural Resources Defense Council and Earthjustice Legal Defense Fund yesterday pledged to fight confirmation of Sutton as they disparaged the Bush administration's pollution record on Earth Day.

They said senators should vote next week against seating Sutton on the 6th U.S. Circuit Court of Appeals, which sits in Cincinnati.

"There will be significant opposition," predicted Earthjustice Senior Legislative Counsel Glenn Sugameli. Advocates for the disabled, who say Sutton has challenged federal laws that fight discrimination against them, are also against his confirmation.

Leaders of 11 environmental groups have sent senators a letter criticizing Sutton's environmental record.

They cited, among other things, a brief he filed with the U.S. Supreme Court that contended the federal government lacks authority under the Constitution's commerce clause to prevent destruction of wetlands that host migratory birds.

In January testimony before the Senate Judiciary Committee, Sutton said he was "simply representing a client" in the case and had "no idea" whether he personally ascribed to the position in the brief.

The committee approved the Columbus lawyer's nomination in an 11-8 vote.

Ohio Republican Sen. Mike DeWine predicts Sutton will be approved in a vote scheduled for April 29. Democrats who have blocked a vote on the nomination of Miguel Estrada for another judicial opening have promised to allow a vote on Sutton, according to a DeWine spokeswoman. DeWine has said Sutton is being unfairly targeted because of clients he has represented.

At a news conference yesterday, environmental groups listed Sutton's nomination among a list of Bush efforts to roll back anti-pollution laws.

"Americans have watched President Bush consistently place the desires of powerful corporate interests ahead of the needs of regular people, and Americans are not happy," said Deb Callahan, president of the League of Conservation Voters.

Bush issued a statement that touted his efforts to reduce power plant pollution, promote energy efficiency and protect water quality.

"Three decades after the first Earth Day, our air is cleaner, our water is purer, and our lands and natural resources are better protected," Bush said.