

# *The Tribune-Democrat*

## **Judge confirmed to appeals court**

**By Pete Bosak**

**August 1, 2003**

EXCERPT:

[On D. Brooks Smith]

“His record as a whole calls into question his sensitivity, his fairness, his impartiality and his judgment,” Senate Judiciary Chairman Patrick Leahy, D-Vt., told The Associated Press yesterday.

**Earthjustice, a California-based nonprofit environmental advocacy agency, decried the decision, calling it a loss for the environment as well as women’s rights, workers’ rights, disability rights and civil rights.**

**“We’re very disturbed by this, based on his record,” said Glenn Sugameli, senior legislative council for Earthjustice, in a telephone interview yesterday from his Washington office. “Obviously we’re disappointed. But we are pleased that a number of senators recognize there are a series of environmental issues in regard to this confirmation.”**

**Earthjustice opposed the nomination, citing what it said was Smith ignoring legal precedent to favor industry interests over public health and the ecology – like rulings on access to the courts, illegal waste dumping and “takings” of private property it says unjustifiably threaten the environment. . . .**

Democrats had argued Smith delayed in removing himself from a fraud case that involved a bank where his wife was a vice president.

Critics also questioned trips he had accepted from organizations seeking more lax environmental regulations. .