

Environment News Service

Thursday, March 6, 2003

Bush's Appeals Court Nominee Dealt Senate Setback

WASHINGTON, DC, March 6, 2003 (ENS) - President George W. Bush suffered a rare defeat in the U.S. Senate Thursday, as Democrats blocked confirmation of his nominee to the U.S. Court of Appeals for the District of Columbia Circuit.

Republicans vowed to try again, but Democratic leaders warned the vote would be the same unless the nominee, Miguel Estrada, is more forthcoming. Democrats have filibustered Estrada's nomination, blocking a final vote on his confirmation, because he offered little insight into his beliefs and evaded questions during his confirmation hearing.

Thursday's vote to end the month long filibuster fell five votes short of the 60 needed. Conservationists and environmental groups celebrated Thursday's vote. They fear the appointment of a nominee to a lifetime seat on a court that plays a prominent role in environmental protections who has said so little about his views.

"The DC Circuit is the most crucial appeals court for environmental protection, with exclusive authority to rule on whether to enforce or strike down most national environmental safeguards," said Glen Sugameli, senior legislative counsel for Earthjustice, a nonprofit, public interest law firm. "Its decisions are usually final as the Supreme Court, the only court with higher authority, seldom reviews them."

Earthjustice, Sierra Club, Natural Resources Defense Council and at least 11 other environmental organizations oppose Estrada's nomination and worry the Bush administration is trying to pack the courts with right wing ideologues hostile to environmental regulations.

Senators asked Estrada about legal challenges to some of the nation's most important environmental statutes, including the Clean Air Act, Clean Water Act, and Endangered Species Act, but he offered little insight into his views.

Estrada would be the first Hispanic judge to serve on the DC Circuit. He was first nominated by President Bush in May 2001, when Democrats controlled the Senate, but after one hearing, the Senate failed to come to a vote on the nominee.

The President has pledged to stand by his man and called the filibuster a disgrace. "I will stand by Miguel Estrada's side until he is sworn in as a judge," Bush said. "I call on the Senate Democratic leadership to stop playing politics and permit a vote on Miguel Estrada's nomination."

Senate Majority Leader Bill Frist has put Estrada's nomination aside, but said he may bring another vote as early as next week.

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