

NEWS

On judges, conservatives and liberals agree: No deal

By [Alexander Bolton](#)

Liberal and conservative special-interest groups that have conducted much of the battle over President Bush's controversial judicial nominees are putting pressure on Senate leaders not to accept compromises that could avoid use of what has become known as the nuclear option.



PEDRO SA DA BANDEIRA

Senate Majority Leader Bill Frist (R-Tenn.) has been negotiating with the minority leader on how to solve the impasse on judicial nominations.

Senate Democrats have floated a possible deal that would allow a few of Bush's blocked judicial nominees through the Senate in exchange for Republicans' withdrawing others and promising not to exercise so-called nuclear option, which Republicans call the constitutional option.

A Senate source familiar with Reid's proposed compromise said it consisted of five elements:

- It would require Republicans to promise not to use the nuclear option in the current congress.
- It would allow a confirmation vote on one of the four most controversial of Bush's nominees.
- It would allow up-or-down votes on three of Bush's nominees to the 6th Circuit Court of Appeals in exchange for Republicans' withdrawing Henry Saad, a fourth nominee to that circuit.
- It would reinstate the "blue slip" process, whereby senators have power to object to judges who would sit on the federal bench in their home states.
- It would establish a bipartisan task force of former senators to make recommendations for improving judicial confirmation procedures, providing guidelines for the president on asking the advice of the Senate and for the Senate on granting its consent.

But prospects of a compromise between Reid and Senate Majority Leader Bill Frist (R-Tenn.), who are negotiating on how to solve the impasse over blocked judges, have been met with strong opposition from outside groups, which have largely driven the debate over judges on the Hill in recent years.

“We’re opposed, vehemently opposed, to the deal that we’ve heard about,” said Nan Aron, president of the Alliance for Justice, which along with People for the American Way has organized the opposition of liberal interest groups to Bush’s nominees. “We don’t believe in a deal that trades federal judges. Because of the huge power that federal judges have, we’re opposed to the principle.”

Aron said that lobbyists yesterday spoke “with dozens and dozens of staff members about this” to convey their opposition. She described the staff response as “noncommittal,” but she added, “I think they’re listening.”

Perhaps a sign of the growing political stakes in the fight over judges, White House Deputy Chief of Staff Karl Rove met with Senate Republicans yesterday. Democrats accused the White House of interfering in negotiations over the “nuclear” or “constitutional” option.

Word of Democrats’ willingness to compromise on the seven blocked nominees came Sunday when Sen. Joseph Biden (D-Del.), a senior member of the Senate Judiciary Committee, said on ABC News’s “This Week”: “I think we should compromise and say to them that we’re willing to — of the seven judges — we’ll let a number of them go through, the two most extreme not go through, and put off this vote,” referring to a vote on the nuclear option.

Sen. Dick Durbin (Ill.), the Democratic whip, told reporters Monday that Democrats may allow votes on most of the seven blocked nominees as part of a compromise with Republicans.

“Solely to do this to achieve a political gain is not appropriate,” Aron said. “We’re not pleased, and we’ve shared this reaction with Senate staff and we hope it doesn’t go through and [will] do whatever we can to prevent it.”

The Alliance for Justice has spent several hundred thousand dollars so far to oppose the Republican proposal to change the rules governing the filibuster of judicial nominees.

Glenn Sugameli, senior legislative counsel for Earthjustice Legal Defense Fund, an environmental group that has taken a lead role in the opposition to the nuclear option, said: “It doesn’t make any sense to collapse on nominees that have been blocked on their

merits.”

Sugameli said that it may be possible to accept a deal that allows the 6th Circuit judges but that accepting the confirmation of nominees Priscilla Owen, Janice Rogers Brown, Bill Pryor and William Myers is entirely different.

The liberal environmental group is particularly hostile to Myers, who Senate Republicans had thought earlier this year might be popular enough among Democrats to survive a cloture vote.

“We could never support a deal to allow Myers to go through, particularly when we have no independent judgment on the other side of the aisle,” Sugameli said, referring to what Democrats view as the unwillingness of Republicans to compromise on the judges issue.

Conservative groups have been as hostile to compromise proposals that would allow some conservative nominees to pass the Senate but not others.

Paul Weyrich, chairman of the conservative Free Congress Foundation, said that if Frist does not eliminate the filibuster of judicial nominees “he may as well forget about running for president.”

“Our message is going to be: Don’t accept any compromise and go ahead with the constitutional option,” Weyrich said. “The real ballgame is the Supreme Court.”

“If the Democrats offer any compromise, they’re not going to preclude their ability to filibuster a Supreme Court nominee,” he said. “I view this as the most important issue.”