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Judge takes bench despite opposition; Environmental groups dislike Clean Water Act rulings from Alabama's former attorney general. (News)

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President Bush used a weeklong Senate recess to bypass the normal confirmation process and appoint a controversial judicial nominee opposed by environmental groups, ending a filibuster by Senate Democrats who refused to allow a vote on the nomination.

President Bush appointed William H. Pryor Jr. Feb. 20 to serve on the U.S. Court of Appeals for the 11th Circuit, which hears cases from Alabama, Florida and Georgia. Pryor has served as Alabama's attorney general since 1997.

Many environmentalists were among those against Pryor's nomination.

The Constitution allows the president to appoint a judge during a Senate recess. However, because the president acted without a vote of the Senate, Pryor's appointment will expire at the end of 2005 unless the Senate acts before then to confirm his nomination to a lifelong term on the bench.

Bush said he made the appointment because a judicial emergency exists on the 11th Circuit Court, which needs more judges to complete its work. The Senate received Bush's nomination more than 10 months ago, but never held a vote on his confirmation.

"If Attorney General Pryor were given a vote on the floor of the Senate, he would be confirmed," Bush said. "But a minority of Democratic senators has been using unprecedented obstructionist tactics to prevent him and other qualified nominees from receiving up-or-down votes. Their tactics are inconsistent with the Senate's constitutional responsibility and are hurting our judicial system."

Senate majority leader Bill Frist, R-Tenn., endorsed the president's action. "This obstructionism must stop," Frist said. "I call on my Democrat colleagues to stop filibustering the president's other judicial nominees."

However, Sen. Patrick Leahy, D-Vt., criticized the president's making the appointment during a Senate recess, saying Bush is dividing the American people and the Senate with his controversial judicial nominees.

"Actions like this show the American people that this White House will stop at nothing to try to turn the independent federal judiciary into an arm of the Republican Party," Leahy said.

Earthjustice, an environmental law firm, criticized the Bush appointment as "another end-run around serious objections raised by senators and environmental and other citizen groups."

"This is another slap in the face of the constitutional process of judicial selection," said Glenn Sugameli, senior legislative counsel for Earthjustice. "President Bush is using a five-day Senate recess as a fig leaf to ride roughshod over the objections of senators, environmental groups, and many other concerned citizens."

Pryor, as Alabama's attorney general, has taken "extreme stances" opposing the federal government's role in protecting the environment, including challenging the constitutionality of portions of the Clean Water Act, Sugameli said. "Appointing a judge like this to a federal appeals court shows that President Bush has no respect for the rights of American citizens to challenge polluters and other lawbreakers," Sugameli said.

Bush, however, called Pryor's record "impressive" and said it demonstrates his devotion to the rule of law and to treating all people equally under the law.

"Again, I call on those in the Senate who are playing politics with the American judicial system to stop so that my nominees receive the up-or-down votes they deserve," Bush said.

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