

NOMINATIONS: Reid says Democrats will filibuster judicial nominees again

Senate Minority Leader Harry Reid (D-Nev.) yesterday shot down the possibility of a compromise on President Bush's federal appeals courts nominees, saying that any candidate who Democrats filibustered during the previous Congress will be blocked again this year.

"Unless there is something new that I'm not aware of ... we will vote the same way we have in the past," Reid said.

Reid's comments all but eliminate the possibility that Republicans will be able to confirm some of President Bush's more controversial nominees without implementing the "nuclear option."

Senate Majority Leader Bill Frist (R-Tenn.) declined to say whether he has the votes needed to pass the controversial rule change that would end the use of a filibuster as a tool to block judicial nominations. Frist has repeatedly threatened to use such a tactic, but it remains unclear whether he has enough support within his own caucus to modify the chamber's rules.

Several moderate Republicans have come out in opposition to the "nuclear option" and several veteran senators have declined to take a stance on the issue.

Reid said he does not know if there were 51 votes for Frist's plan, but said he is "hopeful some of the Republicans will see this is not a good option."

The spat over judicial nominations comes one day after President Bush formally renominated 12 candidates for federal appeals courts that were not confirmed by the Senate during the last session. Democrats filibustered the majority of those nominees, although a handful never reached the Senate floor.

Democrats attacked Bush's action, arguing that it demonstrated the White House and Senate Republicans had little interest in reaching a compromise on the issue. First and other Senate Republicans argued that the chamber has a constitutional responsibility to hold a vote on the nominees.

"These are individuals that have majority support," Frist said.

Frist has not yet talked to Senate Judiciary Committee Arlen Specter (R-Pa.) about a schedule or strategy for handling the nominees. Specter has indicated that former Interior Department Solicitor William Myers, a nominee to the 9th U.S. Circuit Court of Appeals, would be the first candidate considered by the committee, in an effort to test the water on whether some sort of compromise is possible with the Democrats. Myers is often viewed as one of the less

controversial of the blocked nominees, although his nomination is vigorously opposed by many environmental groups.

Some of those groups yesterday seized on a [letter](#) from the Interior Department inspector general that they say further demonstrates Myers is unfit to sit on the federal bench. The letter -- sent last week by Inspector General Mark Devaney to the group Public Employees for Environmental Responsibility (PEER) -- summarizes a complete but not yet released investigation concerning a settlement between Wyoming rancher Harvey Frank Robbins Jr. and the Bureau of Land Management.

The investigation stems from an agreement reached between BLM and Robbins absolving Robbins from penalties associated with past violations of grazing laws and stopping future enforcement actions for similar violations. Lawyers from Interior's Office of Solicitor -- then headed by Myers -- brokered the deal.

The IG's letter, which PEER made public yesterday, states that in crafting the agreement "normal processes were circumvented ... the concerns articulated by the Justice Department and a BLM field office were ignored [and] the interests of the BLM ... were not adequately protected by the terms of the settlement agreement."

The letter further states that the investigation found "an inappropriate level of programmatic involvement by the SOL, and a profound lack of transparency in the overall negotiation and agreement process."

BLM officials eventually voided the agreement because Robbins failed to comply with it.

PEER, along with **Earthjustice and the Community Rights Counsel**, sent a letter yesterday to Specter asking that the full Judiciary Committee conduct a "full evaluation of this new information" when considering Myers' nomination.

[Click here](#) to download a copy of the IG's letter.

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