

## **FEDERAL JUDICIARY: Votes on Pryor, other nominees suspend fight** **By Alex Kaplun**

The Senate yesterday confirmed three more of President Bush's nominees to the federal bench -- bringing to an end, at least temporarily, the debate over judicial nominees that has dominated the chamber for the last month.

In a 53-45 vote, the Senate approved yesterday the nomination of former Alabama Attorney General William Pryor to the 11th U.S. Circuit Court of Appeals. Three moderate Republicans -- Sens. Lincoln Chafee (R.I.), Susan Collins (Maine) and Olympia Snowe (Maine) -- voted with 42 Democrats in opposition to the nomination. Sen. Ben Nelson (D-Neb.) was the only Democrat to vote in favor of confirmation.

Immediately after the Pryor vote, the Senate also approved two relatively noncontroversial nominees for the 6th Circuit -- Richard Griffin and David McKeague -- who have been blocked due to a dispute over how Senate Republicans had handled President Clinton's nominees for the same bench.

As a result of an agreement reached by a group of moderate senators, the Senate in the last two weeks has confirmed five nominees that have been blocked by Democratic filibusters for at least two years. Another nominee -- former Interior Solicitor William Myers for the 9th Circuit -- was not included in the deal and Senate Majority Leader Bill Frist (R-Tenn.) said this week he has no immediate plans to bring up his nomination.

"We're comfortable where we are today," Frist said after the vote. "Now that the filibuster tiger is back in its cage, the nuclear option is back in its cage. And the Senate can proceed with regular order."

Frist said the Senate's agenda for the next couple of months includes a comprehensive energy bill, appropriations and several other legislative items. He has avoided giving a specific time for when the Myers nomination will come up.

Environmentalists characterized the slew of recent confirmations -- including Pryor's -- as a threat to long-standing environmental laws.

Dozens of environmental groups have come out in opposition to Pryor, citing briefs that he filed while serving as Alabama attorney general asking the federal courts to strike down portions of Clean Water Act and the Endangered Species Act. The 2003 cloture vote on Pryor was also the first vote on a judicial nominee to ever be included in the League of Conservation Voters annual scorecard ([E&E Daily](#), May 13).

"Judicial nominees like William Pryor are phase two of the Bush administration's assault on federal environmental protections," said Earthjustice Senior Legislative Counsel Glenn Sugameli in a statement. "When they can't convince Congress to

repeal clean air, clean water and other legal safeguards, they threaten to strike down or rewrite those laws from the bench by putting partisan ideologues like Pryor on our independent federal courts."

Pryor is already serving on the 11th Circuit as a result of a controversial recess appointment by President Bush last year but without Senate confirmation his term on the bench would have ended at the end of the year.

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