

## ENVIRONMENTAL POLICY: Frist filibuster proposal to undergo first test

By Jen Koons, *Environment & Energy Daily* reporter

An amendment to the Senate rules on filibusters designed to speed the confirmation process of several of President Bush's judicial nominees, including those opposed by a handful of prominent national environmental groups, heads to a Senate Rules and Administration Committee vote today.

[S.Res. 138](#), proposed in May by Senate Majority Leader Bill Frist (R-Tenn.), would amend [Senate Rule XXII](#) in order to gradually reduce the number of votes necessary to overcome filibusters blocking final votes on judicial confirmations. Under the proposal, it would take 60 votes to stop a filibuster on the first try, 57 on the second, 54 on the third and 51 on the fourth.

Republicans have tried six times since early March to end the Democratic filibuster of Miguel Estrada's nomination to the U.S. Court of Appeals for the District of Columbia and have failed at two attempts to end the more recent filibuster of Texas Judge Priscilla Owen to the 5th U.S. Circuit Court of Appeals. Democrats have denied any wrongdoing and have pointed to the 132 nominees who have been confirmed since Bush took office.

"Changing Senate rules in order to raise the confirmation rate from the current 98 percent to 100 percent would be like banning bats from all baseball games to guarantee that every game will be a no-hitter," said Glenn Sugameli, an attorney with Earthjustice. "The Senate needs to retain the ability to block extreme anti-environmental candidates for lifetime judgeships, or it might as well be a rubber stamp."

National environmental groups mounted several campaigns to block a select few of Bush's appeals court nominees including Owen, Estrada and former Ohio Solicitor General Jeffrey Sutton (R), appointed in April to the 6th U.S. Circuit Court of Appeals.

Earlier this month, leaders of 13 environmental groups -- including Clean Water Action, Community Rights Counsel, Defenders of Wildlife, the Natural Resources Defense Council -- wrote a letter to Senate Judiciary Committee Chairman Orrin Hatch (R-Utah) criticizing the environmental record of nominee and Alabama Attorney General William Pryor (R) to the 11th U.S. Circuit Court of Appeals.

Frist said when introducing the measure in May that his resolution draws on past Democratic efforts to amend the filibuster rules and is narrowly designed to address what has become a growing problem of senators blocking judicial nominees.

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