

The Hill Blog

The Hill

March 10, 2008

Blog

Posted Comments by Earthjustice's Glenn Sugameli

Sen. Leahy aptly concludes that "We may still be able to make progress, but only with the full cooperation of this President and Republican Members of this Senate."

Senators must Just Say No and insist that the President respect their constitutional advise-and-consent role and withdraw confrontational nominations.

My Feb. 7th letter in The Hill documented at length how President George W. Bush's selection process for lifetime judges demonstrates that he chose pending nominees BECAUSE they would not be confirmed. This creates artificial vacancies to inflame Bush's narrow right-wing base.

There are now nine appellate vacancies from seven states where Bush has gone out of his way to antagonize Republican and Democratic home-state Senators who have recommended conservative, confirmable Republicans, including Bush district judges.

My Feb. 29 Guest Blog in ACSBlog discusses Bush's previous nominees and pending 4th Circuit nominees Steve A. Matthews and Robert J. Conrad Jr.

Matthews was an officer and director of Landmark Legal Foundation when it tried to nominate Rush Limbaugh for a Nobel Peace Prize. Landmark is headed by Mark R. Levin, who called global warming "nonsense" and "phony," and condemned Sens. John McCain (R.-Ariz.) and Joe Lieberman (I-Conn.) as "liberal idiots." In *Men in Black: How the Supreme Court Is Destroying America*, Levin thanked Matthews for having "supported me in all I do" and wrote that the Supreme Court was "merely upholding the Constitution" in its long-discredited 1936 ruling that Congress lacks authority to regulate employer-employee relations.

A published Conrad letter identifying himself as a "federal prosecutor," denounced Sister Helen Prejean as a "church-hating nun" and insisted that he "found only liberal drivel" in her classic book *Dead Man Walking*. Implausibly, he later claimed "I respect and admire Sister Helen."

Conrad also joined a notorious decision that allowed companies to bury streams with mine waste, which three circuit judges concluded "eviscerates" key Clean Water Act language and undermines its protective purpose.

The Constitution maintains a balance of power by providing that lifetime federal judges are selected by the President with the "advice and consent" of the Senate. President George W. Bush, however, only listens to the Senate when its advice automatically echoes his own choices and its consent is a rubber stamp.

See Earthjustice's Judging the Environment website for comprehensive links.

-Glenn Sugameli
Senior Legislative Counsel
Earthjustice
Washington, D.C.