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The Inside Story

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Judicial Jousting

Environmentalists are condemning President Bush's call for the Senate to confirm judicial nominees when they return for a lame duck session after the November election, charging that Bush is seeking to stack the courts with industry-friendly nominees.

“Again and again, President Bush has insisted on nominees who would unfairly favor big corporations over laws that protect people and the environment,” said Glenn Sugameli, who leads Earthjustice's [Judging the Environment](#) project.

Speaking at an Oct. 6 conference organized by the Cincinnati Lawyers Chapter of the conservative Federalist Society, [Bush criticized](#) Democrats for creating “tricks and gimmicks” designed to prevent movement on judicial nominees. For example, he said senators “invented a new rule” that bans the election-year confirmation of anyone not considered a “consensus nominee -- with 'consensus' defined as only the nominees they happen to choose.”

Bush argued it is important to confirm nominees who do not believe that unelected judges have to power to make decisions reserved for elected officials. Among decisions he cited was the Supreme Court's 2005 ruling in *Kelo v. City of New London* that reaffirmed that governments may use eminent domain to foster brownfields cleanup and redevelopment. Bush also argued that it is important for the Senate to fill scores of vacancies that have left legal disputes unresolved, a large backlog of unresolved cases and justice delayed.

Sugameli, however, blames Bush for many of the vacancies. “President Bush ignited unnecessary confirmation firefights and artificially created judicial vacancies. He refused even to discuss nominations with senators and insisted on nominees with political agendas that unfairly favor big corporations over laws that protect people and the environment,” he wrote in a letter to the [Las Vegas Review Journal](#) Oct. 6.

In his Oct. 6 statement, Sugameli also downplayed Bush's concerns about the vacancies, noting that the Senate has confirmed more than 300 of the president's judicial nominees and cut vacancies by more than half.