

## Bush Chooses to Annoy Senators

By Glenn Sugameli

To the editor:

The article ["Time's Up for Judge Picks"](#) (March 3, Page 1) cites the argument that "part of the reason judicial nominees aren't moving is that [President George W.] Bush hasn't pushed people that home-state senators wanted." In fact, Bush's judicial selection process needlessly results in nominations that he knows home-state and other senators will oppose. This creates artificial vacancies to inflame his right-wing base. The examples cited in the article are the tip of the iceberg.

First, withdrawn 4th Circuit nominee E. Duncan Getchell Jr. wasn't simply "not on the list of five candidates" recommended by Virginia Sens. Jim Webb and John Warner. Getchell, the choice of former Sen. George Allen, was interviewed and rejected by both current senators. Two of Virginia's 4th Circuit seats lack nominees despite the fact that Webb and Warner included on their list a federal district judge who had been nominated to the trial court by Bush. Maryland's senators have indicated that another 4th Circuit seat could be filled by any of the state's eight Republican federal district judges, including three who had been nominated by Bush.

Second, Bush chooses to antagonize senators over empty appellate seats. His refusals to discuss Michigan and California vacancies and his tactics elsewhere confirm that Bush selects nominees because they will not be confirmed. New Jersey's senators were victims of a bait-and-switch. After they agreed to Bush's initial 3rd Circuit choice, the actual nominee, Shalom Stone, was announced without their input. Bush also refused to discuss then-Sen. Lincoln Chafee's recommendation for a 1st Circuit seat, who would have been supported by Rhode Island's two current senators, Jack Reed and Sheldon Whitehouse. Bush did not consult with them before he nominated U.S. District Judge William Smith instead.

Third, Bush selects confrontational nominees. For example, pending 4th Circuit nominee Steve Matthews was an officer and director of the Landmark Legal Foundation when it tried to nominate Rush Limbaugh for a Nobel Peace Prize. Pending 4th Circuit nominee Robert Conrad Jr. once denounced Sister Helen Prejean as a "church-hating nun" and insisted that he "found only liberal drivel" in her book *Dead Man Walking*. Implausibly, he later claimed, "I respect and admire Sister Helen." Conrad also joined a notorious decision that allowed mining companies to bury streams with waste, which three circuit judges concluded "eviscerates" key language of the Clean Water Act.

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