

Bush, justices address Federalist Society Most of the president's remarks to the conservative legal group attack the Senate confirmation process as harsh and partisan.

By David Savage

President Bush joined three Supreme Court justices Thursday evening to celebrate the 25th anniversary of the Federalist Society, the conservative legal group that has had a powerful influence on the law and legal thinking.

The group was organized in 1982 as a legal debating society for young conservatives who saw themselves as outsiders at the liberal-dominated Yale Law School. Its second chapter at the University of Chicago Law School had an auspicious start, since its faculty advisor was professor Antonin Scalia.

But the Federalists are outsiders no more: Membership in the group has been a launching pad for conservatives who aspire to become judges or prominent officials in Republican administrations.

Three of its most prominent supporters -- Scalia and two of his fellow Supreme Court justices, Clarence Thomas and Samuel A. Alito Jr. -- followed Bush to the podium to laud the society. "We thought we had planted a wildflower in the weeds of academic liberalism. Instead it was an oak," Scalia said.

"No other legal organization has done anything like this," said former Solicitor General Theodore B. Olson, looking out over the justices, judges and senators who were among 1,800 lawyers gathered for the group's banquet at Union Station.

Chief Justice John G. Roberts Jr. was not at Thursday's dinner, but he appeared in a video praising the group. Tonight, he will deliver a dinner speech in honor of Barbara K. Olson, the former solicitor general's first wife, who died on Sept. 11, 2001, in the plane that crashed into the Pentagon.

Former New York Mayor Rudolph W. Giuliani, who has been trying to burnish his conservative credentials in his bid for the Republican presidential nomination, will address the Federalists this afternoon.

Other presidential contenders -- including Republicans Mitt Romney, the former Massachusetts governor, and Fred Thompson, the former senator from Tennessee -- were invited to speak, according to the group's officials, but declined because of other campaign commitments.

Thursday night's appearance of the president and the three justices comes less than three weeks

before the high court takes up a challenge to Bush's policy of holding several hundred foreign prisoners at Guantanamo Bay, Cuba.

Lawyers for the prisoners say their clients should be given hearings before an independent judge so they can plead their innocence. Administration lawyers argue their claims should be dismissed because the courts have the authority to hear a writ of habeas corpus from a foreign military prisoner. They also say that the president has the power to hold these men indefinitely as an unlawful enemy combatants.

The case is known as Boumediene vs. Bush. Its lead plaintiff, Lakhdar Boumediene, is an Algerian who was living in Bosnia in 2002 when he was taken into custody, turned over to U.S. authorities and shipped to Guantanamo.

Scalia, Thomas and Alito are expected to support the administration's view. Last year, all three dissented when the court struck down the proposed rules for military trials at Guantanamo.

[Most of Bush's remarks Thursday night](#) attacked the Senate confirmation process as harsh and partisan. "Senate confirmation is part of the Constitution's checks and balances. But it was never intended to be a license to ruin the good name that a nominee has worked a lifetime to build," Bush said.

He also said many qualified lawyers had "politely declined" judicial nominations "because of the ugliness, uncertainty and delay that now characterizes the confirmation process."

Since taking office in 2001, Bush has put 293 new judges on the federal courts, including Roberts and Alito on the Supreme Court. There are currently 47 vacancies in the federal court system, which has 875 judges. Bush has made nominations for 21 of those 47 seats.

Taking issue with Bush's comments, Glenn Sugameli, senior judicial counsel for the environmental group Earthjustice said the president had passed over well-qualified moderates for judgeships, instead choosing candidates who were sure to gain opposition.

He cited as an example a vacancy on the 4th U.S. Circuit Court of Appeals in Virginia; the White House, he said, passed over five lawyers

recommended by Virginia's senators,
Republican John W. Warner and Democrat Jim
Webb.

"All too often, President Bush's previous and
current nominees for lifetime federal
judgeships have been chosen precisely because
their extreme records will reignite ideological
battles," Sugameli said.