

Richmond Times-Dispatch

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Vacancies Affect Other Circuits, Too

Letter to the Editor by Earthjustice's Glenn Sugameli

Editor, Times-Dispatch:

The editorial, "Vacancies," on President George Bush's failure to submit nominees for lifetime federal judgeships, correctly stated that the Richmond-based U.S. Court of Appeals for the 4th Circuit "is not the only panel affected."

Indeed, Bush's inaction is not limited to the five names recommended jointly by Sens. John Warner and Jim Webb for two 4th Circuit vacancies. Bush also has refused to nominate anyone to appeals-court seats in other circuits despite recommendations from Republicans, including Arlen Specter and then-Sen. Lincoln Chafee of Rhode Island.

When Bush has submitted nominees, they have all too often "seemed deliberately provocative," as your editorial described Jim Haynes, whose 4th Circuit nomination was withdrawn because of bipartisan Senate opposition. A Maryland-based seat on the 4th Circuit has remained unfilled for almost seven years because Claude Allen, the only nominee Bush submitted, did not live in the state (he later pled guilty to misdemeanor theft). Recently, Bush gave New Jersey's senators no input on their state's 3rd Circuit nominee, and only informed them after the selection was made.

There is a better way: When Bush has honored the Senate's constitutional "advise and consent" role, his choices have been confirmed.

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