

# Blog of Legal Times

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## Comments to "Trading Barbs over Judgeships" Article

**By Glenn Sugameli**

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.

My Feb. 7th op-ed length letter in The Hill documented how the records of President George W. Bush's judicial selection process and his appellate nominees demonstrates that they were chosen BECAUSE they would not be confirmed.

This creates artificial vacancies to inflame Bush's narrow right-wing base. These now include 9 appellate nominees from seven states where Bush has needlessly antagonized Republican and Democratic home-state Senators who have recommended conservative, confirmable Republicans, including Bush district judges.

For a review of Bush nominees including how major new developments regarding Bush's torture policies focus on Jay Bybee and William J. Haynes, two of his nominees for lifetime seats on federal appeals courts, see my Feb. 29 Guest Blog in ACSBlog.

Too many of President Bush's nominees have supported judicially rewriting the Constitution to deny citizen access to courts; to deprive Congress the ability to protect civil rights, workers, health, safety, consumers, and the environment; and to require unlimited payments from taxpayers to companies and developers that comply with the law, under a view that even Justice Scalia admits was never intended by the Founders.

Senators must Just Say No and insist that the President respect their constitutional advise-and-consent role in selecting they will only confirm nominees who are competent, fair and independent, and who demonstrate that they will uphold and enforce our Constitution and laws.

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

**-Glenn Sugameli**

Senior Legislative Counsel

Earthjustice

Washington, D.C.

