

## **Judicial Nominee Challenges Criticism in Lengthy Questioning by Senate Committee**

CQ TODAY – LEGAL AFFAIRS

By Keith Perine, CQ Staff

Sept. 26, 2006 – 7:58 p.m.

One of President Bush's most contentious judicial nominees defended himself before a Senate panel Tuesday against charges that he is unfit for the job.

Democrats have raised concerns about Michael B. Wallace, whom Bush tapped for a seat on the U.S. Court of Appeals for the 5th Circuit, particularly since the American Bar Association's Standing Committee on the Federal Judiciary issued a rare unanimous rating of Wallace as "not qualified."

Judiciary Chairman Arlen Specter, normally slavish about limiting his rounds of questioning to five minutes or less, spent nearly 30 minutes methodically asking Wallace to rebut charges that he is hostile to poor and disadvantaged people and to the notion of equal justice under law.

Wallace pointed to the fact that he returned to Mississippi after graduating from the University of Virginia Law School, clerking for then Associate Supreme Court Justice William H. Rehnquist, and working for then-Rep. Trent Lott, R-Miss., rather than trying to land a job at a Washington law firm, as proof that he favors equal justice for the poor.

"I find these charges difficult to understand," Wallace said.

Wallace, now an attorney in private practice, also countered his opponents' claims by saying that they offered "substantially inaccurate" descriptions of his cases.

At other times, Wallace defended legal strategies he has employed by observing that he was representing his clients' views.

Specter, R-Pa., could put Wallace on the agenda for the panel's next markup, which is likely to occur Thursday. But Democrats are virtually guaranteed to postpone a committee vote, and the full Senate is not going to take up the nomination in the few days remaining before it adjourns to campaign for the November elections.

Although the hearing room was crowded with spectators, only five of the 18 committee members questioned Wallace.

Edward M. Kennedy of Massachusetts, the lone Democratic questioner, asked Wallace about an old interview in which, according to Kennedy, Wallace said he opposed provisions in the Voting Rights Act that require certain states and local jurisdictions with a history of racial discrimination to clear proposed changes in their voting law in advance with either the Justice Department or a federal court.

Wallace said he could not remember the interview. When Kennedy pressed him, Wallace said, "I agree that Mississippi is ready for self-government, senator, but Congress has seen to the contrary."

Before the confirmation hearing, Specter attempted to hold committee votes on three other appellate court nominees opposed by Democrats. But the committee did not act on the

nominations of Terrence W. Boyle and William J. Haynes II to the 4th Circuit, or the nomination of William G. Myers III to the 9th Circuit.

Source: CQ Today