

Bush Offers New List Of Judicial Nominees

ROLL CALL

By John Stanton

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In a nod to the new political dynamics of the Senate, President Bush has dropped efforts to move a handful of controversial judicial nominations through the chamber, replacing them with a new batch of conservative nominees who Republicans hope will prove easier to confirm this year.

During the 109th Congress, Bush unsuccessfully pushed for the Senate to confirm William Haynes, William Myers III, Michael Wallace and judge Terrence Boyle to spots on U.S. appellate courts. But despite controlling the chamber and the Judiciary Committee — and having a commitment from then-Judiciary Chairman Arlen Specter (R-Pa.) to move his nominees to the floor — Bush was unable to break a Democratic filibuster of the nominees.

A White House aide said that while Wallace late last year withdrew his name from consideration, the other three men took their names out of the hat in recent weeks in the face of almost certain opposition from Judiciary Chairman Patrick Leahy (D-Vt.).

According to a White House list released late Tuesday, Bush has nominated Thomas Hardiman to the U.S. Court of Appeals for the Third Circuit; Peter Keisler to replace Chief Justice John Roberts on the U.S. Court of Appeals for the District of Columbia Circuit; Debra Ann Livingston to the U.S. Court of Appeals for the Second Circuit; and Norman Randy Smith to the U.S. Court of Appeals for the Ninth Circuit.

Sen. John Cornyn (R-Texas), a member of the Judiciary Committee and one of Bush's staunchest allies in the annual judicial nomination wars, praised the new nominees as being cut from the same conservative cloth as Roberts and Supreme Court Justice Samuel Alito. "These highly qualified nominees deserved an up-or-down vote on the Senate floor, but obstruction prevented it," Cornyn said, adding that he hopes "that in the new Congress a better sense of fairness will prevail and all nominees will at least be given an up-or-down vote, rather than more obstruction."

But one GOP leadership aide predicted the new circuit court nominees would face difficulty in moving through the Senate. Democrats "won't like them, especially with Leahy as chairman," the aide said.

A spokesman for Majority Leader Harry Reid (D-Nev.) said Democrats have yet to review the list of new nominees.