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From: Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])

To: Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO]), Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO]), Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO]), Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

Subject: : South Dakota AP story :)

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR:Matthew E. Smith (CN=Matthew E. Smith/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 1-NOV-2001 09:26:58.00

SUBJECT:: South Dakota AP story :)

TO:Bradford A. Berenson (CN=Bradford A. Berenson/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TO:Brett M. Kavanaugh (CN=Brett M. Kavanaugh/OU=WHO/O=EOP@EOP [WHO])

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TO:Brent D. Greenfield (CN=Brent D. Greenfield/OU=WHO/O=EOP@EOP [WHO])

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TO:Jason B. Torchinsky (CN=Jason B. Torchinsky/OU=WHO/O=EOP@EOP [WHO])

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----- Forwarded by Matthew E. Smith/WHO/EOP on 11/01/2001
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10/31/2001 04:53:39 PM

Record Type: Record

To: (b)(6)

cc:

Subject: South Dakota AP story :)

October 31, 2001, Wednesday, BC cycle

12:35 PM Eastern Time

SECTION: State and Regional

LENGTH: 752 words

HEADLINE: Head of national pro-family group: Daschle playing politics with judges

BYLINE: By STEVEN BARRETT, Associated Press Writer

DATELINE: SIOUX FALLS, S.D.

BODY:

The president of a conservative national organization says Senate Majority Leader Tom Daschle is holding up President Bush's federal judicial nominations to make Bush look weak and boost Democrats' election hopes.

At a news conference Wednesday in Sioux Falls, Ken Connor of the Washington-based Family Research Council told reporters that confirmations went much faster in the first year of the three previous presidential administrations.

"The strategy is to make the president bleed, to make him appear impotent" so Democrats can win more races in 2002, Connor said.

A spokesman for Daschle said the senator from South Dakota is working hard to fill seats on the judiciary and that the Family Research Council's criticisms are unfair. Twenty percent, or 12 of 60, federal judges Bush has nominated have been confirmed.

That compares with 57 percent, or 27 of 47, confirmed in the first year of President Clinton's administration; 62 percent, or 15 of 24, in the elder President Bush's first year; and 91 percent, of 41 of 45, in President Reagan's first year, Connor said.

More than 50 nominees are pending. The federal judiciary has 110 vacancies, including 39 positions open so long the courts classify them as "judicial emergencies."

Connor accused Daschle of changing his tune on judicial confirmations since Bush succeeded Clinton. He quoted Daschle as saying in a news conference March 7, 2000, that the roughly 75 judgeships vacant then under Clinton represented a "dire shortage."

But Jay Carson, a spokesman for Daschle, countered that Daschle has been majority leader only since June, before which Republicans controlled the Senate.

"Basically, the claims that are made by the Family Research Council are false and misleading," he said.

"Since September 11, Senator Daschle has worked closely with President Bush and his administration and the Republican leaders in Congress to get the business of the American people done in this time of crisis."

That includes things like helping the airline industry and families who lost loved ones in the terrorist attacks, Carson said, and yes, judicial confirmations.

"Under Democratic leadership, the day after the anthrax arrived in the Capitol complex, the Judiciary Committee met in a small, cramped room inside the Capitol. They didn't have their office space anymore. It was closed off by the FBI," Carson said. "They had every excuse in the world not to meet

...
but they said, 'We need to get these judges done and we're going to hold a meeting.'"

That committee includes senators as diverse as Republican Strom Thurmond of South Carolina and Democrat Ted Kennedy of Massachusetts.

Carson called Connor's comments "disappointing" at a time when unity is important.

"These sorts of partisan attacks are not what we need at this time," Carson said.

Clinton had 67 judicial nominees who never got a vote on the Senate floor, he added, and 57 of those never got a hearing, he said.

"The vacancies that exist in America right now are a product of a lack of confirmations by the previous leadership of the Senate ...," Carson said. "It's hard to see those criticisms as anything other than crocodile tears."

Connor said the depleted judiciary will be ill-equipped to handle court cases arising from the Sept. 11 terrorist attacks.

"We've heard a great deal about bringing wrongdoers to justice," and that task will be slowed by the lack of judges, he said.

Rob Regier, executive director of the South Dakota Family Policy Council, said Daschle does not want to see Bush's nominees approved because they will exercise judicial restraint rather than press a social agenda from the bench.

"Tom Daschle is doing his level best to carry out the Clinton legacy of activist judges, even at the cost of justice," said Regier, who joined Connor at the news conference. Regier said he used to work with Connor in Washington.

Republican senators recently gave up trying to get Democrats to agree to approve a specified number of Bush's nominees this year. GOP senators decided to wait until January, the start of an election year, to begin pressuring Democrats again to approve the nominees.

Connor, clad in a green flannel shirt, tan slacks and hiking boots, said he had just finished a week of successful pheasant hunting near Plankinton. It was his sixth time hunting in the state, he said.

"We limited out each day," he said.

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