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From: robyn@progressforamerica.org (Robyn Judelsohn) (robyn@progressforamerica.org (Robyn Judelsohn) [ONDCP])

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Subject: : FW: weeks: Approve Fed Judges

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TO:'todd baustert' <(b)(6)> [UNKNOWN])

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TO:Jennifer Oschal <(b)(6)> [UNKNOWN])

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TO:Anne Womack (CN=Anne Womack/OU=WHO/O=EOP@EOP [WHO])

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TO:'viet dinh' <viet.dinh@usdoj.gov> ('viet dinh' <viet.dinh@usdoj.gov> [UNKNOWN])

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TO:'kelley ogletree' <kogletree@fls-dci.com> ('kelley ogletree' <kogletree@fls-dci.com> [UNKNOWN])

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Michigan senators create crisis by vetoing judicial appointees

By George Weeks / The Detroit News

George Weeks

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The nomination of Michigan Court of Appeals Judge Richard Griffin to the federal bench makes him the latest pawn in an outrageous, lingering stalemate between the White House and the U.S. Senate. It has created a severe shortage of judges.

For years, it was a deadlock between the Clinton White House and the Republican-ruled Senate. Now it's between the Bush White House and the narrowly Democratic Senate -- where Michigan's Carl Levin and Debbie Stabenow essentially have veto power over appointees from their state.

On Thursday, President Bush nominated Griffin to the 6th U.S. Circuit Court of Appeals, which has declared a judicial emergency because half of its 16 positions are vacant. Four of the vacancies are Michigan seats.

But there may not even be a hearing this year on confirmation of Griffin and three previous Michigan Bush nominees who have been twisting in the wind for more than a year while politicians play tit-for-tat.

The federal court system has 86 vacancies. The percentage is highest in the 6th Circuit, which handles appeals from federal district courts in Michigan, Kentucky, Ohio and Tennessee.

Gov. John Engler Friday correctly declared the Senate guilty of "misuse of the advise and consent authority." He's particularly frustrated by the vacancies and backlog in the 6th Circuit, where Michigan is appealing federal court rulings that knocked down laws on drug testing of welfare recipients and registries of sex offenders.

Engler told me the problem is so serious he thinks President Bush should consider filling all vacancies with recess appointments of judges who would serve two years without Senate confirmation and then step down.

"America is facing a crisis in our courts," says U.S. Rep. David Camp, R-Midland. "The Senate has failed to see the importance of fulfilling its constitutional responsibility."

Traditionally, the Senate Judiciary Committee will not advance a president's judicial nomination without consent of the home state senators. Democrats Levin and Stabenow vow that the four Michigan vacancies in the 6th will not be filled "in the absence of bipartisan compromise."

The shoe was on the other foot before the 2000 election that put Bush in the White House and Stabenow in the seat of Republican Sen. Spencer Abraham, who had balked at Clinton appointees to the court.

Michigan Court of Appeals Judge Helene White and Detroit attorney Kathleen McCree Lewis were nominated to the federal bench by Clinton but never got a hearing in the GOP-controlled Senate. Levin says White's "four-year wait was longer than that of any nominee in Senate history."

After Bush's nomination of Griffin -- son of ex-Sen. Bob Griffin -- Levin and Stabenow said: "The White House has regrettably opted for stalemate" over the 6th Circuit.

They said they had "made repeated attempts to reach compromise." One would have Bush nominate White and Lewis to appeals and district vacancies.

It was wrong for the Senate to fail to act on Clinton's Michigan

nominees. But another wrong won't make things right for Michigan. Enough is enough.

Griffin, Federal District Judge David McKeague, state Appeals Judge Henry Saad and Wayne Circuit Court Judge Susan Neilson should be individually evaluated for Michigan vacancies on the 6th Circuit -- not shelved until voters decide Nov. 5 which party will rule the Senate.

Senators, it is long past time to fill Michigan's voids in the hall of justice.

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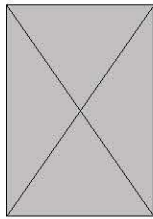
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Michigan senators create crisis by vetoing judicial appointees

By George Weeks / The Detroit News



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