

Filibuster

(Continued from Page 12) would charge Democrats with blocking the advancement of women, and in Brown's case, minorities.

"It is an astute strategy because it will allow Republicans to accuse Democrats of sexism if they oppose either woman, or racism if they oppose Rogers Brown," said Julie Bernstein, spokesperson for the Alliance for Justice, a progressive advocacy organization based in Washington, D.C., that tracks judicial nominations.

Republicans, Bernstein said, have played the bias card in the past, accusing Democrats of being anti-Catholic in blocking William H. Pryor to the 11th Circuit Court of Appeals and being anti-Hispanic in blocking Miguel Estrada to

the D.C. Circuit Court of Appeals.

"They make that case with everybody," said Sen. Dianne Feinstein, the California Democrat who sits on the Judiciary Committee. "I think people see through it."

When Bush re-nominated Brown and Owen—as well as other appellate court nominees who were filibustered by Democrats in the last Congress—many Democrats took it as a slap in the face by a president who had pledged, after winning reelection, to work with the minority.

That started a game of judicial brinkmanship.

Democrats vowed to continue blocking nominees they consider ideologically extreme. Republicans parried with a threat to employ an

arcane parliamentary procedure to eliminate filibusters of judicial nominees. Democrats warned that if Republicans strip their filibuster power they would bring the Senate to a virtual standstill by stalling major legislation.

Under the most likely scenario, Frist would first move to invoke cloture, or shut off debate, when the Democrats next filibuster a judicial nominee, such as Brown.

If Republicans, who hold 55 seats, fail to reach the 60-vote threshold needed to end debate, one of them would call a point of order questioning the use of filibusters against judicial nominees.

The parliamentarian would likely side against Republicans. That would prompt the presiding officer of the Senate, most likely Vice President Dick Cheney, to overrule the parliamentarian and declare filibusters of judicial nominees out of order. Democrats would presumably object, and the question would be set to a vote.

Republicans would need a simple majority of those

present and voting—or at least 50 votes, assuming Cheney would break a tie in favor of the Republicans—to change the Senate rules and ban filibusters of judicial nominees.

Last November, Frist said he was prepared to use every tool at his disposal to end Democratic filibusters of judicial nominees and reiterated the warning since. But he has also said he is working with Senate Minority Leader Harry Reid to avert a judicial showdown. Frist is expected to make a move in the next few weeks.

As Frist is reportedly mulling a 2008 presidential bid, religious and social conservatives—a potentially key support group—are strongly pushing to eliminate the filibuster.

"Filibusters of judicial nominees should be declared out of order," Douglas Johnson, legislative director of the National Right to Life Committee, said in a statement.

A broad coalition of progressive groups, including many women's rights orga-

nizations, have launched a counter-campaign with solid backing from Senate Democrats and even some conservative groups, such as the National Right to Work Committee and Gun Owners of America.

Republicans, on the other hand, are divided over whether to ban filibusters of judicial nominees. Republican Senators Olympia Snowe of Maine, Lincoln Chafee of Rhode Island and John McCain of Arizona have expressed strong opposition to the proposal. Several others are undecided, making the outcome unclear.

Allison Stevens writes for the Women's e-News.

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Howard

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American Bar Association Criminal Justice and John Marshall Law School Competition, and the Atlanta Association of Trial Lawyers of America, where the team placed first in the region beating Georgetown, American University, Catholic University, George Mason University and the University of Maryland law schools. Simmons attributes the success of the team to Johnny L. Cochran Jr., who was a lawyer in residence at the time of the team's formation in 1997.

"There is a true sign that after the passing of Johnny L. Cochran, Jr. on the same week of the national win of Black law students, that it was revealed and assured that there's hope in the African-American Black lawyer for years to come," Simmons said.

"The torch has been passed from the old to the new under represented."

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