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What About the Deal on Judges? A Big Disappointment

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A group of 14 senators announced a brokered deal on Monday night, effectively taking the so-called “nuclear option” off the table—at least for now. At this point, it is hard to evaluate the “bipartisan agreement” fully, but it is already apparent that this is not good news for most of President Bush’s judicial nominees, and it spells trouble for any nomination to the Supreme Court. According to the agreement [[see text](#)], the 14 senators agreed to bring nominees William Pryor, Janice Rogers Brown, and Priscilla Owen to the floor for a vote.

As for the future, “Signatories will exercise their responsibilities under the advice and consent clause of the United States Constitution in good faith. Nominees should only be filibustered under extraordinary circumstances, and each signatory must use his or her own discretion and judgment in determining whether such circumstances exist.” That statement is so open to interpretation that it is probably useless.

Just think about this point: The Democrats have been using the filibuster for several years now, blocking some of President Bush’s nominees. Are the seven Democrats in this bipartisan group admitting that this use of the filibuster was not justified by “extraordinary circumstances?” The Republicans who brokered this deal apparently believe that such “extraordinary circumstances” may exist. If individual senators are allowed to use their “own discretion and judgment” in making such a determination, what exactly did the Republicans gain? It sure looks like these Republicans blinked.

Those of us who have been working and praying for a change in the courts have been handed a major disappointment by seven Republican senators. Beyond this, the emergence of this agreement indicates that Majority Leader William Frist [R-TN] apparently lacks the authority to make good on his stated determination to bring every one of President Bush’s nominees to the Senate floor. Sen. Frist and Sen. Mitch McConnell [R-KY] insist that the nuclear option remains on the table.

Our constitutional system has been subverted by activist judges who have turned the federal courts into engines for social revolution. If this deal is as bad as it looks, the means of correcting an out-of-control judiciary and restoring legitimate jurisprudence will have been given away by a group of “centrist” Republicans, who esteemed the rules of the Senate over the sanctity of human life and the integrity of marriage.

CHECK OUT THE SOURCES: See coverage from [The New York Times](#), [ABC News](#), [USA Today](#), [The Los Angeles Times](#), [The Washington Post](#), and [The Boston Globe](#). See analysis by [Hugh Hewitt](#), [PowerlineBlog](#), and [ConfirmThem](#).

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