

# Frist defends anti-filibuster effort, says judges deserve 'respect, not retaliation'

By DAVID ESPO  
THE ASSOCIATED PRESS

WASHINGTON — Majority Leader Bill Frist said Sunday it was not "radical" to ask senators to vote on judicial nominees as he hardened his effort to strip Democrats of their power to stall President Bush's picks for the federal court.

Frist, speaking at an event organized by Christian groups trying to rally churchgoers to support an end to judicial filibusters, also said judges deserve "respect, not retaliation," no matter how they rule.

A potential candidate for the White House in 2008, the Tennessee Republican made no overt mention of religion in the brief address, according to a text of his videotaped remarks released before the event in Louisville, Ky.

Instead, Frist seemed intent on steering clear of the views expressed by House Majority Leader Tom DeLay, R-Texas, and other conservatives in and out of Congress who have urged investigations and even possible impeachment of judges they describe as activists.

"Our judiciary must be independent, impartial and fair," Frist said.

"When we think judicial decisions are outside mainstream American values, we will say so. But we must also be clear that the balance of power among all three branches requires respect not retaliation. I won't go along with that," Frist said.

For months, Frist has threatened to take action that would shut down the Democrats' practice of subjecting a small number of judicial appointees to filibusters. Barring a last-minute compromise, a showdown is expected this spring or summer.

"I don't think it's radical to ask senators to vote. I don't think it's radical to expect senators to fulfill their constitutional responsibilities," said Frist, whom Democrats have accused of engaging in "radical Republican" politics.

While a majority of the Senate is

sufficient to confirm a judge, it takes 60 votes under Senate rules to overcome a filibuster and force a final vote.

Rather than change the rules directly, Frist and other Republicans have threatened to seek an internal Senate ruling that would declare that filibusters are not permitted against judicial nominees.

Because such a ruling can be enforced by majority vote, and Republicans have 55 seats in the 100-member Senate, GOP leaders have said they expect to prevail if they put the issue to the test.

Democrats blocked 10 appointments in Bush's first term. The president has renominated seven of the 10 since he won reelection, and Democrats have threatened to filibuster them again.

Republicans pushed two of the nominees including Texas Supreme Court Judge Priscilla Owen from the Senate Judiciary Committee last week on party-line votes.

Sen. Joseph Biden, D-Del., raised the possibility of a deal. "I think we should compromise and say to them that ... we'll let a number" of the seven judges "go through, the two most extreme not go through and put off this vote and compromise," he said on ABC's "This Week."

Senate Democratic leader Harry Reid, D-Nev., is open to compromise, his spokesman said Sunday. "There's a lot of concern about the road Senator Frist is leading the Senate down," Jim Manley said.

In his remarks, Frist singled out Owen for praise, possibly indicating she will become the test case for the expected showdown. She has been nominated for the 5th U.S. Circuit Court of Appeals.

Frist said that "even though a majority of senators support her, she has been denied an up-or-down vote on the floor of the Senate. ... Justice Owen deserves better. She deserves a vote."

The majority leader noted that some Republicans are opposed to ending judicial filibusters, fearing that the GOP may someday want to use the same tactics against appointments made by a

Democratic president.

"That may be true. But if what Democrats are doing is wrong today, it won't be right for Republicans to do the same thing tomorrow," Frist said.

Republicans held a Senate majority for six of President Clinton's eight years in office and frequently prevented votes on his court appointments by bottling them up in the committee, knowing the nominees would be confirmed if allowed to go to a vote by the full Senate.

One nominee, Richard Paez, a district court judge when he was nominated, waited more than four years before being confirmed to the appeals court. Vermont Sen. Patrick Leahy, ranking Democrat on the Judiciary Committee, said Frist supported a filibuster of Paez's nomination. "I guess Senator Frist wasn't running for president then," Leahy told CNN's "Late Edition."

Frist's comments on the independence of judges follow DeLay's campaign against the federal courts since judges refused to order the reinsertion of Terri Schiavo's feeding tube.

After her death DeLay said, "The time will come for the men responsible for this to answer for their behavior." He later apologized, saying he had spoken in an "inartful" way.

The Louisville event "Justice Sunday: Stop the Filibuster Against People of Faith" was held in a church and was sponsored by the Family Research Council.

"What this boils down to is that the philosophy of that minority of liberal senators in the United States Senate has been repudiated in almost every recent election, almost every recent election," said the group's president, Tony Perkins.

"In order to shape the culture and drive public policy, they're holding on to the courts and they're using the filibuster as if it's a junkyard dog to keep people from invading their territory. And that's wrong," he told Fox.

But Sen. Dick Durbin of Illinois, the second-ranking Democrat, said, "I think what this



Kathi Whalen of Louisville, Ky. shows her disdain for Senate Majority Leader Bill Frist during a rally held on the steps of the old Jefferson County (Ky.) Courthouse on Sunday. The rally was held to counter the Justice Sunday rallies being held.

group has done has become political." Sen. Lindsey Graham, R-S.C., said the council should not question Democrats' faith or call them religious bigots.

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**■ PREACHER**  
Continued from page 1

vacate last time he preached on campus.  
Duncan preaches without formal invitation by USC. His group has done has become political." Sen. Lindsey Graham, R-S.C., said the council should not question Democrats' faith or call them religious bigots.

Web site, Gospeljohn.com explains his beliefs and outlines the sins he claims are prevalent on college campuses, including drinking, cursing and pornography.  
Comments on this story? E-mail gamecocknews@gwm.sc.edu

**■ COCKFIGHTING**  
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supervised release and 100 hours of community service.  
"We asked for a sentence within the guidelines range and we think it's a fair and appropriate sentence," federal prosecutor Mark Moore said.  
Sharpe is not the only person to be charged in connection in this case and Moore said the investigation is continuing.  
In November, a former State Law Enforcement Division agent pleaded guilty to lying to federal investigators about the case. Keith Stokes admitted he lied to FBI agents about whether SLED was investigating a cockfighting ring. Stokes was sentenced to three years probation, Moore said.

in a statement to the court, Griffin said. His wife was reached by phone Friday night but said they did not have any comment.  
Sharpe was suspended from his office following his indictment last summer, and an interim agency head was appointed in September.  
He will report to prison sometime after June 1, Griffin said. Sharpe wants to see his grandson, whom he adopted 18 years ago, graduate from high school.  
In addition to prison, Sharpe also was sentenced to three years

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