

THE FILIBUSTER AND MARY LANDRIEU'S FUTURE IS IT CRUNCH TIME?

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Baton Rouge, Louisiana

We've been reading and hearing about it for months. A "filibuster war" that's about to take place in the United States Senate. Louisiana's senior senator will have some tough choices to make in the coming weeks. She's walking a tightrope. And what she does now may well impact her re-election chances, a little more than three years away.

First, a little history. The U.S. Senate has, so far, confirmed more than 200 judicial appointments submitted by the President. Ten more controversial appointments have been considered by the Senate Judiciary Committee, and two of the 10 were recently approved. The judges obtain final approval with a majority of the Senate voting in favor. But it takes 60 senators to cut off any effort to filibuster, and that's where the whole process gets sticky.

The filibuster is a two-centuries-old tradition that, in theory, keeps the majority from running roughshod over the minority in Congress. Filibusters were always an option and occasionally used to keep some balance in the upper chamber. And in the present debate, both parties have been bullheaded and shortsighted.

Utah Republican Senator Orrin Hatch was eloquent in stating recently, "Give them a vote. A vote up or down. That's what we've always done for 214 years before this President became President."

Well, maybe that's not quite correct. You see some 60 judicial nominees whose names were submitted by former President Clinton to the Senate between 1995 and 2000 never got "a vote up or down" that Senator Hatch is now calling for. And he was a strong obstructionist to allowing such a vote.

In fact, when the Republicans controlled the levers of Senate power in the late 1990s, they played even "harder" hardball. They just simply refused to schedule any action on nominations they opposed. And a good example comes from right here in Louisiana. Baton Rouge lawyer Alston Johnson was nominated by then President Clinton to the 5th Circuit Court of Appeals out of New Orleans in April of 1999. His appointment languished for some 23 months. No up or down vote. He just wasn't given consideration. The consensus of both Republicans and Democrats was that he was well qualified to take the judgeship. "Nothing personal," one Republican stated. "It's just politics. We stall out this and other nominations, and then we get to make the appointments if a Republican takes the White House."

And of course, that's exactly what happened. Senate majority leader, Bill Frisk issued a statement a few days ago saying, "It is time for 100 senators to decide the issue of fair up or down votes for judicial nominees after over two years of unprecedented obstructionism." The only thing, Mister Majority Leader, is that the "obstructionism" you talk about was exactly what your party was carrying on, shutting out a good Louisiana appointee just a few years back. It's hard to blame the Democrats now in taking the position that "what's good for the goose is good for the gander."

The public consensus nationally seems to favor keeping the filibuster. But it's a tough call for Landrieu in representing Louisiana. The President strongly carried the state, and any vote to keep the filibuster will be considered by many to be strictly a delay tactic with a partisan slant based on party lines. There's little knowledge nor sentiment in support of the fact that the Democrats are carrying on the same stalling tactics used by the Republicans throughout the 1990s.

Once a decision on the filibuster has been made, the next issue facing "tightrope walking" senators like Landrieu is what position to take on the first name out of the box. Judge Priscilla Owens who sits on the Texas Supreme Court has had her appointment languishing in the Judiciary Committee for the past several years. One of the biggest knocks on her is that the present Attorney General, Alberto Gonzales, did not speak kindly of her when they served together on the Texas High Court. Gonzales raised questions about Owens' willingness to enforce the law when it does not match her ideology. His exact words on her narrow reading of the law was that she practiced "an unconscionable act of judicial activism." Pretty heavy words from her colleague on the court, and the present guy that runs the nation's law enforcement activities.

In addition, Owens has also been accused by a cross section of opponents of being too cozy with insurance companies, and taking large campaign contributions from corporations and lawyers that she later considered when cases were brought before her. All in all, a hard pick to sell.

Landrieu, again, is receiving major pressure from Louisiana conservatives to support the nominee of the White House. As one major Louisiana operative told me, "Sure she is a mediocre judge. But what are you going to do? We would like to get another Louisianan on the 5th Circuit at some point in the future so you just about have to go along, don't you?" Well, don't you Senator? Tough choice to make.

Also in the mix is whether Landrieu will support the nomination of that old "bull in a china shop" we love so much, John Bolton, the President's choice for ambassador to the United Nations. Bolton tried his best to charm Landrieu a few weeks ago in a personal meeting, through there is overwhelming Democratic opposition to his approval. But the Senator, at this time, remains officially "undecided."

Landrieu has left the Democratic fold on several high-profile party line votes. The most recent was to open the coastal plain of the Arctic National Wildlife Refuge to oil

exploration. The only other two senators who joined her in such a vote were guys from Hawaii.

What she has to weigh is just what she gains “going along” too much with the administration. The Bush team did all they could to try to beat her in the last election. There’s no reason to think the Republican Party will take any other position when it comes to the 2008 election.

And these guys play hardball. One of my good friends over the years has been Max Cleland, the former Georgia U.S. senator. Max and I worked together when we both were elected as Secretaries of State. He lost both legs and an arm in Vietnam, and sacrificed about all you could for your country outside of giving up his life. That had little sway when election time came around. The National Republican Campaign Committee took an obscure vote on a minor procedural matter, and made Max out to be almost a traitor to his country. You give both arms and a leg to your country, and they still stick it to you. Some honor amongst thieves. Our Louisiana Senator can assume the same type of treatment when election time rolls around.

Landrieu’s decision becomes all the more complicated and dangerous if she only looks to the right and deals with those obstacles set up by the White House and the Republican Party. She has left the Democratic fold on several key votes, and if she doesn’t “hang in there” on the filibuster, major grumbling is going to develop within her own ranks. Just look at the most recent Louisiana Senate race. The Chris John campaign felt they were a cinch for a run-off spot with David Vitter. But Rep. Arthur Morrell effectively built a strong base with the African-American community, and undermined any momentum towards the end of the campaign that John hoped to build up. A more popular Democrat could cause some real problems for Landrieu, assuring the major Republican (Congressman Bobby Jindal?) a certain run-off spot that would give a great boost to the challenger when the second election came around.

So what’s she gonna do? My bet is that she will support Bolton for U.N. ambassador despite strong opposition from most of the rest of the Senate. He’s a throwaway. No one is going to remember several years down the road who did or did not vote for U.N. ambassador. In the scheme of things, it’s not that big a deal.

But when it comes time for cutting off debate and no longer allowing filibusters, I think she will hold the line. Landrieu doesn’t have a lot of margin to work with. And if she’s not careful, a candidate on the left could present almost as big an obstacle as a certain major law-funded Republican opponent.

So hang in there, Mary. Are you having fun yet?

Now let me get this straight. Up until a few days ago, the state budget was hanging by a thread, with hopes of keeping various agencies afloat through the fiscal year. Then things were really supposed to get rough come July (the beginning of the new fiscal year). But all of a sudden, out of nowhere, the sun burst out like a meteor, and the state picks up an additional (get this) \$360 million.

As I've been traveling throughout the state in recent months, speaking to civic club as part of a book tour, the question is always asked why isn't there new money? Gasoline prices are at an all-time high. Louisiana is the second largest state producer of oil and gas. So where is the money? Well, it apparently has been coming in all along.

There is a Revenue Estimating Conference that apparently has not met since December. That's right, this group is supposed to keep a close eye on what dollars are actually available, meet only a couple of times a year. In the private sector, businesses couldn't survive if they were only able to project their income two or three times a year. There's got to be a better way to run this ship and state. To go from no money and a desperate financial situation to hundreds of millions of dollars based on the whim of a couple of economists seems to be a bit outdated in 2005. Hey, who knows? Maybe there's another \$300 to \$400 million lying around somewhere. .

And is all this perception? Was the Bard right when he said, "A thing is neither wrong nor right but thinking makes it so."?

So stay tuned.

"I often quote myself; it adds spice to my conversation."

- George Bernard Shaw

"I hate quotations. Tell me what you know."

- Ralph Waldo Emerson

Peace and Justice.

Jim Brown

Jim Brown's weekly column appears each Thursday here at Politicsla.com, and in a number of newspapers throughout the State of Louisiana. You can read Jim's Blog, and

take his weekly poll, plus ready his columns going back to the fall of 2002 by going to his own website at <http://www.jimbrownla.com>.

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