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## Top Republican to grill court nominee rejected for judgeship in '80s

By DAVID LIGHTMAN  
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Sen. Jeff Sessions is one hard-nosed Republican, and now he's going to be his party's chief spokesman grilling President Barack Obama's first Supreme Court justice nominee.

Senate Republicans picked the 62-year-old Alabama senator Tuesday as the top Republican member of the Senate Judiciary Committee, which is expected to hold hearings this summer on Obama's choice to replace retiring Justice David Souter. Obama hasn't yet selected a nominee.

Sessions' ascension is "a delicious irony," said Roger Pilon, the director of the Center for Constitutional Studies at Cato Institute, a libertarian research group.

That's because 23 years ago, the same committee rejected Sessions' nomination for a federal judgeship, a rare rebuff by the Republican-controlled Senate to the five-year-old Reagan administration, and only the second time in 48 years that the committee hadn't sent a nominee's name to the full Senate for an up-or-down floor vote.

Opponents were livid about Sessions' civil rights record. Sen. Howard Metzenbaum, D-Ohio, called Sessions "hostile to civil rights organizations and their causes."

Among those who voted against him was Pennsylvania Sen. Arlen Specter, whom Sessions now will replace as the committee's top Republican. Specter, who switched to the Democratic Party last week, said Tuesday that he'd erred in opposing Sessions.

"I don't agree with all my votes," he said. "My vote against Senator Sessions for a federal judgeship was a mistake. I have found he is an egalitarian."

Sessions smiled Tuesday when he was asked whether he felt vindicated.

"We're well past that," he said.

He said his views had been misrepresented and that, if anything, his experience gave him a better understanding of what nominees faced.

"I have a lot of empathy for the poor slob sitting down there," he said. "I know how a nominee can be unfairly abused, and not have a good opportunity to rebut."

In addition, he said, he's "absolutely been a firm supporter of equal rights for every American. I always have been and always will be."

Sessions was the U.S. attorney for Alabama from 1981 to 1993 and he became the state's attorney general in 1995. In 1996, he was elected to succeed Sen. Howell Heflin, a Democrat whose opposition had been crucial in derailing Sessions' judgeship in the Senate.

He's risen quietly in the Republican Party ever since, becoming a favorite of staunch conservatives, a reliable vote against gun control, abortion and other favorite causes. He was one of the few senators who backed former Vice President Dick Cheney's effort to allow U.S. intelligence officials to use brutal interrogation techniques on terrorism suspects.

"He's fairly doctrinaire," said Mitchell Brown, an assistant professor of political science at Alabama's Auburn University. "He's in lockstep with the party."

He's also proved to be popular among his fellow senators - he's known as approachable and unpretentious - and with voters back home. "He's regarded as a fairly strong advocate for the state," Brown said. In 2003, for instance, Sessions got a provision inserted into the Medicare prescription-drug bill to help rural hospitals, which meant hundreds of millions of dollars for his state.

During the coming hearings on the Supreme Court nomination, Sessions is expected to set a different tone from his two immediate Republican predecessors, Specter and Utah's Orrin Hatch. Specter, Pilon said, was "too focused on narrow legal issues," while Hatch sometimes annoyed Republicans because they thought he was too accommodating to Democrats.

Obama, in fact, called Hatch and Specter earlier this week to discuss the pending Supreme Court nomination.

Hatch, who's voted on every sitting Supreme Court justice but one, said that he wanted to be cooperative. He recalled that President Bill Clinton's two selections - Ruth Bader Ginsburg and Stephen Breyer - got overwhelming support from Republicans. The Senate confirmed Ginsburg by a vote of 96-3 and Breyer by 87-9. Once the senators were convinced that the nominees were qualified, Hatch said, they put aside ideological differences.

"Republicans have that reputation," he said.

Sessions doesn't necessarily have that reputation, but on Tuesday he downplayed the impact of his role, saying: "I just have one vote. I am not the spokesman for the Republican Party."

He said his chief criterion in judging a nominee would be adherence to the rule of law. Too often, he said, "judges tend to use personal politics to make decisions."

At the moment, Democratic-leaning interest groups are being cautious in evaluating Sessions. The American Civil Liberties Union and the NAACP's Washington offices wouldn't comment on him.

"I don't know what that (his past record) will mean. He's been a senator now for a long time," said Marge Baker, an executive vice president of People For the American Way, which supports liberal causes.

What they do expect from Sessions is a more vigorous fight than they may have otherwise expected.

"Sessions is certainly a judicial conservative," said Thomas Keck, an expert on constitutional law and politics at Syracuse University. "The Judiciary Committee has long been polarized - more so even

than the rest of Congress - and this move by the GOP certainly continues in that vein."

ON THE WEB

Sessions' Web site: <http://sessions.senate.gov/public/>

Congressional Quarterly profile of Sessions: <http://tinyurl.com/crpx69>

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