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INSIDE POLITICS

Senate moves closer to vote on judicial nominee

Bipartisan group reaches compromise on Senate filibusters

WASHINGTON (CNN) -- With a bipartisan agreement reached on filibusters, the Senate voted Tuesday to end debate on the long-delayed nomination of Judge Priscilla Owen and move one important step closer to her confirmation.

The Senate voted 81-18 for cloture on Owen, candidate for the 5th Circuit Court of Appeals in New Orleans, Louisiana.

In parliamentary procedure, cloture is a motion or process aimed at ending debate quickly.

Opponents would have needed 41 votes to continue their filibuster.

A confirmation vote on Owen may come Tuesday.

Under the compromise reached Monday evening by seven Democratic and seven Republican senators, votes on Owen and two other nominees for appellate courts stalled by filibusters will go forward.

Two of President Bush's other nominees will remain subject to filibuster.

Bush, in Rochester, New York, for one of his Social Security events, said that he was "pleased that the Senate is moving forward on my judicial nominees who were previously being blocked."

"They've been waiting years for an up-or-down vote, and now they'll get one," he said. "It's about time. We're making some progress."

A leading member of the group of centrist senators said Tuesday morning that lawmakers were "within hours, within minutes" of a historic showdown.

"We were trying to pull the Senate back from going over a precipice," Sen. John McCain, R-Arizona, said. "We wanted to preserve the rights of the minority. ... It was a bipartisan effort."

McCain rejected criticism from what he called the "extreme right, extreme left" and said the Senate could now move forward with other issues important to the public, like the economy and war on terror.

Sen. Ben Nelson, D-Nebraska, said Tuesday the American people were the winners.

"The Senate will continue to function and there won't be a meltdown, so I think that's where the real victory is," he said. "This is a victory for bipartisanship, so those people who are challenging this on some partisan basis are missing the point."

He said it was important that the filibuster -- a form of extended debate that has been part of Senate rules since the early 19th century -- was preserved and that most judges would get an up-or-down vote by the full Senate.

"Only those [nominees] that are subject to extraordinary circumstances are unlikely to get a vote," he said.

Democrats had used threats of filibuster to block 10 of Bush's 218 first-term judicial nominees. The president re-nominated seven of them this year, including Owen, a Texas Supreme Court justice. Five of those nominations are pending in the Senate.

Democrats had blocked her nomination from coming to a vote four times.

Supporters call her a no-nonsense, consistent conservative with long experience as a state judge. Opponents say she is an extreme conservative who favored Texas corporations over working families and opposed abortion rights.

She was Bush's choice in 2001 to replace William L. Garwood, who retired from the appellate court eight years ago.

Dramatic showdown averted

The filibuster crisis had prompted bitter debate over partisan power that could have changed the rules, and perhaps the character, of the Senate.

The group of 14 senators represent a bloc that is large enough to derail both Democratic filibusters of judicial nominees and any GOP attempt to employ the so-called "nuclear option" to change Senate rules through procedural maneuvers to prevent the tactic from being used.

The deal came a day before Senate Majority Leader Bill Frist was expected to invoke the option to preclude a Democratic filibuster on Owen's nomination.

Under the deal, the senators will allow three of Bush's controversial nominees to come to a vote: Owen, Janice Rogers Brown and William Pryor.

The group made no commitment to vote for or against a filibuster on two nominees, William Myers and Henry Saad.

Senate Minority Leader Harry Reid welcomed the deal and indicated Monday night that Democrats would continue to filibuster Myers and Saad, likely dooming their nominations.

"This is really good news for every American," the Nevada Democrat told reporters. "Checks and balances have been protected."

Frist was less enthusiastic, saying the agreement "falls short" of the principle that all judicial nominees should receive a vote on the Senate floor.

But he said he was "very pleased" the nominations of three Bush appointees will finally come to a vote.

"It has some good news, and it has some disappointing news, and it will require careful monitoring," Frist said.

Democratic Party Chairman Howard Dean said Tuesday the true test of the agreement wouldn't be seen for a while.

"I would be hesitant to say it's a win for the Democratic Party," he told The Associated Press. "That won't become clear," he added, until "we find out if the president consults with the Democrats" on future judicial nominees.

Sen. George Allen, R-Virginia, was also upset by the compromise.

"Overall this is a major disappointment on principle," a statement on his Web site said. "It's a good victory for three of the president's nominees, who the Democrats have vilified. They will get the vote they deserve."

"But this is not a great deal for two nominees who have been accorded a nice wake having been thrown overboard at sea."

The nominees under consideration have been tapped for federal appellate courts. But Supreme Court nominations, including the chief justice post, are likely at stake down the road.



In a March 2003 photo, Judge Priscilla Owen testifies before a Senate panel considering her nomination to the 5th Circuit Court of Appeals.

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THE GROUP OF 14 Democrats
Robert Byrd (West Virginia)
Daniel Inouye (Hawaii)
Mary Landrieu (Louisiana)
Joseph Lieberman (Connecticut)
Ben Nelson (Nebraska)
Mark Pryor (Arkansas)
Ken Salazar (Colorado)
Republicans
Lincoln Chafee (Rhode Island)
Susan Collins (Maine)
Mike DeWine (Ohio)
Lindsey Graham (South Carolina)
John McCain (Arizona)
John Warner (Virginia)
Olympia Snowe (Maine)

DEAL SUMMARY
With enough votes to swing the Senate, the group of 14 pledged that filibusters would be used against judicial nominees only "under extraordinary circumstances" by the Democratic minority.

In turn, the group avoided the "nuclear option," under which the Republican majority would have used a procedural vote to change Senate rules to eliminate filibusters on judicial nominees.

Specifically, the group pledged to vote for cloture -- an end to debate -- for three judicial nominees:

- Priscilla Owen**, for a seat on the 5th U.S. Circuit Court of Appeals, based in New Orleans, Louisiana.
- Janice Rogers Brown**, for the U.S. Circuit Court for the District of Columbia.
- William Pryor Jr.**, for the 11th U.S. Circuit Court, based in Atlanta, Georgia.

The group made no commitment to vote for or against cloture on two nominees:

- William Myers**, for the 9th U.S. Circuit Court, based in San Francisco, California.
- Henry Saad**, for the 6th U.S. Circuit Court, based in Cincinnati, Ohio.

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