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Herald Tribune

Jun 11, 2003  
Democrats grill Pryor in confirmation hearing

Democratic senators praised the candor but blasted the ideology of Alabama Attorney General Bill Pryor Wednesday, questioning whether his conservative views would spill into his legal rulings should he be confirmed as a federal appeals judge.

Pryor's day in front of the Senate's Judiciary Committee went largely as expected, with Republicans defending his record as Alabama's top lawyer and Democrats attacking him for controversial statements and writings about abortion, gay rights, federalism and other topics.

It's assumed the Republican-controlled panel will approve his appointment to Atlanta's 11th U.S. Circuit Court of Appeals, but some Democrats have hinted they might try to filibuster the nomination on the floor - a technique they're already using to halt two of President Bush's choices.

"In reviewing the record of the nominee before us here today, I'm disappointed to say he looks more like the nine nominees I personally have voted against than the 119 I have voted for," said Charles Schumer, D-N.Y. "His views are an unfortunate stitching together of the worst parts of the most troubling judges we've seen thus far."

But even Pryor's most outspoken critics acknowledged during the confirmation hearing that he was forthcoming with his answers, seldom backing away from past statements that appeared controversial under scrutiny.

When Schumer asked Pryor whether he stands by an earlier comment calling the Roe vs. Wade decision that legalized abortion the "worst abomination in the history of constitutional law," Pryor said he still believes that.

Under questioning from Sen. Dianne Feinstein, D-Calif., Pryor reiterated his views that at least part of the Voting Rights Act, which required many Southern states like Alabama to get their redistricting plans approved by a court, had become outdated.

"I believed it has outlived its usefulness," Pryor said of the act. "I have nevertheless as attorney general actively enforced that law."

He also acknowledged frequent past criticism of Supreme Court Justice David Souter, who was appointed by the first President Bush, a Republican, but became one of the more liberal justices on the high court. Pryor explained that when he once ended a speech with a prayer for "no more Souters," he did so because Souter's rulings often clash with Alabama law - not because of ideology that disappointed many Republicans.

"I am an active, engaged attorney general," Pryor said. "I criticize rulings of the Supreme Court. I praise rulings. I share those views and my values with the people of Alabama who elected me. I think that's part of our role as lawyers and advocates in the legal system."

To underscore Pryor's point, Judiciary Chairman Orrin Hatch asked the nominee whether he would vigorously follow *Roe vs. Wade* as current law, even though he opposes it.

"You can take it to the bank, Mr. Chairman," Pryor said.

Pryor also was grilled on his position on gay rights. In February, he filed a brief with the Supreme Court in a Texas sodomy case comparing homosexual acts to "prostitution, adultery, necrophilia, bestiality, possession of child pornography and even incest and pedophilia."

He explained that Justice Byron White used similar language in a 1986 Supreme Court case in which the court ruled 5-4 that Georgia's criminal penalties against homosexual sodomy were constitutional.

But Sen. Russ Feingold, D-Wisc., suggested Pryor's position on gays is deeper than one brief. He asked about a rumor that Pryor and his family rescheduled a trip to Disney World to avoid "Gay Day," and Pryor acknowledged it was true.

"My wife and I have two daughters who at the time were six and four years old," Pryor said. "We made a value judgment."

Democrats spent all morning and much of the afternoon picking apart Pryor's record and public speeches, but Republicans were equally aggressive in their defense of him. Alabama Sens. Richard Shelby and Jeff Sessions, along with Rep. Jo Bonner - all Republicans from his home state - gave him a glowing endorsement during introductions.

"The caricature the attack groups have created of Bill Pryor is just not true," said Sessions, formerly Pryor's boss when he served as the state's attorney general. "He is a breath of fresh air."

Sen. John Cornyn, R-Texas, predicted Pryor's advocacy days would be

behind him as soon as he took his seat on the bench.

"I believe when you put your hand on the Bible, you will hang up your boxing gloves and instruments as an advocate," Cornyn said.

Pryor was first appointed as Alabama's attorney general in January 1997 when Sessions, his predecessor, was elected to the Senate. He graduated from Tulane Law School and was a law clerk for U.S. Circuit Court Judge John Minor Wisdom. He has experience in private practice in Birmingham and in 1995 was hired as Sessions' deputy attorney general in charge of special civil and constitutional litigation.

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