

March 16, 2005

Re: Opposition to Myers Who Could Harm Indian Way of Life

Dear Senator,

As representatives of diverse faith/belief groups, we write to oppose the confirmation of William G. Myers III, as Judge for the Ninth Circuit Courts of Appeals. We express our solidarity with Native Americans who adamantly oppose his nomination. They are particularly troubled because the Ninth Circuit hears many of the cases involving American Indian rights and there are over 100 tribes in the region. It is highly unusual for the National Congress of American Indians (NCAI) to oppose a judicial appointment. It is rare for NCAI to turn to the religious-ethical community asking for our assistance on such a matter and signals how deeply tribes believe that this nominee will not consult with them, be fair to them, or protect their sacred sites and free exercise of religion; yet, his would be a lifetime position.

In the private sector, the nominee represented corporations with mining and grazing interests. As Interior solicitor, he oversaw the same businesses. To quote Congressional Quarterly Today (2/28/05), "Critics say he unduly favored those interests while in his government post." Moreover, tribal leaders say they were ignored about action that imperiled sacred places of the Quechan Indian Nation, even though consultation is required by executive order and is a fundamental underpinning of tribal government-to-U.S. government relations. The nominee reversed an opinion of his predecessor protecting the Quechan Indian Pass from contamination by the proposed Glamis Imperial Gold Mine which uses cyanide extraction and also reversed final agency action on the Medicine Lake Highlands geothermal project affecting Northern California Tribes.

The American Bar Association rated William Myers as "qualified" but not "well qualified," in part because he lacks judicial and litigation experience. This rating came from a substantial majority; however, a minority rated him as "not qualified." While we understand presidential prerogatives, we believe this nominee's low ABA rating, his questionable performance as a federal official, and the deep opposition from the Indian and environmental communities should have cautioned President Bush against re-nominating this individual. Senator Salazar of Colorado has asked the president to withdraw the resubmitted nominees. We urge you to vote against William G. Myers, III. For more information, call Pat Powers at FCNL (202) 547-6000, ext. 116.

Sincerely,

Ed Nakawatase, Native American Program, *American Friends Service Committee*

Tony Hileman, Executive Director, *American Humanist Association*

Pat Clark, Executive Director, *Fellowship of Reconciliation*

Joe Volk, Executive Secretary, *Friends Committee on National Legislation*

Rob Keithan, Director, Washington Office, *Unitarian Universalist Association of Congregations*

Rev. Ron Stief, Justice & Witness Ministries, *United Church of Christ*