

# Albany Democrat-Herald

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## **This is a poor nominee for judge**

Your March 21 editorial ("Judges' issue is worth a big fight") claims that Ninth Circuit Court of Appeals nominee William Myers "happens to be right" in stating that federal wetlands protections are unconstitutional. Your readers should know, however, that the Supreme Court unanimously rejected this argument 20 years ago.

Myers was not blocked because he was a lobbyist for the beef and mining industries but because of his unfair actions after he became the Interior Department's top lawyer. There, he continued to favor industry at the expense of his responsibilities to enforce the laws that protect taxpayers, tribal rights and the environment.

Myers' positions were rejected by the Department and by federal and state courts, and account for the fact that he is the only judicial nominee ever opposed by the non-partisan National Wildlife Federation and National Congress of American Indians, which represents over 250 tribal governments.

The Senate has confirmed over 200 of President Bush's nominees, including four to the Ninth Circuit. Myers' record is a prime example of why the Senate should reject the "nuclear option," which would violate the Senate's own rules in order to ban the ability to filibuster any judicial nominee, no matter how unfair or unqualified.

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