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**Democrats dislike nominee's enviro record.** (News)(Column)

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Senate Democrats blocked a confirmation vote for a Bush-administration judicial nominee, accusing the former Interior Department official of being anti-environmental.

Republicans, meanwhile, defended the nomination of William Myers for the San Francisco-based 9th U.S. Circuit Court of Appeals and criticized Democrats for "obstructionist filibuster tactics" and courting the favor of environmentalists during an election year.

Senate Republicans needed 60 votes to end a procedural hurdle that blocked a straight up or down vote on Myers nomination - but the final vote was 53-44.

"For 22 years, Mr. Myers has been an outspoken antagonist of long-established environmental protections, usually wearing the hat of a paid lobbyist for industry," said Patrick Leahy, D-Vt., ranking member of the Senate Judiciary Committee and an opponent of Myers' nomination.

Leahy criticized Myers' record as a top Interior Department attorney, saying, "Mr. Myers disregarded the law in order to make it easier for companies to mine on public lands - a position consistent with his prior role lobbying for mining interests while he was in private practice."

The Vermont Democrat also criticized Myers for submitting a friend of the court brief in the case of the Solid Waste Agency of Northern Cook County vs. the U.S. Army Corps of Engineers. In that brief, Myers argued the Commerce Clause of the U.S. Constitution didn't give the Corps jurisdiction over isolated, intrastate waters on the basis of their being a migratory bird habitat.

Myers also previously worked as a lawyer and lobbyist for the mining, timber and beef industries.

**Environmental groups including Earthjustice and the Sierra Club applauded the Senate for blocking the confirmation vote. "Fortunately, a sufficient number of Senators saw through the Bush administration's attempt to turn an anti-environmental activist into a lifetime federal judge," said Buck Parker, executive director of Earthjustice.**

"Myers' avowed hostility toward environmental protections make him unfit to serve on the 9th Circuit Court of Appeals, a court that handles an exceptionally large number of environmental cases," said David Bookbinder, Sierra Club's Washington legal director.

Sen. Orrin Hatch, R-Utah, chairman of the Senate Judiciary Committee, called the Democrats' tactics "a stealth filibuster" and said extreme environmental groups had distorted Myers' record and unfairly attacked him.

"While this nomination has been hijacked by another unparalleled filibuster ... it should have been about the qualifications of Bill Myers to be a 9th Circuit judge," Hatch said.

Myers' nomination had received wide and bipartisan support from many individuals and groups, Hatch said.

President Bush issued a statement praising his nominee's career as a public servant and attorney and said opponents had denied him a simple up or down vote on his nomination.

"I continue to call on the minority in the Senate to stop playing politics with the American judicial system and give judicial nominees the fair treatment they deserve and the American people expect," Bush said.

Myers would be an asset to the 9th Circuit Appeals Court and fill a vacancy on a court that is overworked, Bush said.

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