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Editorial

Idaho loses fine state judge, gains fine U.S. judge

Finally, President Bush reversed himself on nominations to federal judicial seats in Idaho and converted a lose-lose situation into one that promises to please everyone. The switch that appears certain to seat Idaho's 6th District Judge Randy Smith of Pocatello on the 9th Circuit U.S. Court of Appeals should serve as a model for Bush's future judicial nominations.

No small amount of the credit for the president's backing off his attempt to give Smith to a seat California believes belongs to it goes to Idaho's two U.S. senators, Republicans Larry Craig and Mike Crapo. The best witness to that is none other than Patrick Leahy, the Vermont Democrat who now heads the Senate Judiciary Committee.

"I had urged President Bush to make this decision last year when he insisted on resubmitting Mr. Smith for the California seat on the court despite Mr. Smith's Idaho residency," Leahy said in a prepared statement. "I had also discussed this more recently with Idaho Sens. Larry Craig and Mike Crapo, who were exceedingly helpful in achieving this common-sense solution."

Craig and Crapo were in a much better position than Leahy to make this happen. Both are not only members of the president's party, but both have helped him achieve most of his agenda, for better or for worse.

That has included supporting some awful nominations, including those whose names Bush withdrew recently. Smith, however, is one of those rare nominees who draws little opposition. **And one of the best witnesses to that is Glenn Sugameli, senior legislative counsel for Earthjustice, an environmentalist public interest law firm.**

Earthjustice actively opposed the Idahoan Bush first nominated to the seat for which Smith is now the nominee, William Myers.

"President Bush's actions regarding the William Myers and Randy Smith 9th Circuit nominations were a belated recognition of reality," Sugameli said in a statement to the Lewiston Tribune. "Myers was not confirmable because of bipartisan Senate

opposition based on his extreme anti-environmental record as Interior solicitor, and Smith was blocked because of senators' concerns that he was from Idaho but had been nominated to a California seat."

Sugameli joined Leahy in urging Bush to use this case as a precedent for future nominations. Other states should be so lucky as to see the president and the Senate agree on nominees like Randy Smith. - J.F.