

Myers draws heavy fire at hearing

By TED MONOSON

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WASHINGTON -- Presidential candidate and Massachusetts Democratic Sen. John Kerry on Thursday called on President Bush to withdraw William Myers' nomination to the Ninth Circuit Court of Appeals.

Kerry's request upped the ante on what had been a controversial, but parochial battle over the nomination of the former cattle industry lawyer and aide to retired Wyoming Republican Sen. Alan Simpson.

The interjection of presidential politics coincided with a Thursday congressional hearing where Myers faced a barrage of questions from Kerry's fellow Democratic senators about his positions on environmental policy.

Myers must win the support of both the Senate Judiciary Committee and the overall Senate to be confirmed to the lifetime position on the Ninth Circuit. Kerry's decision to draw Myers into the heated election year politics may make it difficult for Myers to win confirmation.

"He is the leading candidate for the Democratic nomination," Earthjustice senior legislative council Glenn Sugameli said. "Democratic senators will not automatically fall in line, but they will be careful about taking a position that undercuts him."

National Cattlemen's Beef Association lobbyist Chandler Keys was frustrated to hear that Kerry had entered the fray. Myers was formerly the attorney for the association and has its strong support.

"Clearly the environmental community has targeted Bill and now they have upped the stakes by getting a presidential candidate to oppose his nomination," Keys said.

At the hearing, the most senior Democrat on the Senate Judiciary Committee, Sen. Patrick Leahy of Vermont, noted that Myers had once compared the government's management of public lands to "King George's tyrannical view over the American colonies."

"I love our country and to have it compared to King George causes me to have some hesitation about your nomination," Leahy said.

The Vermont Democrat called on Myers to cite a law that led him to compare the federal government to the British king against whom colonists rebelled. Myers was recently the top Bush administration Interior Department lawyer.

"There must be something if you are going to compare our federal government to a tyrant," Leahy said.

Myers declined to cite any specific law that led him to draw the analogy between federal management of public lands and King George. He explained that at the time he was representing the National Cattlemen's Beef Association, who opposed grazing regulations that President Clinton's Interior Secretary Bruce Babbitt had issued.

When pressed by Leahy to cite a statute, the Idaho resident responded, that he was referring to the "Babbitt grazing regulations."

In 1995, Babbitt issued new grazing regulations aimed at increasing public involvement in the process of issuing grazing permits. Bush administration Interior Secretary Gale Norton has proposed rolling back those rules. On Thursday, the Bureau of Land Management held a hearing in a Washington, D.C., hotel to receive public input on Norton's proposal. Similar hearings have been held in several Western cities, including Cheyenne and Billings.

Kerry, who has been stumping on the idea that the Bush administration caters to wealthy private interests, painted Myers with that brush.

"As a lobbyist for grazing and mining companies and solicitor in Gale Norton's Interior Department, Myers has devoted his career to favoring corporate special interests seeking to exploit public lands and sacred sites over the interests of ordinary Americans who want to preserve and protect our national heritage and great wild places," said a press release issued by Kerry's campaign.

When asked at the hearing about his position on environmental laws, Myers said that as a member of the Ninth Circuit Court he would use the law and not his opinions when ruling on cases.

"That is what all the nominees say," Sen. Richard Durbin, D-Ill., said. "All we can go on is what you said or wrote."

When Durbin asked Myers, "Are you in the mainstream on environmental thinking?" the 47-year-old Myers paused before answering.

"Yes, senator," Myers responded. "The only reason I pause is my statements have been on behalf of clients. These clients are in the mainstream, for the most part."

Cattlemen lobbyist Keys said that Myers' opponents were creating a situation in which no judicial nominee could be confirmed if they had ever represented a client. Other judges have been involved on controversial cases before being nominated to the bench. For example, Thurgood Marshall represented black students seeking to integrate all white schools before being nominated to the Supreme Court.

The intensity of the questioning was marked by a few light moments. Sen. Edward Kennedy, D-Mass, who has been campaigning for Kerry, proceeded his sharp questions by poking fun at his former colleague Simpson.

"Mr. Myers, we are going to try to get over the fact that you worked for Alan Simpson," Kennedy said. "We understand that is a burden."

Those who laughed at Kennedy's statement also giggled when flipping through Myers biography that was distributed by congressional aides. The rail thin Myers had worked as a Santa Claus in a May department store in Denver the winter of 1978, according to the biography.