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## Frist Sets Stage For Next Big Debate Over Judicial Nominee

By John Stanton

A coalition Senate Majority Leader Frist today filed for cloture on President Bush's controversial nomination of former Interior Department Solicitor General William Myers to the 9th U.S. Circuit Court of Appeals, assuring the chamber will start next week on a partisan note. Myers worked as Interior's solicitor general from 2001-2003 before rejoining the Boise, Idaho, law firm of Holland and Hart. Myers has previously worked for the Public Lands Council and the National Cattlemen's Beef Association, both livestock trade associations. The Senate will debate the nomination Monday, with the cloture motion ripening for a vote Tuesday.

About 180 environmental, civil rights and labor organizations -- including the Sierra Club, AFL-CIO, the National Association of the Deaf and the NAACP -- have come out in opposition to Myers, who has long had a contentious relationship with environmentalists. Myers also is strongly opposed by Native American organizations for several decisions he made while at Interior. The American Bar Association's judicial nomination review panel this year gave Myers a "qualified/not qualified" rating, meaning the panel was split on his fitness to become a federal judge.

Judiciary Chairman Hatch has strongly defended Myers' nomination, charging that environmentalists have launched a smear campaign against him because he does not agree with them philosophically. At the April 1

committee vote on his nomination, Hatch rejected these attacks, arguing that Myers "has been unfairly criticized for daring to represent farmers, ranchers, and miners while in private practice -- as if ranchers and those who make economic uses of Western lands are less entitled to representation than the liberal environmental groups that attempt to dictate Western land policy." Myers' nomination was approved on a party-line vote. "Myers is a highly qualified individual who would bring balance to the 9th District," a spokesman for Frist said.

Activists complain that Myers has demonstrated an outright hostility to Native American religious concerns and environmental laws -- which he has reportedly likened to British colonial laws requiring American colonists to "quarter" British soldiers. While at Interior, Myers pushed the department to support a land swap bill in the House that would have transferred federal lands outside of Sacramento to a private company. But in March, Interior pulled its support following news reports that Myers had represented the company before becoming solicitor general and had been active in their efforts to obtain the land covered by the bill. "Mr. Myers sees nothing wrong with using his public office to advance his private agenda, which matches that of the mining and beef industries who employed him for most of his adult life," charged EarthJustice Legal Defense Fund Executive Director Buck Parker.