

CQ Congressional Green Sheets

April 2, 2004

Senate committee approves court nominee on party-line vote By Betty Mills

GREENSHEETS EXPRESS

The Senate Judiciary Committee voted 10-9 along party lines Thursday to approve the nomination of William Myers to a seat on the U.S. Court of Appeals for the 9th Circuit.

The nomination faces an uncertain fate in the full Senate, where opponents have threatened a filibuster. In addition, Senate Minority Leader Tom Daschle (D-S.D.) has pledged to block all judicial nominations until the Bush administration agrees that it will not make recess appointments of judges.

Environmental groups have banded together to oppose Myers, the former solicitor of the Interior Department, claiming that he is a tool of mining and grazing interests. Myers has worked as a lobbyist for the National Cattlemen's Beef Association and the Public Lands Council.

At the committee's business meeting, Sen. Larry Craig (R-Idaho), said Myers was just the type of judge that the 9th Circuit needed.

"The 9th Circuit Court of Appeals is in desperate need of mainstream judges to bring its extreme judicial philosophy, and its outrageous rulings, into line with the mainstream of American jurisprudence," Craig said.

"Bill Myers' judicial philosophy places him firmly in the mainstream of American jurisprudence," Craig added.

Committee Chairman Orrin Hatch (R-Utah) pointed out that Myers was nominated in May 2003. "He is long overdue for a committee vote and deserves an up-or-down vote on the Senate floor," Hatch said.

Sen. Patrick Leahy (Vt.), the ranking Democrat on the committee, said Myers was neither qualified nor independent, the two criteria he considers when evaluating a judicial nominee.

"If confirmed, Mr. Myers would be an anti-environmental activist on the bench," Leahy said. "He has a consistent record of using whatever position and authority he has had to fight for corporate interests at the expense of the environment and of the interests of the American people in environmental protections."

Earthjustice Executive Director Buck Parker said the vote against Myers by the nine Democratic members "sent a bold message to President Bush: Don't nominate any more anti-environmental ideologues to lifetime seats on our federal courts."

Jim Cox, judicial research counsel for the group, said Earthjustice would begin immediately to lobby swing senators in preparation for a Senate floor fight.

"Myers needs to be opposed and the Senate needs to do whatever it takes to prevent him from sitting on the 9th Circuit Court of Appeals," Cox said.

The appeals court, based in San Francisco, hears cases from nine Western states, including many environmental and public lands lawsuits.

NEWSROOM:

Panel approves Myers for court seat on party-line vote

The Senate Judiciary Committee on Thursday approved on a party-line vote and sent to the full Senate the nomination of **William** Myers III to the 9th Circuit Court of Appeals.

Opponents have threatened a filibuster.

Sen. Patrick Leahy (Vt.), the committee's ranking Democrat, called Myers "an apologist for his old friends in the cattle industry."

Sen. Larry Craig (R-Idaho) said Myers was firmly in the mainstream of U.S. law and that it was the appeals court to which he is nominated, based in San Francisco and viewed as the most liberal, that was extremist.

The New York Times, April 2, 2004

Los Angeles Times, April 2, 2004