

NOMINATIONS: Frist files for cloture vote on Myers nomination

By Alex Kaplun

The Senate will kick off this week with a debate and cloture vote on the nomination of former Interior Department Solicitor William Myers to the 9th U.S. Circuit Court of Appeals.

The Senate will start debate on the nomination when it convenes at 1 p.m. today and a cloture vote is scheduled for Tuesday afternoon. A cloture motion seeks to cut off debate and move the matter to a final vote.

Environmental groups have banded together to try to stop the Myers nomination, arguing that his history of representing mining and grazing interests makes him unqualified to sit on a court that has jurisdiction over much of the public lands in this country. The 9th Circuit Court is the largest court in the country, covering nine Western states including California.

Myers' nomination, which Senate Democrats oppose largely based on environmental issues, passed the Senate Judiciary Committee in April by a 10-9 party-line vote.

"This nomination brings the environment to the frontburner as the Senate ends this summer session," said Senate Judiciary Committee ranking member Patrick Leahy (D-Vt.) on Friday. "William Myers epitomizes the anti-environmental tilt of so many Bush nominees. He should not be confirmed, and my hope is that he will not be confirmed."

Myers left the Interior Department in October 2003 after environmentalists said he violated an ethics agreement by meeting with representatives of the grazing and mining industry, including former clients and employees of his former law firm, Holland & Hart. Myers has since returned to Holland & Hart.

In March, Interior's inspector general and the Office of Government Ethics found that Myers did not violate ethics laws despite attending 27 meetings and events held between August 2001 and December 2002. Despite that finding, environmental groups said the inspector general report details numerous occurrences of questionable conduct, including his attendance at an Oct. 4, 2001, reception hosted by Holland & Hart at Washington's Hay Adams Hotel, where Vice President Dick Cheney swore in Myers as solicitor ([E&E Daily](#), March 29).

Senate Democrats have already successfully blocked the Senate confirmation of six other judges who emerged from committee on a party-line vote, and it appears unlikely the Republican leadership will be able to gather the 60 votes needed to move this nomination to a vote.

Republicans have in the past criticized Senate Democrats for playing the role of "obstructionists" by not allowing the president to appoint qualified judges, and the Myers vote would likely reignite that type of rhetoric on the campaign trail.

"It's being used as an issue to try and motivate the base," said Glenn Sugameli, an attorney for Earthjustice, which opposes the nomination. "It's one that we are confident we'll win; he will not become a judge."

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