

Endangered Species & Wetlands Report

February 2004

Bush gives Pryor recess appointment to 11th Circuit; Myers grilled by senators

By Steve Davies

William H. Pryor Jr., the Alabama attorney general whose nomination to the 11th Circuit Court of Appeals had been blocked by Senate Democrats, was given an appointment to that court Feb. 20 while the Senate was out of session.

Pryor's appointment will expire in one year, after which his nomination will be subject to Senate confirmation.

Many environmental groups are firmly opposed to Pryor's nomination. **"This is another slap in the face of the Constitutional process of judicial selection,"** said Glenn Sugameli, Senior Legislative Counsel for Earthjustice. **"President Bush is using a five-day Senate recess as a fig leaf to ride roughshod over the objections of senators, environmental groups, and many other concerned citizens."**

Bush, on the other hand, accused "a minority of Democratic Senators" of blocking a vote on the nomination. "A bipartisan majority of senators supports his confirmation," Bush said. "If Attorney General Pryor were given a vote on the floor of the Senate, he would be confirmed." Under the rules of the Senate, 60 votes are needed to halt debate.

Meanwhile, Democrats on the Senate Judiciary Committee grilled Bush nominee to the Ninth Circuit William G. Myers, until recently the Interior Department solicitor. Myers, who compared grazing regulations proposed by former Interior Secretary Bruce Babbitt to the tyranny of King George of England, conceded some of his remarks in the past may have been "bombastic." But, he explained, he simply was representing his client, at that time the National Cattlemen's Beef Association, for whom he served as attorney.