

Senate Dems poised to accept new nominee for 9th Circuit seat

President Bush nominated Idaho District Judge Norman Randy Smith for the 9th U.S. Circuit Court of Appeals -- a move that could bring to a close a fight over the court seat that has dragged on for more than three years.

Smith's nomination essentially replaces that of former Interior Solicitor William Myers, who was first nominated in 2003 but withdrew earlier this year. Prior to serving as district judge, Smith worked at a private firm defending corporate clients in several pollution cases. He was also at one point chairman of the Idaho Republican Party.

The White House had already nominated Smith for a different 9th Circuit seat, but his nomination was blocked by a Senate Judiciary Committee Democrat who argued the seat should remain in the hands of a Californian. Democrats say the court slants against California, which accounts for more than 60 percent of the circuit's population but holds only about 50 percent of the court's seats.

Smith is now nominated for an Idaho seat -- the same one that Idahoan Myers would have held had he been confirmed -- and appears likely to receive confirmation.

"This is a welcome and sensible adjustment from the White House," said Senate Judiciary Committee Chairman Pat Leahy (D-Vt.). "By agreeing to nominate Norman Randy Smith to the Idaho seat on the 9th Circuit, President Bush has avoided a needless fight over a judicial nominee."

Smith has also not yet drawn any opposition from environmentalists, who led the charge against Myers and described him as among the most "anti-environmental" nominees ever sent to the Senate.

Bush's action on Smith is the most recent of several moves made by the president in recent weeks that Democrats and some independent groups say may indicate a desire to avoid another fight over judicial nominations.

"President Bush's actions regarding the William Myers and Randy Smith 9th Circuit nominations were a belated recognition of reality," Earthjustice attorney Glenn Sugameli said today.