

Los Angeles Times

Los Angeles, CA

April 04, 2004

By Henry Weinstein

Senate Panel OKs Judicial Nominee Despite Protests; Filibuster Expected

The Senate Judiciary Committee last week narrowly approved the nomination of an Idaho attorney to the San Francisco-based 9th U.S. Circuit Court of Appeals despite vigorous opposition from environmentalists and tribal organizations.

All 10 Republicans on the panel voted in favor of William G. Myers III, a longtime lawyer for the mining and cattle industries, while all nine Democrats voted against him -- setting the stage for a filibuster when the nomination reaches the Senate floor. The timing of that vote has not been set.

In the past three years, the Senate has confirmed more than 170 of President Bush's judicial nominees. In six instances, however, Democratic lawmakers have blocked nominations from coming to a floor vote. In each case that a filibuster was successful, all of the committee Democrats had voted against the nominee.

Myers is the first controversial nominee in recent years to come under attack for his record on environmental rather than social issues.

Part of the reason is that the 9th Circuit has jurisdiction over nine Western states -- Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon and Washington -- and considers more important environmental cases than any other federal appeals court.

Republicans long have been critical of the court for what they say is a liberal bent. For example, they have charged that 9th Circuit judges are overly protective of endangered species.

Nearly every prominent environmental group in the nation, including **Earthjustice**, the Sierra Club and the National Wildlife Federation, opposes the nomination.

Myers' nomination also is opposed by tribal, civil-rights, labor and women's groups.