

Controversial nominee suffers blow Myers criticized by Indian, environmental groups

By Sam Lewin, Native American Times

Native American and other interest groups are applauding the failure of Senate Republicans to force a vote on a controversial nominee to the Ninth Circuit Court of Appeals. William Myers, a former attorney for the Department of Interior and lobbyist for the cattle and mining industries, has emerged as one of President Bush's most embattled nominees.

"William Myers' disregard for federal law affecting Native sacred places shows he is unable to fairly and impartially apply the law. His confirmation would be devastating to all Indian tribes because of the large number of Indian law cases heard by the Ninth Circuit Court of Appeals," said National Congress of American Indians President Tex Hall.

Environmental groups were also strongly opposed to the nomination.

"Senate Republican leaders knew they would not win today's vote," said People For the American Way President Ralph G. Neas. "This vote was about hijacking the time and energies of the U.S. Senate to create another phony talking point for the Bush campaign.

"William Myers is the most anti-environmental judicial nominee that we've ever seen," said Earthjustice senior legislative counsel Glenn Sugameli. "Nearly every public statement he has ever made and every professional action he has ever taken has been for the benefit of the mining and beef industries at the expense of our nation's public lands, clean air and water, and wildlife, and to the detriment of the rights of Native Americans."

Opponents point to Myers' handling of the Glamis Imperial Gold Mine Project in California, a proposed 1,600-acre open-pit gold

mine located in the California Desert Conservation Area. The area includes sacred ancestral lands belonging to the Quechan Indian Nation. Opponents contended that the project would irreparably damage part of the Quechan Tribe's religiously significant Trail of Dreams. During the Clinton Administration, Interior Secretary Bruce Babbitt refused Glamis a permit for the mine. Myers, however, wrote a legal opinion that opened the area to the project. His opponents say the Idaho native met extensively with mining company officials, and not once with tribal representatives.

Myers also supported a company that made kitty litter in their attempts to sue after being rejected a permit to mine open clay pits on 340 acres of federal land neighboring the Reno-Sparks Indian Colony in Nevada. In that case, tribal officials were also worried about damage to ancestral lands.

Myers has his supporters, such as the National Cattlemen's Beef Association. Former Republican Wyoming Sen. Alan K. Simpson said Myers would be an asset to the Ninth Circuit, known as one of the most liberal in the country. The court caused an uproar several years ago when they voted to remove the word "God" from the Pledge of Allegiance.

"He'd be terrific and lord knows they need him," Simpson said. "That is the goofiest court in America."

Other Republicans said that Myers was needed to bring "balance" to the court.

The Ninth Circuit, based in San Francisco, includes Alaska, Arizona, California, Hawaii, Idaho, Montana, Nevada, Oregon, and Washington.