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Article

Committee OKs judicial nominee

WASHINGTON -- An Idaho lawyer nominated to the federal appeals court won narrow approval Thursday from the Senate Judiciary Committee despite fierce opposition from environmentalists, setting up a showdown in the full Senate.

The committee voted 10-9 along party lines in favor of President Bush's nomination of William G. Myers III to the 9th U.S. Circuit Court of Appeals.

Democrats cite Myers' record of opposition to environmental protections while Interior Department solicitor from 2001-2003, and as a private lawyer and lobbyist for cattle and mining interests.

Sen. Dianne Feinstein, D-Calif., said she was disturbed by his "extreme" comments.

-- he once wrote that environmental groups are "mountain biking to the courthouse as never before, bent on stopping human activity wherever it may promote health, safety and welfare."

"He has argued that he was merely the zealous, talking-tough attorney on behalf of his client," Feinstein said. "Nevertheless, these caustic, shoot-from-the-hip arguments from him trouble me because of their reflection on his approach to legal advocacy."

Myers acknowledged during his confirmation hearing of sometimes using a "poor choice of words." He didn't immediately return a message for comment Thursday.

Committee Republicans supported him, saying he is highly qualified, has bipartisan backing and would bring needed balance to the 9th Circuit, viewed as the nation's most liberal.

"I do believe that Bill Myers' judicial philosophy places him firmly in the mainstream of American jurisprudence," said Sen. Larry Craig, R-Idaho.

Myers is opposed by numerous environmental, women's, labor and American Indian groups.

"The Bush administration is attempting to extend its legacy of environmental rollbacks well into the future by giving Myers a lifetime job on the federal courts," said Jim Cox, judicial research counsel for Earthjustice, an environmental group headquartered in Oakland.

The 9th Circuit, based in San Francisco, oversees nine Western states and decides many environmental cases.

The Senate has approved more than 170 of Bush's judicial nominations, but Democrats have used the threat of filibusters to block Bush's appeals court nominations of Mississippi judge Charles Picketing, Alabama Attorney General

William Pryor, Texas Judge Pricilla Owen, Hispanic lawyer Miguel Estrada and California judges Carolyn Kuhl and Janice Rogers Brown.

Estrada withdrew his nomination in September and Bush gave temporary appointments to Picketing and Pryor.

Also Thursday the Judiciary Committee approved on a voice vote the nomination of Federal Magistrate Judge Roger T. Benitez to serve on U.S. District Court in San Diego. Benitez earned bipartisan support despite being rated "not qualified" by the American Bar Association.