



The Senate and American Public Have a Right to Know More About Harriet Miers

President Bush has nominated long-time friend and advisor Harriet Miers to replace departing Justice Sandra Day O'Connor on the Supreme Court. President Bush has had years to get to know Ms. Miers and her views. The American people have not had the same luxury. With a pivotal lifetime appointment to our nation's highest court at stake, we are all entitled to know what the White House knows about Harriet Miers, her views and her judicial philosophy.

White House Utilizing Closed-Door Meetings and Off-the-Record Conversations to Reassure Conservatives. The Senate and the Public Deserve Answers Too.

Rather than pursuing a transparent, public campaign to reassure all Americans about Harriet Miers and her views, the White House has held a series of closed-door meetings and off-the-record conversations to reassure its conservative base that Ms. Miers will advance their agenda on the Supreme Court. Why not have these discussions publicly? The White House has given the public general assurances about Ms. Miers' qualifications. Why isn't it reaching out to all Americans, like it is to conservatives, to make Ms. Miers' views better known and understood? Does the president intend Ms. Miers to be a Supreme Court Justice for his Republican base, or does he intend her to be a Supreme Court Justice for all Americans?

► “Dobson, founder of Colorado Springs-based Focus on the Family, is one of the most prominent religious conservatives to back Miers, citing his trust in President Bush and a confidential briefing he received about her from the White House.”

--Rocky Mountain News, October 6, 2005

► “I do know things that I am not prepared to talk about here.”

--Focus on the Family Founder James Dobson on Fox News, October 4, 2005

► “Richard Land, the Southern Baptist Convention's chief public policy advocate, was stepping into his car Sunday night in Nashville after giving a sermon when his cellphone rang. Tim Goeglein, the president's liaison to religious groups, was calling with a heads-up: A nominee would be announced the next morning.

At 6:45 a.m., Rove called Land with Miers's name and an assurance that she would vindicate Bush's campaign pledge to nominate like-minded conservatives to the bench. Land said he trusted the choice.”

--The Boston Globe, October 5, 2005

► “The administration sent Ed Gillespie, the former Republican Party chairman helping to shepherd Ms. Miers through Senate hearings, to shore up support at a weekly meeting of conservative organizers convened Wednesday by the strategist Grover Norquist.”

--The New York Times, October 6, 2005

▶ “Dr. Dobson acknowledged conversations with Karl Rove, the president's top political adviser, about the selection but declined to disclose their contents. ‘You will have to trust me on this one.’”

--*The New York Times*, October 6, 2005

▶ “While President Bush yesterday led a public campaign to shore up support for Supreme Court nominee Harriet Miers, his top White House aides and Republican National Committee Chairman Ken Mehlman launched a behind-the-scenes barrage of phone calls and e-mail to influential conservatives urging them to overcome their skepticism.”

--*The Washington Post*, October 5, 2005

▶ “At 3:30 pm ET Ken Mehlman, Chairman of the Republican National Committee, along with ‘several national conservative leaders who are strongly supporting’ Miers will be holding a conference call with nation-wide grassroots leaders to discuss the nomination.”

--ABC’s *The Note*, October 6, 2005

President Bush Touts Miers’ Judicial Philosophy— What About Her Judicial Independence?

In an effort to reassure his conservative base about Harriet Miers’ fitness for the Supreme Court, President Bush and other prominent conservatives are touting their knowledge of Ms. Miers’ judicial philosophy. According to them, she is a bona fide conservative. But perhaps the better question is whether Ms. Miers would have the independence that being a judge demands. Will Ms. Miers be more than just a voice for this president, conservatives and their agenda?

▶ “The subtlety of Mr. Bush’s pick was reflected in the disputes that broke out yesterday among conservatives. The major Republican groups that have been promoting judicial conservatives for the past five years praised the choice, while several conservative writers and commentators raised doubts. Conservative icon Rush Limbaugh pressed Vice President Cheney yesterday on why Mr. Bush had not engaged the Democrats with a more controversial pick.”

“You’ll be proud of Harriet's record, Rush,” Mr. Cheney said. “Trust me.”

--*New York Sun*, October 4, 2005

▶ “I’m confident, if you’d worked as closely with Harriet as I have over the last five years, where her heart and her head are.”

--Vice President Dick Cheney as quoted in the *Los Angeles Times*, October 4, 2005

▶ “Jay Sekulow, an evangelical who is chief counsel for the conservative American Center for Law and Justice, said that he knew Miers and that she “typifies the kind of judicial philosophy the president was looking for.” He called her a “great pick” and expressed confidence that conservatives would come around once they learned more about her.”

--*Los Angeles Times*, October 4, 2005

▶ “I know what her judicial philosophy will be, and when they find out what this president knows about Harriet, they are going to be happy as clams.”

--Texas Supreme Court Justice Nathan Hecht in *The Washington Post*, October 4, 2005

▶ “And I've told that to the American people ever since I started running for office. I said: Vote for me, this is the kind of judges I'll put on the bench. There should be no doubt in anybody's mind what I believe the philosophy of a judge. And Harriet Miers shares that philosophy.”
--President Bush, press conference, October 4, 2005

▶ “I know her heart,” Bush told a Rose Garden news conference. “Her philosophy won't change.”
--President Bush, press conference, October 2, 2005

▶ “I know her well enough to be able to say that she's not going to change, that 20 years from now she'll be the same person with the same philosophy that she is today. She'll have more experience, she'll have been a judge, but, nevertheless, her philosophy won't change. And that's important to me...I don't want to put somebody on the bench who is this way today, and changes. That's not what I'm interested in. I'm interested in finding somebody who shares my philosophy today, and will have that same philosophy 20 years from now...That's the way Harriet Miers...is.”
--President Bush, press conference, October 2, 2005

▶ “A lot of my fellow conservatives are concerned, but they don't know her as I do,” said Senator Orrin G. Hatch, Republican of Utah, a conservative former Judiciary Committee chairman. “She's going to basically do what the president thinks she should, and that is be a strict constructionist.”
--*The Boston Globe*, October 5, 2005

▶ “Mehlman said he retorted that Bush's decade-long friendship with Miers set this nomination apart: ‘What's different about this trust-me moment as opposed to the other ones is this president's knowledge of this nominee.’”
--*The Washington Post*, October 6, 2005

▶ “[Miers] knows [Bush's] expectations. She is the kind of person I strongly believe would never put herself in the position to be considered if she wouldn't meet those expectations.”
--Comments of a senior administration official as reported in *The Washington Post*, October 4, 2005

▶ “One speaker in yesterday's conference phone call was Richard D. Land, president of the Ethics and Religious Liberty Commission for the Southern Baptist Convention. He said his fellow Texans Bush and Miers value loyalty and courage above all, adding: ‘If she were to rule in ways that are contrary to the way the president would want her to rule, it would be a deep personal betrayal.’”
--*The Washington Post*, October 7, 2005

▶ “‘It's not her lack of judicial experience by itself but her lack of experience combined with any other public record,’ said Vic Amar, professor at Hastings Law School in San Francisco.”

‘It's wrong to call her a blank slate,’ Amar said. ‘It's more accurate to call her a closed slate. It's not that nobody knows what she thinks, but the public doesn't.’”

--*The San Francisco Chronicle*, October 6, 2005