

Harriet Miers

Contributed by Marjorie Cohn
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Harriet Miers: Bush's Pit Bull

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Op-Ed

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Miers represented a string of large corporations, including Walt Disney Co., Microsoft, Ford, Chrysler, Honda, Citibank and the Bank of America. Like John Roberts, Harriet Miers has no history of protecting the rights of women, minorities, the poor, the disabled or the environment.

Some far-right Christian organizations appear disappointed that Bush didn't tap an ideological judge like Priscilla Owen, Janice Rogers Brown, J. Michael Luttig, or Michael W. McConnell. Public Advocate President Eugene Delgaudio calls Miers's nomination "a betrayal of the conservative, pro-family voters whose support put Bush in the White House in both the 2000 and 2004 elections and who were promised Supreme Court appointments in the mold of Thomas and Scalia."

Miers has never been a judge, so there is no concrete evidence of her judicial philosophy. But when Rush Limbaugh sought reassurance from Dick Cheney that Miers's judicial philosophy parallels that of Scalia or Thomas, Cheney responded, "I'm confident that she has a conservative judicial philosophy that you'd be comfortable with ... And the President has great confidence in her judicial philosophy."

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Justice Nathan Hecht of the Texas Supreme Court testified to Miers's bona fides as an evangelical Christian. He guarantees that Miers personally opposed abortion and attended "pro-life" events with him.

Bush is asking his right-wing religious backers to take it on faith that Miers will fulfill their agenda of further Christianizing America. There are clues that would confirm that faith. When Bush named Miers as White House Counsel to replace newly minted Attorney General Alberto Gonzales, Bush used the fundamentalist buzz word "grace" to describe Miers. She works with Exodus Ministries, which is dedicated to fulfilling released prisoners' "need for intimate knowledge of the saving grace of Jesus Christ." Its website proclaims that "Exodus is a place where ex-offenders learn how faith in Christ is the first step from captivity to freedom."

After the American Bar Association voted to take a pro-choice position, Miers led the charge to have that vote reconsidered by the ABA membership. While we can expect her to tell the Senate Judiciary Committee that she was only concerned with the proper role for the ABA, Miers's enthusiasm for undoing the ABA's pro-choice stance belies such an excuse. "Harriet Miers was the first woman to serve as president of the Texas Bar Association. Yet she opposed a plan that would guarantee the election of a racial or ethnic minority bar president every sixth year."

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Senate Majority leader Bill Frist of Tennessee is delighted with the Miers nomination. He called her "another outstanding nominee," describing her selection as "a nomination we are excited about, we are pleased with." Frist says "she is a woman who understands judicial restraint."

Senate Democratic leader Harry Reid of Nevada is equally ebullient. Evidently relieved that Bush didn't nominate the dreaded Priscilla Owen or Janice Rogers Brown, Reid declared, "I'm very happy we have someone like her."

Harriet Miers is likely to be as circumspect about her views as was John Roberts about his. Indeed, it was Miers who refused to share Roberts' memos from his tenure in the Solicitor General's office with the Senate. Miers will not share her records from her service in the Bush administration either.

Like Roberts, Miers has been a Republican party loyalist. She is being rewarded for her 12-year service to Bush, who plucked her from his inner circle of confidantes. In 1996, Bush called the loyal Miers, who helped Bush hide his National Guard record, "a pit bull in size 6 shoes." Hardly a fitting replacement for the open-minded Sandra Day O'Connor.

When Bush nominated Miers, he proclaimed, "She has devoted her life to the rule of law and the causes of justice." On the contrary, it appears that Miers has devoted her life to the interests of big corporations and George W. Bush.

The senators and the American people will be left to guess at how Miers feels about the issues that affect our lives.

Harriet Miers is not an intellectual giant like John Roberts. The enigmatic Miers must persuade the senators that she is committed to equality under the law. Harriet Miers has a high burden to carry to convince the Senate that she is qualified to sit on the highest court in the land.

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