

COURTS: Bush picks White House counsel Miers for spot on Supreme Court

President Bush this morning nominated White House counsel Harriet Miers as associate justice of the U.S. Supreme Court, sending to the Senate another nominee who is highly regarded in Washington legal circles but whose judicial philosophy is largely unknown.

Miers has been a longtime Bush ally, working for him both in Texas and holding several advisory positions in the White House. She has never been a judge at any level and prior to her recent stint in Washington has held only a handful of public posts.

Miers has held the post of White House counsel, the top legal adviser to the president, for close to a year, taking over for current Attorney General Alberto Gonzales. She has also held several other positions in the White House, including White House deputy chief of staff for policy and staff secretary.

Miers has led the White House search for both the successor to former Chief Justice William Rehnquist and the most recent search to replace Justice Sandra Day O'Connor but has herself been frequently mentioned as a top candidate for the court. Since Miers' work in Washington during the last five years has largely been as an adviser to the president, she has made few public statements and her writings from the White House are not yet publicly available.

Miers' nomination appears to echo that of recently sworn-in Supreme Court Chief Justice John Roberts -- a prominent lawyer who, at least at first glance, has a fairly short public record.

President Bush said in his nominating remarks this morning that he expected the Senate to hold the same standard for Miers as for his previous nominee, focusing on the legal credentials rather than judicial philosophy.

"In its consideration of Chief Justice Roberts' nomination, the Senate made it clear that a well-qualified nominee, committed to strictly interpret the law, can be confirmed promptly, and by a large bipartisan majority," Bush said. "As the new chief justice said at his swearing in last week, the Senate vote affirmed the bedrock principle that judging is different from politics."

Senate Democrats in their comments this morning said they have largely been pleased with their interaction with Miers during the current search process but also emphasized that they know little about her judicial philosophy.

Senate Minority Leader Harry Reid (D-Nev.) said in a brief statement this morning that his interaction with Miers has been "courteous and professional," and he liked the fact that she has never before sat on the bench. Every justice on the current court had previously served as a judge, and several lawmakers have urged Bush to nominate a nominee with a different background.

Democrats, however, have previously warned that they will vigorously oppose -- possibly even filibuster -- any nominee that they viewed as being too conservative and vowed a thorough investigation into her record. "We know less about Harriet Miers than we knew about John Roberts," said Sen. Chuck Schumer (D-N.Y.), a member of the Senate Judiciary Committee. "If there ever was a time when the hearings are going to make a huge difference, it is now."

One of the few points of contention during the Roberts confirmation hearings last month was the White House's refusal to release documents from his tenure in the solicitor general's office. Much the same issue could arise again during the Miers nomination as Democrats are expected to press the administration to release Miers' writings during her tenure in the White House, especially because her ideology is largely unknown.

Environmentalists also said this morning that they have started to examine Miers' record, but little jumps out immediately as a potential area of concern or praise. "She does not, at least initially, have a public record for good or bad on the key issues," said Earthjustice Attorney Glenn Sugameli.

Senate Majority Leader Bill Frist (R-Tenn.) said that he would like the Senate to confirm Miers by Thanksgiving. But Senate Judiciary Chairman Arlen Specter (R-Pa.) last week declined to commit to such a timeline, saying that a schedule will not be clear until the Senate receives information about the nominee.

Before coming to Washington, she worked for almost three decades in the Texas-based lawfirm Locke, Purnell, Raine & Harrell, where she specialized in antitrust and trade regulations. She also chaired from 1995-2000 the Texas Lottery Commission and early in her career served on elected term on the Dallas City Council.

Miers was the first female president of the Dallas Bar Association and in 1992 was the first ever woman selected to lead the Texas State Bar. She has also served on Bush's transition team after his election for Texas governor and at one time worked as his personal lawyer.