

COURTS: Bush 'reluctantly' accepts nominee's withdrawal from Supreme Court bid

After weeks of criticism from both ends of the political spectrum and a failure to build support among Senate Republicans, Harriet Miers withdrew her nomination to the Supreme Court this morning.

In a brief speech, President Bush said he "reluctantly" accepted Miers' withdrawal and cited a conflict with the Senate over the release of internal White House documents as the reason for pulling the nomination.

"It is clear that senators would not be satisfied until they gained access to internal documents concerning advice provided during her tenure at the White House -- disclosures that would undermine a president's ability to receive candid counsel," Bush said. "Harriet Miers' decision demonstrates her deep respect for this essential aspect of the constitutional separation of powers."

Both Senate Democrats and Republicans have asked the administration to provide a series of documents from her five-year tenure in the White House in order to learn more about the nominee's judicial views. Miers in her withdrawal letter, likewise, stated that releasing the documents would hinder the "independence of the executive branch."

But the Miers nomination was already in serious trouble, with Republican senators increasingly voicing their concern about the nomination and conservative groups pressing the White House to withdraw the nomination. Several Democrats said this morning that the reasoning given by the White House was simply a facade and that the administration was caving to pressure from right-wing groups.

"The radical right wing of the Republican Party killed the Harriet Miers nomination," said Senate Minority Leader Harry Reid (D-Nev.). "Apparently, Ms. Miers did not satisfy those who want to pack the Supreme Court with rigid ideologues."

Democrats likewise claimed it was unfair for the White House to try to claim that the document issue was responsible for killing the nomination when the White House repeatedly promised that the Senate would learn a great deal about the largely unknown nominee.

"This nomination was mishandled from the beginning. The president nominated someone whose qualifications he alone knew, then refused to disclose the only documents that would give the Senate even a hint of his nominee's judicial philosophy," said Sen. John Kerry (D-Mass.). "If the president really believed Harriet Miers was the most qualified candidate for the Supreme Court, he made a terrible mistake refusing to fight for her and capitulating to the right wing."

Republicans praise Miers' decision

Republican senators this morning praised Miers for choosing to withdraw and only stated that they expect the president to quickly send to the Senate a qualified, conservative nominee. "What the president needs to do now is to review a list of top Supreme Court candidates and send to the Senate the one he is confident has outstanding legal skills and who shares his judicial philosophy," said Sen. Jeff Sessions (R-Ala.). "The confirmation process will take care of itself."

Sen. George Allen (R-Va.) also said it was important for the White House to now select a nominee with well-established qualifications. "I believe that President Bush should now nominate a person with a demonstrable, clear, consistent and appropriate judicial philosophy," Allen said.

While no Republican senator had expressed outright opposition to Miers, only a small handful had endorsed the selection and several more conservative GOP lawmakers expressed serious concern about the president's pick.

Bush did not give any specific indication of when he would name a new nominee, saying only that he would do so in a "timely manner."

The president is now widely expected to pick a nominee with much more established legal credentials and conservative record, possibly going back to the list of appeals court judges who reportedly were previously considered by the administration.

Democrats today have called on the president to increase the level of consultation with the Senate and to avoid bowing to outside pressure to avoid a "far-right conservative" nominee.

"In choosing a replacement for Ms. Miers, President Bush should not reward the bad behavior of his right-wing base," Reid said this morning.

Democrats had largely stayed on the sideline during the early stages of the confirmation, allowing instead the conservative groups and the administration to fight among themselves.

But Sen. Chuck Schumer (D-N.Y.), a member of the Judiciary Committee, said it was becoming increasingly clear that Miers did not have adequate experience in constitutional law to sit on the bench. "The trouble was the more we learned about Harriet Miers -- Democrats, Republicans and everybody else -- the more we learned this was not the right job for her," he said.

The Senate had been scheduled to start the Miers confirmation hearings in less than two weeks, which could have allowed her confirmation by Thanksgiving. Now, with the Senate tentatively planning to adjourn before the holiday, there appears little possibility that a new nominee will be confirmed this year.

Retiring Justice Sandra Day O'Connor has previously agreed to stay on the bench until her successor is confirmed.

Little was known about Miers philosophy on key environmental issues, and her record contained virtually no experience in dealing with environmental law. Several names previously floated by the White House as potential court nominees have legal philosophies that figure to draw strong opposition from environmentalists.

"There clearly are people who have been on lists who have such extreme records that the only reason they would be nominated is to satisfy the far right," said Earthjustice attorney Glenn Sugameli.

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