

Dallas evangelical church member nominated for Supreme Court

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WASHINGTON (ABP)—President Bush's conservative base seemed to divide into several camps almost immediately after his selection of former Dallas attorney Harriet Miers to succeed retiring Justice Sandra Day O'Connor on the Supreme Court.

Initial evaluations of Miers' little-known ideology reveal few clues as to how she might rule on the controversial issues for which O'Connor often provided the nation's highest court with its swing vote.

White House Counsel
Harriet Miers speaks
from the Oval Office
of the White House
after President Bush
nominated her to be
the next justice on
the U.S. Supreme
Court. (Photo by
Kevin
Lamarque/REUTERS)

Some of Bush's most conservative supporters endorsed the nomination of Miers, an evangelical Christian who currently serves as White House counsel. Others denounced the nomination outright, while many others urged caution until more can be discovered about her judicial philosophy.

"I don't want somebody to go on the bench to try to supplant the legislative process," Bush told reporters, referring to Miers' judicial philosophy. "I'm interested in people that will be strict constructionists ... and I've told that to the American people ever since I started running for office."

But, shortly after the nomination was announced, David Frum wrote on the web version of the conservative National Review magazine that Bush had made an "unforced error" with the pick.

Frum, who worked in the White House as a speechwriter for Bush, went on to say: "I worked with Harriet Miers. She's a lovely person: intelligent, honest, capable, loyal, discreet, dedicated. ... But there is no reason at all to believe either that she is a legal conservative or-and more importantly-that she has the spine and steel necessary to resist the pressures that constantly bend the American legal system toward the left."

Bill Kristol, editor of the conservative Weekly Standard, said he thought it was “very hard to avoid the conclusion that President Bush flinched from a fight on constitutional philosophy.”

But other luminaries of the political right said they trusted Bush's pick.

“Harriet Miers is an excellent choice with an extraordinary record of service in the legal community and is certain to approach her work on the high court with a firm commitment to follow the Constitution and the rule of law,” said Jay Sekulow, head attorney for the American Center for Law and Justice.

Other conservative leaders noted that, while they know little about Miers' philosophy, since she previously has not served as a judge and has authored few public articles on important legal issues, they trust Bush to pick people whom they believe will comport with their judicial philosophies.

“President Bush has long made it clear that his choices for the U.S. Supreme Court would be in the mold of current justices Antonin Scalia and Clarence Thomas,” Family Research Council President Tony Perkins wrote, referring to the court's two most conservative justices, in an e-mail newsletter to supporters of his organization. “We have no reason to believe he has abandoned that standard.”

But as Miers' background came under scrutiny from journalists and advocacy groups, Perkins began to sound more cautious. He noted actions from Miers' history suggesting she might be open to gay rights.

“I have a concern that Miss Miers was helping to legitimize the drive of homosexual organizations for power and influence over our public policies,” Perkins wrote. “You can be sure Harriet Miers will be closely questioned on these and other matters when she appears before the Senate Judiciary Committee.”

Perkins referred to information from gay-rights activists who dealt with Miers when she ran for the Dallas City Council in 1989.

As reported by the Washington Blade, a newspaper for the homosexual community, Miers indicated a willingness to support gay rights and a perception among gay and lesbian leaders in Dallas that she was not homophobic.

The paper said Miers provided mixed answers in response to a questionnaire a local gay-rights group asked candidates to complete. For example, while she said she opposed repeal of a state law criminalizing gay sex, she also said she believed gays and lesbians “should have the same civil rights as non-gay men and women.”

In addition, local gay activists said she appointed open homosexuals to boards and commissions.

And, as chair of a committee of the American Bar Association, she may have endorsed a 1998 recommendation that the organization's governing body support full adoption rights for same-sex couples.

Miers' views on abortion and other controversial social issues were less clear.

Several news outlets reported she made a small financial contribution to a pro-life group in 1989, while running for office.

She also led a charge, while president of the State Bar of Texas, to get the national American Bar Association to repeal its resolution supporting abortion rights. However, an attorney who also served as an officer of that body at the time and helped Miers with the effort said she did not necessarily oppose the ABA out of an opposition to abortion rights.

“I remember Harriet saying what a divisive issue abortion had become in

our country, with seemingly no middle ground,” said Dan Malone, who at the time served as president-elect of the association's guild for young lawyers. Malone, an attorney, is a member of First Baptist Church in El Paso.

“Her position was that it was not appropriate or wise for the ABA, as a voluntary association of lawyers from all walks of life, to take a position (with) which, either way it went, almost half of its members would disagree,” Malone said.

Whatever the case, Miers has been a longtime evangelical Christian and was a member of Valley View Christian Church in Dallas, an independent evangelical congregation.

However, the Dallas Morning News reported Miers left the church with a group led by the previous pastor, who formed a new congregation.

Texas Supreme Court Justice Nathan Hecht, a longtime close friend of Miers', told the conservative World Magazine that the nominee's personal views on abortion are “consistent with that of evangelical Christians.”

Hecht was an elder at Valley View Christian Church, but reportedly is part of the group that left to form a new church.

News of religion, faith, missions, Bible study and Christian ministry among Texas Baptist churches, in the BGCT, the Southern Baptist Convention (SBC) and around the world.