

Harriet Miers

Should the Texas State Bar investigate?

Harriet Miers' profession

- Former White house counsel (The [Counsel](#)'s role is to advise the President on all legal issues concerning the President and the [White House](#).) From 2005 – 31.01.2007
- She was admitted to the bar in Texas 1970
- From 1972 until 2001, Miers worked for the Dallas law firm of [Locke, Liddell & Sapp](#)
- In 1986, Miers became the first female president of the Dallas Bar Association
- In 1992, Miers became the first woman to head the State Bar of Texas.
- She subsequently became Bush's personal lawyer, and worked as a lawyer in his [2000 presidential campaign](#).

Facts

On March 2005 Sampson gave a chart to former White House Counsel Harriet Miers, listing the U.S. attorneys in three categories: “Bold”, “Strikeout”, “Nothing. Afterwards it came to an intensive email-exchange between the Whit House and the Justice Department: It included names for firing as well as method and timing of the announcements (Sampson – Administration officials). On January 1, 2006 Sampson noted the practical and political obstacles of dismissing U.S. attorneys. During the period from winter to fall 2006 there was an ongoing email trading between Miers and Sampson in which names were added to the list and the political fallout was considered. On a mail from August 18, Sampson places Little-Rock-based Cummins on the list of U.S. attorneys “in the process of being pushed out.” On September 17 Miers thanks him but notes that she had not had much time to focus on the issue (“Things have been crazy”). There was no final decision from the White House within the next two months. On November 15 Sampson urges Miers to reach out to Rove’s office as a “pre-execution necessity I would recommend.” Three weeks later Sampson is getting anxious and still waiting for the “green light” from the White House Counsel’s office. On December 4 William Kelly, Miers’ deputy, gives the word: “We’re a go for the U.S. attorney plan...” The statement included points as how to “prepare to withstand political upheaval.” On June 13, 2007 The Senate and House judiciary committees issued subpoenas to Harriet E. Miers and Sara M. Taylor, former deputy assistant to President Bush and the White House director of political affairs to production of documents and appear before the committees to testify about what role, if any, both may have had in the U.S. attorney firings controversy. Miers was requested to appear before the Senate Judiciary Committee on July 11, 2007. The White House reiterated its longstanding demand that no past or present White House officials would be permitted to testify under oath before the panels, and that private interviews, not under oath, and without transcripts would be permitted. The Chairs of the House and Senate Judiciary Committees reiterated that the White House terms were unacceptable. Ranking member of the Senate Judiciary committee, Spector (R-PA) said that the committee had “really had no response from the White House” regarding possible testimony on the firing of several U.S. attorneys, and that that had prompted the subpoena to compel a response. Miers refused to appear before Congress because Bush ordered her not to.

(Sources: CNN.com, wikipedia.org)

The Judiciary Committee and the House of Representatives summarizes the not yet fully defined role of Ms. Miers in the plans to force the resignations of the U.S. attorneys in the complaint as follows:

1. In early 2005 Ms. Miers asks the Department whether the Administration could fire and replace all of the U.S. attorneys.
2. Ms. Miers received multiple drafts of the forced resignation lists over the course of the process. She was a key point of contact for Department officials seeking approval for the plan to force the resignations of numerous U.S. attorneys following the 2006 elections.
3. She confronted U.S. Attorney John McKay with complaints made by local party officials regarding Mr. Kay's failure to convene a federal grand jury to investigate allegations of voter fraud during a very close gubernatorial election in the State of Washington. Some months later Ms. Miers approved the proposal to force Mr. McKay to resign.
4. After the final forced resignation list was developed, Ms. Miers was one of the White House officials to whom the list was circulated for approval.

The Presidents' role in the dismissal

The articles mention statements of the White House insisting that the presidents' role had been minimal and that it was primarily Harriet Miers' idea to fire the U.S. attorneys (NYT, March 14, 2007). Bush himself defended the firings but criticized how they were explained to Congress (MSNBC, March 16, 2007). It is also stated that the dismissals took place after President Bush told Attorney General Alberto R. Gonzales in October 2006 that some prosecutors had not energetically pursued voter-fraud investigations, according to a White House spokeswoman (Washington post, March 13, 2007; NYT, March 14, 2007). However, White House officials repeated that Mr. Bush had not called for the removal of any particular U.S. attorney and said there was no evidence that the president had been aware that the Justice Department had initiated a process to generate a list of which prosecutors should lose their jobs (NYT, March 14, 2007)

Legal Issues

Did Ms. Miers commit any kind of malfeasance, abuse of authority or violation of existing rules?

Is any testimony Ms. Myers might provide covered by executive privilege?