

HARRY REID
NEVADA



DEMOCRATIC
LEADER
U.S. SENATE

October 28, 2005

The Honorable George W. Bush
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

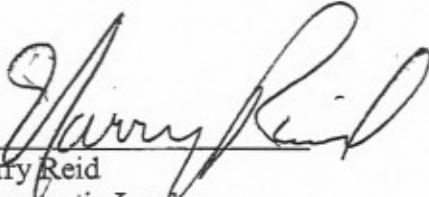
Dear Mr. President:

Today the Senate received your withdrawal of the nomination of Harriet Miers to be an Associate Justice of the United States Supreme Court. We agree with Senator John Danforth, until recently a high-ranking official in your Administration, who has called the circumstances of Ms. Miers's withdrawal "a power play" by "the right wing of American politics." We regret that Ms. Miers was not even afforded the opportunity to answer her right wing critics at a Judiciary Committee hearing.

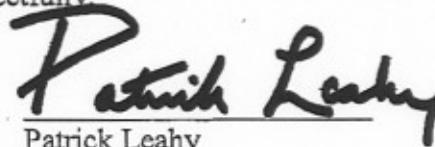
The extraordinary circumstances surrounding the Miers nomination make it even more important that Justice Sandra Day O'Connor be replaced by a mainstream nominee, not by an activist who would bring an ideological agenda to the Court. Interest groups are not entitled to an extra-constitutional veto over Supreme Court appointments. Justice O'Connor should only be replaced by someone who inspires respect across the political spectrum, as she did.

There are some potential nominees who would clearly fail this test. As before, we strongly urge you to refrain from nominating to the Supreme Court any of the handful of judicial nominees who were filibustered during the past four years, or any other similarly divisive candidate. Instead, we urge you to pick one of the many qualified mainstream women and minority candidates who can win widespread bipartisan support in the Senate and among the American people. We have privately offered you some thoughts in this regard, and remain willing to meet with you again to achieve consensus.

At this critical moment, and in light of the circumstances that led to the withdrawal of the Miers nomination, Senate Democrats will perform our constitutional Advice and Consent responsibility with heightened vigilance.


Harry Reid
Democratic Leader
United States Senate

Respectfully


Patrick Leahy
Ranking Member
Senate Judiciary Committee