

Bush courts evangelicals for nominee support: President cites Miers's church membership

by [John Dart](#) in the [November 1, 2005](#) issue

Before John Roberts was approved by the U.S. Senate as chief justice, backers of the federal judge, an active Catholic, warned that the nominee should not be put to an unconstitutional “religious test” in evaluations of his suitability. But soon after President Bush on October 3 nominated Harriet Miers, a prominent Texas lawyer and his White House counsel, for another vacancy on the Court, her membership in a pro-life evangelical church in Dallas was cited as a strong sign of her philosophy.

The president’s chief political adviser, Karl Rove, lined up support from leading evangelicals such as Focus on the Family founder James Dobson and the Southern Baptists’ Richard Land. Jay Sekulow, chief counsel of the Pat Robertson-founded American Center for Law and Justice, supported Miers, as did Christian right figures Charles Colson and Tony Perkins.

But a number of conservative political commentators, as well as key GOP senator Sam Brownback of Kansas, demurred, voicing disappointment in Miers’s inexperience in constitutional law and the lack of a paper trail to gauge her views. Some portrayed Bush’s tendency to promote loyal insiders as “cronyism.”

By October 10, Concerned Women for America, a large conservative organization based in Washington, announced that it had “learned nothing new that allows us to endorse her.” “While we share Miss Miers’s evangelical faith,” said CWA chief counsel Jan LaRue, “we find the continual emphasis on it by her supporters to be inappropriate and patronizing. It offends the Constitution.”

Meanwhile, Dobson, long vocal about the White House owing religious conservatives an antiabortion judge on the Court, was saying that his backing for Meirs was based on information from Rove that he should not share. That comment brought threats from U.S. senators to make him testify at confirmation hearings.

At Rove's urging, Dobson explained on his October 11 radio program that Rove had never assured him Miers would vote to overturn the landmark 1973 *Roe v. Wade* ruling that legalized abortion. Dobson said Rove merely told him that "she is from a very conservative church, which is almost universally pro-life."

The confidential part of his conversations with Rove, Dobson said, was that Miers topped a short list of candidates the day before Bush decided on her. In addition, "what Karl told me is that some of those individuals took themselves off that list" because the political process had become so vitriolic and bitter.

In one interview, Bush suggested that opposition to Miers arose from the fact she came from outside the "judicial monastery." Speaking to journalists briefly in the Oval Office on October 12, Bush said people want to know Miers's background. "They want to know as much as they possibly can before they form opinions," he said. "And part of Harriet Miers's life is her religion."

Issuing a news release reacting to the president's remarks, Patrick Mahoney, director of the conservative Christian Defense Coalition, said, "You cannot have it both ways. Groups and leaders cannot say religion is off limits during the Roberts confirmation and then promote religion during the Miers confirmation for the sole purpose of political gain."

A longtime friend of Miers, Texas Supreme Court justice Nathan Hecht was encouraged very early by the White House to give interviews about her. Hecht had brought her years ago to Valley View Christian Church in Dallas, where Miers, raised as a Catholic, was baptized.

The congregation identifies itself with Christian Churches and Churches of Christ, a fellowship of independent congregations that—like the mainline Christian Church (Disciples of Christ) and the conservative Churches of Christ—emerged from the 19th-century restoration movement many called the Campbellites.

The preaching minister at Valley View is Barry McCarty, who has served for 20 years as parliamentarian at annual meetings of the Southern Baptist Convention. His rulings during fundamentalist-versus-moderate battles often upset moderates.

McCarty told SBC's Baptist Press that he thinks Miers would make a "great Supreme Court justice," though he added, "Harriet and I have rarely discussed political issues."

Miers herself, however, may be identifying with a group of about 150 members who broke this summer with Valley View to meet as a separate congregation. Her friend Nathan Hecht recently resigned as an elder at Valley View, according to the *Dallas Morning News*. Miers attended the new group's October 9 service. Asked by a reporter if she was leaving Valley View, she replied simply, "I'm very happy to be here."

That new congregation, which picked Cornerstone Christian Church as its name, is led by Ron Key. He was on the Valley View pastoral staff some 30 years and was its senior pastor the last four.

At Valley View, Miers had taken her turn at volunteer duties and had served on the missions committee. "She worked out her faith in practical, behind-the-scenes ways," Key told *World Magazine* editor-in-chief Marvin Olasky. "She doesn't draw attention to herself; she's humble, self-effacing."

Now in the limelight, Miers was found also to have a link to an Episcopal church in Dallas, Church of the Incarnation. She attended its 8:40 a.m. Eucharist October 9 before going to the Valley View breakaway group's Sunday service.

She was accompanied by eight family members. A pew in the chapel is named in honor of Miers's grandparents. "It's no big event," member Harry Winters told the *News*. "She goes to church here all the time."

Though her legal and political work in Texas has been closely scrutinized, one anecdote indicates that her actions may not always signify her motives. While president of the State Bar of Texas, Miers urged the national American Bar Association to repeal its resolution supporting abortion rights. A fellow state bar leader who helped Miers at the time said she did not necessarily oppose the ABA stance on moral grounds.

"I remember Harriet saying what a divisive issue abortion had become in our country, with seemingly no middle ground," said Dan Malone, now an El Paso lawyer and Baptist layman, as reported by Associated Baptist Press. "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."