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## United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

DAVID BROG, *Staff Director*  
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BRUCE A. COHEN, *Democratic Chief Counsel and Staff Director*

October 19, 2005

Harriet E. Miers, Esq.  
White House Counsel  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Ms. Miers:

Thank you for your responses to the Senate Judiciary Committee questionnaire. While your answers have been helpful to the Committee, there are some questions that we believe require clarification in order for the Committee to have the information it requires to thoroughly review your record prior to the hearing. Please prepare a supplement to your responses, specifically addressing the areas outlined below with as much detail, particularity, and precision as possible.

### Q11(a). Bar and Court Admission

Please explain in greater detail exactly when, and under what circumstances, you were suspended from the D.C. Bar for non-payment of dues. Include any documentation, notices from the Bar, cancelled checks, or correspondence, which would help us understand the facts and circumstances of your suspension. Also inform the Committee whether, during the time of your suspension, you appeared in any courts in the District of Columbia.

### Q12(a). Memberships

Please supplement the responses to this question, cross-checking and consulting the attachments to the questionnaire or any other sources that may be available to you, so that as many dates of your membership in various organizations are included with as much precision as possible. Please provide greater detail in describing "the nature and objectives of each such organization," paying particular attention to "the nature of your participation in each such organization." While we realize that for some of these organizations there may not be "an officer or other person from whom more detailed information may be obtained," please briefly describe your efforts in attempting to locate contact information for those organizations for which you found none.

### Q14(b). Public Office, Political Activities and Affiliations

Please supplement your answer to this question, listing all reports, memoranda, or policy statements prepared, produced with your participation, or produced under your guidance during the time in which you served in any public office, including your various

positions at the Dallas Bar Association, the State Bar of Texas, the American Bar Association or any of your positions in the White House. Please also provide the Committee with any policy position documents or questionnaires you filled out while running for Dallas City Council. Specifically, if you sought particular group endorsements or responded to position questions by particular groups in the community, please describe and append relevant materials.

Q14(c).

Please explain in greater detail any issues of law or public policy on which you worked on behalf of or in connection with a gubernatorial or presidential transition team. Please also supply copies of any memoranda analyzing these issues of law or public policy on which you focused during that time. If you cannot provide these materials, please explain to the Committee why this is not possible.

Q16. Litigation

Please provide a 'list [of] *all* litigated matters in which you were involved' which are not already mentioned in your response to any other questions. The Committee has, for example, identified additional cases not included in your original responses. If possible, please also provide dates for these matters.

Q17. Constitutional Issues

In answer to question 17, you explained that as Counsel to the President you are regularly faced with issues involving constitutional questions, but gave us no specifics about the issues themselves, or the work that you personally did. Please provide the Committee with details concerning the specific matters you handled, the constitutional issues presented in those matters, and the positions you took related to those issues. This question was designed to help the Committee learn more about your experience with constitutional law, and if most of it was gained during your years in the White House, it is important that we know more about the specifics of that experience.

Q20. Party to Civil, Legal or Administrative Proceedings

Your response to question 20 indicates that your firm was a party to a number of lawsuits over the years. Please provide information about each of those suits, even those suits in which neither you nor your work were subject of the complaint. In addition, please list the suits in which you were named in your official capacity as a public official, and provide a brief description of each. For example, there have been press reports of civil actions against your firm involving multi-million dollar settlements that occurred during the time you were either managing partner or president of the firm, about which the Committee would like more information.

Q22. Potential Conflicts of Interest

Please be more specific in your answer to this question by telling the Committee any categories of cases from which you plan to recuse yourself, and by addressing in particular the problem of recusal as it relates to the litigation of cases arising out of matters on which you worked at the White House, or as a lawyer for President Bush in his personal capacity, or in service to his various campaigns. We are aware of the

statutes and codes that generally govern these matters, but recusal decisions of Supreme Court Justices are more complicated because they are not subject to further review. The Committee would like you to address the issues specific to your situation.

Q27. Selection Process

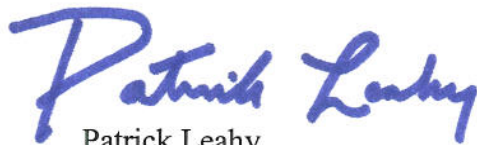
If you did not make any representations to any individuals or interest groups as to how you might rule if confirmed, please respond, to the best of your knowledge, to the second part of question 27(c), which asks you to describe and provide copies of, "all communications by the Bush Administration or individuals acting on behalf of the Administration to any individuals or interest groups with respect to how you would rule." This would include any and all communications, including those about which there have been recent press reports, in which friends and supporters of yours, among others, were said to have been asked by the White House to assure certain individuals about your views. If you do not have first-hand knowledge of these communications, please endeavor to determine what sorts of communications, if any, took place.

We appreciated your prompt response to our questionnaire, and would ask you to respond to this request by Wednesday, October 26<sup>th</sup>. Your answers to our questions are essential to the Committee's process of thoroughly reviewing your record prior to making our recommendation to the full Senate on your nomination.

Sincerely,



Arlen Specter  
Chairman



Patrick Leahy  
Ranking Member