



GEORGE W. BUSH ORAL HISTORY PROJECT

FINAL EDITED TRANSCRIPT

INTERVIEW WITH HARRIET MIERS

January 31–February 1, 2013
Charlottesville, Virginia

Participants

University of Virginia
Russell L. Riley, chair
Barbara Perry

State University of New York at New Paltz
Nancy Kassop

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Riley: I can call you Harriet?

Miers: I hope.

Riley: I should have asked that before I got going with this.

Perry: I assumed that privilege. I said, as were driving out. I always feel like I know our people when they arrive, after we read all about them. We feel like friends.

Riley: Spent much time with the book. This is the Harriet Miers interview as part of the George W. Bush oral history project. I should note for the record that you had been through quite an ordeal to get here. We're conducting the interview on the 31st of January, 2013, and there was a terrific storm front that came through last night that wreaked havoc on air travel all over the place.

Perry: And that Harriet flew into the teeth of.

Riley: Into the teeth of, and not only that, but into our tiny little Charlottesville airport.

Miers: Yes.

Riley: I'm not going to ask you about the character or the condition of the flight coming in, but you proved your mettle and your devotion to oral history in ways that we rarely get in this line of work. I'm very grateful for your enduring all of that for these purposes. Sometimes we do a voice identification. I don't think it's going to be necessary right now. Nancy will be here later. And again, just for the record, we reviewed the basic ground rules before the tape recorder began running, the most important one being the ground rule about confidentiality.

In terms of scheduling or trying to frame the discussions, you had indicated that you'd be amenable to doing follow-up at some point if there were certain things that we didn't get to in this. I certainly don't want to impose on your schedule any more.

We always like to get some autobiography and talk a little bit about the people who come into the White House to staff the President, the community of individuals, which I think is very

important. So what I'd like to do is to start that way and to talk a little bit about your own personal background and your career trajectory, with the idea that when we come back from lunch we'll have all of the necessary background to dive into the White House years for this afternoon and tomorrow morning, if that sounds OK.

Miers: That makes a lot of sense because obviously a lot of that is available in the press.

Riley: Exactly. So tell us a little bit about who you are and where you came from, your family background and where you grew up, the kinds of things that you were interested in when you were growing up.

Miers: Well, I was born in Dallas, Texas. I was the fourth of five children. I had an older sister who left home to go to college when I was about five or six, so she almost was more like a cousin or aunt, because she was gone so much. Then I had three brothers, and I was very close to each of my brothers.

I went to public high school and public elementary schools in Dallas. When I was in high school, inside my own thoughts I really would like to have engaged in a medical career in some fashion, but I think there was a great deal of interest in the career counselors in talking about the things that they thought were realistic. They talked about teaching a lot and that seemed like a very admirable career, obviously.

I went to SMU [Southern Methodist University] undergraduate, really started out first, believe it or not, in engineering, which for some reason at the time seemed like an interesting venture. After my first year, my father took ill and that sort of threw us all into havoc, because he was the sole breadwinner and his finances were not in the best of organization, and so we went through a period where my being able to continue in college was cast in doubt. I don't know if this kind of thing is interesting.

Riley: Absolutely, yes.

Miers: It is, for me, important to remember that back in those days the idea that you would be on a White House staff someday was about as far away and absurd as any thought you could possibly have. I actually interviewed and was contemplating an assembly-line job, because we just didn't know how I was going to go on to school, but SMU was very responsive to my mother, who reached out and just said this is a good student, she needs to be educated, and you ought to help. The school was very gracious in providing loans and a scholarship and a work-study program that probably led to the engineering idea, because that was in the computer center.

So all through college I worked part time in the computer center. This is when computers were as big as that bookcase, and again, if I look back, it's just amazing what is available now. My college effort was trying to help mom through her circumstances, which were very difficult. She had never worked outside the home since almost the early years of her childrearing.

Perry: And so did she have to go outside the home to work when your father took ill?

Miers: Well, she had to learn about what my father did, which was not easy, because it was sort of a mixture of developing small houses and owning real estate, and just wasn't really very

organized. So he knew it but he didn't talk with her about that and she didn't know the business side of things. We got into a circumstance where whether we were going to maintain any of what he owned as his business involvement was at issue.

I remember going to a variety of lawyers, even as what I would consider a very young person then, and mom, and I would come away with doubt as to what the future really held until we met one lawyer who was very willing to step in, mentor her, and keep her from losing everything, because there was effort afoot to do that. I was always very grateful. His name was Otto Mullinax. The role of the lawyer then was put in a vantage point that I had not had before. I didn't really have any exposure to lawyers whatsoever.

So I was able to reenroll and I went on to undergraduate school. I majored in math and got a BS [bachelor of science] degree in math, it turned out, rather than engineering. I student taught, which was a quite interesting experience for me. It was helpful, interesting, but not encouraging, because my experience there was that the school I went to was in a different part of Dallas than I was reared, and the attitude of some of the administrators was difficult to accept—not the teacher I worked with, because Ms. Tisdale was the epitome of a wonderful teacher. She taught advanced math.

My experience generally led me to believe that that was not something that I felt was really going to be productive unless I got additional education. I just could see that a teacher had very little control over his or her destiny. Mostly of course it was her, unless you were a coach. You could see that even back then. But I remember the vice principal shaking people, kids, and behaving in a way that I just thought was inappropriate, and I knew that as a student teacher I wasn't going to have much control over it, and I certainly wouldn't even as a teacher.

Perry: Were you thinking at all outside your schooling and your major? And of course, I'm sure you had very little spare time to think of anything, but did you think about politics at all? Was that ever a topic of conversation in your family? I'm also thinking of the timing. Am I correct that when President [John F.] Kennedy, in November of 1963, was shot you were a freshman at SMU?

Miers: I was.

Perry: What impact might that have had on your thoughts about history and government?

Miers: I've always just been involved. I don't know why I have that instinct, but I always served in organizations, or I should say, frequently, in leadership, even in my high school class on the tennis team. I had that tendency to be involved, and having never played tennis before, I joined the tennis team. I just enjoyed having a sport, and so I learned on the tennis team how to play tennis. We had a great team and did well.

I just love people and activities and all of that was great fun. I don't know why, but I did have an interest in people, enough, I think, that people related somewhat to me, and so I became captain of the tennis team, which is a little weird, given that at the beginning I didn't really know how to play. [laughter] I had a wonderful high school, many wonderful teachers. They were very supportive. So all of that was very helpful.

I was in a freshman math class and the door opened suddenly and someone came in and noticed that the teacher was teaching in the heat of some math problem, and so they didn't interrupt. They just wrote up on the board that the President had been killed, or at that point I'm not sure they knew that he'd been killed, but it appeared that he had been shot and was about to die. The teacher made no note of it and we were all sort of wide-eyed because we could see the board, we could see him, and he just kept going and nothing was done until he finished and the bell rang and then we all left.

Those were very turbulent times, particularly in Dallas. I don't know that they made me think about politics though, and I look back and think I wish I had been more conscious of what was going on in the world, because in high school I guess is when the Cuban missile crisis would have occurred, and so what all that meant was huge, but I don't know that we paid much attention to it. The campus shut down, of course, and the city went through some very difficult times because of—I'm sure circumstances you all observed, although you would have been really young, so you may not have observed them.

For years, everywhere you went, the cabdrivers, the hotel people, "Oh, you're from Dallas, that's where Kennedy was shot." So the community had some putting things back together to do, and this is very strange, but I'll say it. It actually was quite an interesting event when J. R. [Ewing], on the *Dallas* show, got shot, because you were no longer asked about Kennedy. It started, "Oh, J. R., bang-bang." I remember being in Japan and the cabdriver whipping around and saying, "Oh, you're from Dallas. J. R." [laughter] So that kind of took the tension away.

But being there, I would obviously have the bias that the community was not nearly as... whatever someone might choose as an adjective, but I think there was a lot of casting blame on the city and the community, and the reason this happened here was because Dallas was so conservative and so hateful toward the President and all of that. It could have happened anywhere and I didn't view the community anything like that. Certainly the people around me were dreadfully sorry and saddened and horrified by what took place. Exactly what took place was a mystery to everybody and we were close to it. An aspect of that, though, did impact my career, which I'll get to in a minute.

So I went through undergraduate school. I really didn't have a clear vision. I remember sitting in the student union, talking to one of my older brothers and saying, "I'm thinking about guidance counseling." I thought you could do that in the school and maybe not have the loss of control that seemed to exist in the public environment. I could do computer science, because I obviously had that background, the math background. It was huge back then.

Riley: Sure.

Miers: The University Computing Company was on the campus of SMU, so we had a focus on it. The salaries were huge compared—I do remember this. The salary for a computer science individual was the same as a lawyer when you got out of law school, so it was just a hot area. The problem with it for me was maybe related to something I said earlier. I loved people and I found myself in a little compartment or office working on computer programming or doing things that were not very people oriented. I remember telling Buddy [Harris Miers] that I wasn't sure that's what I wanted to do for the rest of my life.

I had a friend who was a classmate whose father was a professor in the law school and just out of the blue in my senior year he said, "Have you ever thought about going to law school?" Well, of course not. There wasn't anything that would have caused me to think about that from a personal standpoint, but it made a lot of sense at the time.

So that was the third thing I talked to Buddy about, going on to law school and spending those three years getting an advanced degree. My initial thought was that I would go to work for, of course, the Department of Health, Education, and Welfare then, because you could go into health policy or education policy, and then maybe try to make a difference that way. And so I did apply to law school and got in at SMU. The presence of a woman was very rare of course still, back in those days.

Riley: Do you remember how many women were in your class?

Miers: I used the word "rare." I think it was rare in the sense of what I was doing, but my recollection, and I've never gone back and verified this, but there were about 10 to 12 women who started and about 10 to 12 women who at some time, not necessarily with our class, finished. But in terms of someone who was coming from college into law school and then going into practice, that was rare.

There were a number of women who were there as older students. I remember a woman whose husband had divorced her. Actually, we had two of these. Their husbands had divorced them and they were deciding this was how they were going to make a living, and in one instance, rear her daughter. But I went into law school feeling, *This is a very strange environment*. What is this all going to be like? Who are all these people? And so it was an adventure, to say the least, and a bit foreboding, just because I didn't know what it was all about.

I'm sure I was influenced to choose that route by what I observed from Mr. Mullinax and his openness to helping someone when there wasn't a lot of fee involved for him that was apparent immediately. He just wanted to help, and he did that, and it helped principally me and my younger brother have at least more resources than we otherwise would to have gone on to school.

Then I went to law school, and I very much enjoyed that experience. It was again necessary for me to continue to work, and I did that. I guess the tie to the Kennedy situation was that firms were still not hiring women at that time, and so when all of my colleagues who were, for example, working on the journal, as I was, were getting offers to go clerk, I wasn't. You remember those kinds of things, and I remember that only one of my colleagues on the journal suggested to me that maybe the firm that was offering him a job might offer me a job and I should talk to them, which at the time was a very gracious thing I thought, obviously. I remember it to this day because it was just caring and an observation on his part that was above and beyond and I appreciated it. There were some other issues.

Perry: And that was a firm in Dallas?

Miers: Yes, that was a firm in Dallas, but the tie to what happened to me later, that I mentioned earlier, was that you'll recall Jack Ruby was the man who killed [Lee Harvey] Oswald, and Jack Ruby was prosecuted of course in Texas, so the lawyer who represented him was Melvin Belli. When he got to Dallas he hired an investigator to help him on things. That guy's name was Hal

Monk. Hal happened to be a close friend of my brother's. Hal himself did not stay an investigator forever. He eventually got to be a lawyer without ever going to law school, because you could study law back then and you didn't have to go to law school.

Perry: So that's how you ended up working—

Miers: For Melvin Belli. Absolutely.

Perry: For his San Francisco firm?

Miers: Yes, because what happened was that when I was struggling about not having a clerkship during my second and third year, Hal mentioned to Buddy, "Tell her to write Melvin Belli." So I wrote Melvin Belli, and you don't have time for me to tell that story, but it is a hysterical story. The bottom line was I was hired by them and so I did spend three months in San Francisco as a law clerk to that law firm, which at that point was Belli, Ellison, Choulos and Lieff, and there was one other name. Belli, Ashe, Ellison, Choulos and Lieff. Going from Dallas, Texas, where we did not have liquor by the drink, and it had only been two years since you could even wear slacks on the SMU campus, to San Francisco.

Perry: In 1969. *[laughter]*

Miers: It was a culture shock, to say the least.

Riley: Was it?

Miers: And I knew no one of course out there, absolutely no one. So you just kind of parachute in and that was a very different environment. The wonderful part about it was I worked with Bob Lieff a lot. Bob did the commercial side of things, but Mr. Belli, for some reason, had me working on some of the things that involved him personally, so I got to know him really pretty well, and he was a character. But he was very gracious in that he knew I was there by myself, so he would have me invited to things at his home and all of that. I always bristled when I heard people talk about him in ways like oh, he was such a womanizer and all of that. He clearly had some interesting personal characteristics, because he had like five wives.

Riley: Not at the same time.

Miers: Not at the same time.

Riley: Sequentially.

Miers: [REDACTED]

Riley: [REDACTED]

Miers: I survived. My roommate did not survive, due to circumstances that were not her fault, and that was the only thing that I saw Mr. Belli do that I thought was very unkind and very poorly done. I did have the experience, which we'll get into later, about, "Well, she just went to SMU, and what kind of an education is that?" and all. That was interesting because when I went to first have a meeting with the partners at the Belli firm, Mr. [Lou] Ashe was just a grand gentleman. He was very reserved, and I don't think they had ever had a woman before, either, of course, and so I was kind of a unique feature for them. But they had this big meeting of all the partners and I was introduced to everybody, and Mr. Ashe asked me, "Where did you go to law school?" If we went back and looked at their degrees, they would have all been from topnotch schools.

We called SMU "Shmu," but I didn't think that was the right answer, nor did I think SMU was a good answer. I tried to make it sound as sophisticated as I could, so I said, "Southern Methodist University." And he paused and looked at me and he said, "We've never had one of those before." [laughter] So it was interesting. I'm sure they hadn't.

Anyway, Hal was great to suggest that I apply. They were great to hire me. I take it that Mr. Belli was in part willing to hire me because of my case note. They had asked for writing samples.

Perry: So that was to be hired for the summer?

Miers: Yes.

Perry: What they would call a summer associate position now.

Miers: Exactly.

Perry: Between your second and third year at SMU Law.

Miers: Correct. But that case note was about the Texas Supreme Court, and Mr. Belli was not very enamored with the Texas legal system, based on his experience in the Ruby case, and of course he was a very unusual figure for the courtroom in Texas also. But that was a great experience. I learned a lot. I did appreciate the ability to work with Mr. Lieff because he was quite a brilliant man and quite a fine lawyer.

Perry: Was there any expectation, as with some of our associate positions now, if things work out well mutually, then there's usually an offer that would come after a third year. Did you have any expectation that that might happen? Did you even want to go to a San Francisco firm?

Miers: I certainly knew that that was the possibility, and they did offer me a job and did ask me to stay, and in fact kept me on. I had a matter that was going on when I left, and for that they paid me as a consultant after I had left, so I kept in touch for a little bit that way. All of my family was in Dallas, my mom obviously. My father's illness just got worse and he had to be institutionalized and she was still struggling, and so the fact that I was gone for three months was a difficult situation.

Perry: So then did you apply for your clerkship with Judge [Joe E.] Estes? Was that during third year that you applied?

Miers: Yes.

Perry: That must have been most unusual as well.

Miers: It was.

Perry: For women to be chosen.

Miers: It was unusual, but not for my judge and not necessarily in the Northern District of Texas, because we had Judge Sarah Hughes. So again, it was a helping hand. You get to understand how important people are, because a friend of mine—This is all fun—Beverly Neblett at the time, was very thoughtful in that she suggested clerkship as a possibility. I didn't even know what a clerkship was. I certainly didn't contemplate applying for one. I did want to look for a job, but the prospects were not good to say the least. You interviewed with people and you know when things are productive and when they're not. The few that I had back then, I don't even remember much about those. I do remember going to lunch with—Anyway, Beverly. Let me back up.

Beverly said, "You ought to think about clerking. Actually, Judge [William M., Jr.] Taylor is a great guy to work for. He's real easygoing, he's real friendly, and his clerks don't have to work hard. So that's really different from this guy over here called Judge Estes, who wouldn't be very fun to clerk for and is very strict and aloof from the courthouse." She made a comparison between law clerking for Judge Taylor and law clerking for Judge Estes [REDACTED]

Judge Taylor hired a young man and then Beverly said, "Well, maybe you ought to interview with Judge Estes. He's not so bad after all."

I went and interviewed with Judge Estes based on the recommendation that Beverly had made that this would be a good place to land. He had hired a woman before, from Austin, named Fairy Davenport and we met. Fairy recommended me to Judge Estes and Judge Estes seemed to like me also and he offered me the clerkship. Now, Judge Estes—This was really fortuitous also and worked to my great advantage—required a two-year clerkship. Judge Taylor just required a one-year clerkship. It turns out that my view of life and approach to things was much more sympathetic with Judge Estes than it would have been with Judge Taylor, although Judge Taylor was a wonderful man and I liked him, and that was all great too. Then of course Judge Hughes had already hired clerks, and that's why she didn't recommend that I apply to Judge Hughes. [Jonas, III] Martin Frost, remember Martin?

Riley: Yes.

Miers: He was one of her clerks just a couple of years. You got to know a lot of people. The court family was wonderful. You got to know the U.S. attorney, the probation officer, the clerks, everybody. Judge Estes was the chief judge, which meant you got to see the administration of the courts as well as his handling of his docket. He was very much a scholar.

He had what I would call what we do on the Internet now. He physically constructed a file where every time he heard anything that he thought he might someday want to refer to or might be of

help to him in a cite or a case or whatever, he would put it on a note card. He alphabetized them in this huge card catalog that allowed him to access the X case or this theory or that subject or whatever. You could go right to that card catalog and find it. It was an amazing effort. He had every one of his briefs that he'd ever done as a lawyer and all of the briefing that he'd ever done as a judge. He was on a first-name basis with the Chief Justice of the [U.S.] Supreme Court and they had quite a good relationship. He was on the rules of evidence committee and was part of the group that developed the *Manual for Multidistrict Litigation*. He was way on the horizons of the law.

Perry: So when you said that you felt like you really meshed with him, I presume you mean in all ways, the personality and work habits. Did you feel ideologically as well? Do I remember that he was an [Dwight D.] Eisenhower appointee, going back to the fifties?

Miers: That's a good question. I have to think about that. He was appointed by Eisenhower, I believe. Yes.

Perry: And Judge Estes was really coming toward the end of his time on the bench.

Miers: He was actually—

Perry: Getting ready to take senior status.

Miers: Yes. In fact, he took senior status coincident with my leaving.

Perry: Right.

Miers: But he didn't really take senior status, because remember, they created this unusual court of judges all over the country who were going to do price control cases.

Perry: Oh, no, I don't remember.

Miers: The price control court turned into the energy court, and he did all of that. So yes, he became a senior status judge, but he went on the special court. Judge was a Democrat but he was a conservative Democrat. It was back in those days—When I came out of law school, there were the conservative Democrats and the liberal Democrats. There was no such thing as a Republican; that later developed.

Riley: Texas was about 10 years ahead of Alabama.

Miers: I can imagine. And in fact, my first political involvement, my first political contribution, was to a candidate for the chair of the Dallas County Democrat party, and he was the more centrist candidate. There was a gentleman who was sort of the conservative side of the Democrat party. I didn't identify myself with conservative at that point, but I did identify myself with, I would say more—This is going to sound strange, but—discipline and strict adherence to the law. That I clearly found more comfortable for me in clerking for Judge Estes.

I'm 100 percent convinced I more closely identified with his philosophy than I would have with Judge Taylor's, which was kind of laissez-faire, and I'm sure some of that was that I admired the

judge so much that I'm sure some of it was assimilation, but it was very comfortable for me. I, by that time, had decided I wasn't going to work for the government. Is there any way I could get a job with a firm and plow new ground there? I wanted to do it and I had a background at that point that I thought might allow me to do it, and the judge was hugely supportive. He sort of adopted me into his family.

I didn't get that close to the son, but I'm extremely close to this day to his daughter, who is a PhD sociologist. Dr. Carroll Estes is just a wonderful person and we're still close. In fact she, after the fact—So much happened around the Supreme Court stuff that I never even knew. If you can imagine a hurricane, I was in the eye, and all this was happening. But she told me she and her friends were all working in Senator [Edward M.] Kennedy's office because she had been very close to Senator Kennedy on women's health issues and the elderly, and she knew a lot of their staff. She was working madly to get his support for me, all not to my knowledge. I had no idea that was going on. But of course I was very grateful for her effort when I found out about it.

Riley: Was she in Texas?

Miers: No, she was in California. She had gone to several schools, but I think she was maybe at the University of California at that point, in the San Francisco area.

Riley: Right.

Miers: There are just so many unanticipated cross paths.

Riley: Sure.

Miers: What would be helpful from here? I'm sort of off track.

Perry: To the law firm.

Riley: Yes, to the law firm.

Miers: OK. The judge starts a valiant effort in trying to find me a job, and he is astounded and tells me so, at the reaction that he gets from firms and their lack of interest in hiring a woman, and the issues that they raised that he thought were bizarre. He has a daughter, he's interested in her having full rights and the ability to prosper, and I think he saw, through this venture in trying to help me, that life wasn't great out there for women.

Perry: What were the firms saying to him?

Miers: Well, I'll give you one example, which also has also a sequel. I remember him telling me about this firm that he had talked to and they had said that they couldn't possibly hire a woman because all of their lawyers were married, and if I had to travel with one of those lawyers obviously their wives would feel that something was going on and be very jealous and it would start all this controversy and my, my, that just wasn't something that they could deal with. Judge Estes just thought that was absurd, and of course I was going. I know. I've heard them. I've been there.

I remember some of those interviews to this very day, where one guy I went in to talk to would say, “Why would you like to come to our firm?” And I would say, “I have a law degree and I would like to practice law,” and whatever and he’d say, “Well, what other reason? What else can I tell you about our firm?” Just for 30 minutes, and by the end of it I’d say, “Thank you so much for your time, but I just really don’t have any other questions.” The interview process was discouraging, to say the least, in that respect, but back then you expected it. It was just the way things were.

Riley: Sure.

Miers: You didn’t get as maybe outraged as you should have, at least I didn’t. Maybe some did. I guess some others did, but that wasn’t my reaction. What happened finally was that the judge talked with Locke, and specifically to the senior partner. We had a client, Jess Hay, who had the Lomas Financial Corporation, who had just hired a senior executive woman, and so the firm was saying to itself, “If our clients are going to have women executives, well then maybe we need a woman lawyer.” Also it was getting to be time where firms were getting worried that there was the potential for discrimination claims. So I, through some pretty funny occurrences, eventually got hired by Locke. It was to do corporate work. That’s not what I wanted to do, but they very clearly didn’t feel a woman could do trial work, and that was the universal view, that women were not suited to trial work.

Riley: And that was your preference, to do trial work at the time?

Miers: Yes, because obviously, I had been in the courtroom. I had been part of the justice system and it was very interesting and attractive to me and seemed to have a lot of meaning, so I wanted to do trial work. They felt like they could handle hiring a woman, but they wanted me to do corporate work.

Riley: Right.

Miers: In fact, I did corporate work for about six months, and then less and less and less. I clearly remember sitting in the office—At that time you didn’t have all these lavish offices and you were moved around to fit where you could. I was drafting the ideal servicing agreement for mortgages, and so I had one of each of every servicing agreement that I could possibly lay my hands on. I was sitting there pulling the ideal phrase out of every one and I looked out the window and said, *What am I doing here?* Because this is just not really what I felt like I had gone to law school to do, or after having clerked wanted to do.

As fortune would have it, though, we had a lawyer who specialized in state court matters and he had just acquired a federal court matter that he needed help with. Someone told him I had just finished clerking, so he came to me and said, “I hear you know where the clerk’s office is.” “I do.” So I started working with John [Crawford] and that was the beginning of creeping over into trial work. I managed to do that, but you had to be a little gradual. I increasingly asked for and got work that was in the trial arena, and working with Mr. [Stanley] Neely. So that’s how I got to be at the firm and doing trial work.

The experience in the courtroom of course was unique. They were not used to seeing women. I actually have a partner who loves to tell the story of when we were in Roanoke, Virginia, believe

it or not. The argument was going on and several of us were sitting at the counsel table and the judge stopped at one point and just said, "I want to hear what the little lady has to say." I never minded because it meant he noticed me. I had a different voice. I had a southern accent. I thought it was all OK because we were there to help the client, and if he was going to listen to me, that was OK with me.

We had an unusual state court bench in Dallas and I always felt like I had a fair shot in the state court. We had one judge who was noted for acting out and saying things and doing things toward women. He never did anything like that in my presence or toward me, so I had a good experience in the courtroom practicing law. Jess Hay became such a wonderful client, and the whole Lomas entities became a great client over the course of time, ironically not working with the woman that they had hired.

I do want to say, because I think this is important personally with respect to women, when I first got to the firm and was the first associate, they had this event every year where they went to an island, and it was their retreat. It wasn't anything substantive, it was all camaraderie and very fun. Certainly they had a lot of fun. Initially, the partners said, "We can't take Harriet because she can't see us in this kind of environment, and besides that she'll be the only woman, and that won't be good." There was a big house where most of the young people stayed, and then there were some cabins, but those were reserved for the older lawyers. Everybody went. It was a big deal to go.

Perry: So all the partners and all the associates would go?

Miers: Yes. It was all the lawyers, firmwide, and so I did go. The way I got to go was two or three of the wives discovered that they were thinking about not taking me and they raised a ruckus and told their husbands that that wasn't right, that I was a lawyer and I should go, and they fussed until I got to go.

Riley: Were the wives present, or was this only the—

Miers: Oh, no, this was all the lawyers.

Perry: No families.

Riley: No families there.

Miers: No families. This was a ruckus.

Perry: And the wives who raised the ruckus didn't go?

Miers: Oh, no, the wives didn't go.

Riley: I thought that was the case, but I just wanted to make sure.

Perry: So did you get your own cabin?

Miers: Well, as it turns out, they did segregate me in a cabin, which was fine with me, and I probably had nicer quarters than I otherwise would have. I tell that story because it's so unfortunate to categorize women as being jealous and not wanting a woman hired, because this is I think the truer nature of women, to be supportive. Of course when you're the only woman, you get your support, and this was true in California. If you were going to get support, mostly it was through the paralegals and the women and the secretaries and the wives, to the extent that you're getting that kind of support.

Perry: How much longer did it take for them to hire the second associate?

Miers: Well, you don't want to open that door because it's another long story, and I'll just tell it really fast by saying it took us a long time, about, as I recall, two years. We offered every woman a job who walked in the door who was even close to qualified, and I remember that because I was involved in it. I would interview them and we would offer them a job, and every one of them decided, it appeared, they were going to go where they could be first, and so they went to a number of other firms. A strong motive was that they could create their own environment, and I thought that was great. I didn't mind that. We tried to hire women as quickly as we could once they had opened that door, and they were very supportive of that and they involved me in it, which I appreciated.

Perry: And did you feel things were going smoothly toward partnership for you?

Miers: Very, very smoothly.

Perry: And indeed, after six years, you were made partner, correct?

Miers: And there was a lot of talk of, because of the clerkship, making me a partner earlier than that. I came in July of '72 and I was made partner in '78, and there was some considerable talk and a little bit of consternation that I didn't make it in '77, because you're getting greedy about it, you know.

But anyway, the story on the second woman is that I just had born a great nephew who is the result of our hiring our second woman, because I was very friendly with some folks who were involved in law-focused education and again, loved to get involved in things that were of interest to me. I met some folks who were interested in thinking that you could improve the education system in Texas if they had a curriculum that included law-focused education, and we were working to get that done.

One of the people who helped us a little bit on that was a guy named Doug Lang. Doug had a sister and they both clerked on the Supreme Court of Missouri. He invited his sister to come and visit at one point. She was [REDACTED] in his library, just waiting for him to go to lunch, and one of his partners said, "Call Harriet and get her over here to meet Liz." So I went over to meet Liz [Lang]. She had just finished her clerkship, I wound up introducing her to the firm. They loved her and hired her, so she was the second person.

Years later, I decided that my little brother, who was doing his internship and didn't have any time, and Liz, who was working all the time and didn't have any time, might enjoy at least

having each other to go to dinner with, and now they have carried it much to the extreme and they've been married over 30 years.

Riley: How about that?

Perry: Harriet, I've heard of rainmakers in law firms, but you are the matchmaker.

Miers: Their daughter is an associate at our firm now, and she was at the firm when I went back after being in Washington, so they had to waive the nepotism policy for me. Anyway, she's doing great too. She's a much brighter, more wonderful person than I will ever be. She just had her first child. So that's that story, and that was our second woman. From then on it took off, and more and more women were coming out. We were hiring more and more in every area of the firm.

You might recall hearing, probably not, in about 1975 there was a huge lawsuit in Dallas against all the major firms by some women who were Jane Doe plaintiffs who sued all the firms just about, but not ours, because we had offered a job to many women, so it was not an issue for us. I think there were a few other firms that weren't sued, but many of the major firms were sued. One of those plaintiffs, we all know now, was Barbara Lynn. You may have heard of Barbara. She became chair of the litigation section of the ABA [American Bar Association] and now is a federal district judge in Dallas, a wonderful friend, a brilliant woman, and wonderful lawyer. She certainly could be on the Supreme Court of the United States and do great. As time passes, things get better. You still hear complaints about the treatment of women, even to this very day, but it's a lot better now than it used to be.

Riley: There may be other big developments in your legal career that you want to talk about, but I'm interested—You take on elective office at some point. Tell us about the evolution of your career, so that you're contemplating elective office at some point, why you did that.

Miers: Sure. I was very interested in outside activities and participating other than just in practicing law, so I became very active, with a lot of encouragement, in the Dallas bar, and as you know, became president of the Dallas bar.

Perry: The first woman.

Miers: The first woman. That made me very much involved with the community generally, because I was very interested in the professions interacting. So I encouraged the development of a theology, law, and medicine congregation every year, which is still going on, and very active in the business community. Obviously, if you're a lawyer, those were our clients mainly, or corporations.

I've always represented a number of individuals down through the years, so that took me to be involved in the Dallas chamber. We did a lot with the chamber, and that led me to know people who were interested in the city council, and the city council office became open, it was an at-large seat, so it was important to the business community. Dallas at that time had an eight-three configuration, which was eight single-member districts, the mayor, and two at-large. I had no interest in a single-member district position. I would not have run for one, and when offered one I didn't take it because I just had a community-wide interest.

A number of the businesspeople asked me to consider running. I talked to the firm, they said OK. City council is a full-time job. The law firm has always been very gracious though, in allowing people to do what they want to do, and so I was elected to the Dallas City Council. It was a very hard-fought election. I had a Democrat candidate against me who was very strong in the Democratic grassroots community, a Republican who was, interestingly, very strong in the religious right community. You've never worked hard until you've done elective politics. That was very eye opening, and at that stage we had a phone that was as big as this book that you carried around. That was the first mobile phone.

Riley: Right.

Miers: I remember carrying that thing around the community and going to all these community get-togethers. You learn not to take what people say about you seriously if you run for elective office. I'm sure you'll notice that had some application later, but when you run for election, you hear all these things said about you that you just want to go, "How could they say that or how would they assume that?" But you just learned that they don't define you, you define yourself. I was elected and served on the city council for two years.

Riley: Let me interrupt you. You had identified your opponents with partisan labels. I'm assuming that these were nonpartisan elections?

Miers: That's a wonderful observation, Russell, and absolutely, you were nonpartisan. I ran my election with the general counsel of the Republican party as one cochair, and Lee Simpson, a former Democrat member of the city council, as my other cochair. We ran it bipartisan, but it's actually a nonpartisan race and you serve nonpartisan.

Riley: Right. And the first election, forgive me, I should know this from the timeline, was in what year?

Miers: That was in '89.

Riley: Eighty-nine. When you made a reference to the cell phone this big, I was thinking about 1990, but I wasn't sure.

Miers: You were exactly right. It was a great experience, very broadening of your horizons. You dealt with budgets and all the things that are extremely involved in a city of our size. Dallas— We are one of two major cities in a huge suburban area, and we dealt with every issue you could think of. Transportation, I served on a board that dealt with the train that runs between Dallas and Fort Worth; economic development; all of the aspects of community we dealt with, of course. The Dallas Love Field controversy, and the DFW [Dallas-Fort Worth] competitive issue, aviation, how much fuel it takes to circle when you can't get a landing space, all of those matters. I loved the council and the issues, and for the most part the people, with some exceptions. So that was all very great.

Riley: Did you like running for office?

Miers: I did like running for office.

Perry: And did you think at that point about going beyond that to Congress, the Senate?

Miers: Here's what happened. The state bar of Texas, every year there's a committee that determines who we are going to ask to be the candidates for state bar president. You have to have had history with the state bar, and I by that time of course had been Dallas bar president, served on the state bar board, was a sitting city council member. So they called me and asked me if I would consider running for state bar president.

At that time we had been through this horrendous—I mean we had every civil rights kind of issue in Dallas. We had near riots in the city council chambers three times while I was on the council. I remember going home really late at night, talking to the mayor, and her house was surrounded by police because they were fearful for her safety. It was a very tumultuous time in Dallas, but the litigation related to the representation in Dallas ended up with a 15-member city council, only the mayor-at-large, so 14 single-member districts. I was totally for it.

As much as I believed in at-large seats, the truth in Dallas was that they had been used historically as a means to augment the power of the wealthy area of the town, and that's who represented those seats. They had become stigmatized to the point where to keep them was just not a viable option, in my view, and that did not make some people happy with me. I certainly didn't please a lot of the constituents in the community by supporting doing away with those seats.

Riley: Right.

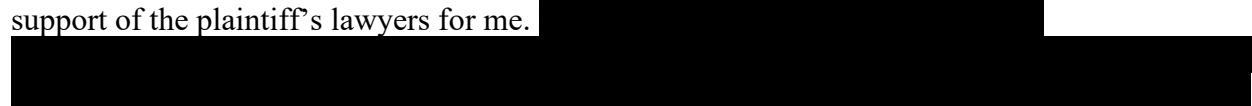
Miers: And they did a map where Jerry Bartos, who was my next door neighbor, was carved into one district and I was carved into the other district, so we didn't have to run against each other and we would have had no meaningful opponents, because that's the way it was going to get resolved. I didn't have any interest in representing my district because it didn't need any representation. It had all the representation it needed through the mayor's office and through whoever was going to represent that district and the surrounding districts, so when they offered the opportunity to run for the state bar president, it seemed to me like something that I should do. It was difficult because my opponent was a Houston lawyer. We spot Houston a four thousand lawyer advantage by being in Houston, because there were that many more lawyers in Houston at the time than there were in Dallas.

Riley: Why is that?

Miers: Well, because Houston is larger.

Riley: I should know that but I don't.

Miers: Well, no, you shouldn't, you shouldn't at all, but it's larger, and lawyers who had tried to get elected from Dallas against a Houston lawyer had not been successful. So I again was just really fortunate. I had a guy reach out to me who was a plaintiff's lawyer in East Texas who had been president of the state bar a few years earlier. He wanted to help me. He was able to get the support of the plaintiff's lawyers for me.



[REDACTED]

So anyway, he was very helpful. He gave me all of his letters that he used and some efforts. At that point, the race was a true election. We've since modified it, and provided money to help. At that point, you had to go all over the state.

Riley: So you're campaigning for it.

Miers: Oh, it was huge. One of the best pieces of advice I got in all of that was to wear Easy Spirit shoes, which came up again in the Supreme Court, as you will recall, but—Your feet and your hands—I could really empathize with the President and Mrs. [Laura] Bush, who had to shake hands so much. Your hand just gets to be paralyzed from shaking so many hands because you go through floors and floors and floors, and if you don't, they don't think you care. You had 45 days, you had a mad dash, you planned places all over, you drove from one city to the next, and you had to locate people in the community to help you. So yes, it's a bear at that point. It still is, but we realized that the burden on the individuals and the individuals' firms was too great. It's been curbed by rules, but at that time it was still highly competitive.

[REDACTED]

We figured out that we had to get a higher turnout in Dallas and I had to maintain a certain level of support in Houston. One thing that was interesting in Houston was that the women lawyers there were powerful. There was one at Baker Botts in Houston, Diana Marshall. I'm remembering her name correctly. I needed her support I knew, but my supporters told me she had asked the question, "Will Harriet embarrass us? If she's the first woman, will she embarrass us?" She was assured that I wouldn't and so she and some other folks were very active in Houston, and I was able to get a certain percentage of the vote in Houston and a high turnout in Dallas, and he was not able to get as much support in Dallas, so I won. I had to win in San Antonio and Austin. Whatever level I was able to maintain there allowed me to win.

Riley: Now a technical question.

Miers: And my young lawyers were fabulous. The other key to state bar presidency, I know now, is having the young lawyers support you is absolutely vital.

Riley: You mentioned turnout. Do they go to a polling place?

Miers: No, it's a paper ballot.

Riley: OK, a paper ballot.

Miers: At that point it was a paper ballot and it was out there for maybe 10 days or something like that.

Riley: So it's a rolling—You got a window of time where they've got to fill these out and return them.

Miers: Right. And during that time, the amount of campaigning you could do, you couldn't campaign. That's the turnout time, and so you had to have people in the firms saying, "Please turn in your ballot. Please vote for Harriet."

Perry: Even though it was terribly difficult as you said and you had to wear your Easy Spirit shoes, did this pique interest in your mind that you might want to do a political race statewide at some point, or a Congressional race?

Miers: I really didn't think about it. My mindset had always been on practicing law and so I don't recall that. I know that I wasn't thinking about it, because at some point Mrs. Bush, when we were in the Governor's campaigning, and I was working with the campaign committee, Mrs. Bush asked me, I remember, "Are you going to run for attorney general?" I told her no, I was not intending to run for an office. At that point at least, when asked, I said no. Part of that, candidly, was I had some financial obligations, familywise and otherwise, so I needed to keep making money.

Riley: Sure, sure.

Miers: And so to go on a government salary at that point was not within what would have been practical.

Perry: And you said your time on the city council was a full-time job. What about being bar president? Is that also considered a full-time job?

Miers: Absolutely.

Perry: How did you balance that with your litigation work at the firm?

Miers: With the support of the firm. I tried to work half time on each but maintain a certain level of practice so that the firm at least wasn't losing money on me. They were very gracious. The firm was just really wonderful about supporting all of those time periods when I was doing other things. The reason that I think I was brought to Governor Bush's attention, or I guess he was candidate for Governor at that point, was because of the state bar presidency. I had just finished that.

Perry: How long a term was it?

Miers: Well, it's president-elect, president, immediate past president, so you actually have three periods of time you serve, the most concentrated being your presidency. One thing leads to

another, but I always kind of laugh about, because that's all about returning your phone calls, which I'll tell you about if you want to hear.

Riley: All right. Let me intrude with one question. In the bar association race was there any kind of partisan dimension?

Miers: Yes.

Riley: Are there Democrats and Republicans that you were grappling with, and are you self-identified as you're running as being a Democrat or Republican?

Miers: Well, in the Dallas bar, this is kind of true in the community stuff too, in legal services, which I was involved in as far as I can remember back, that's very partisan, or very liberal, conservative, as you remember in those early days, and contentious; irony again. I served on the city council with Al Lipscomb, who in my legal services days, on the board of directors, I remember he jumped up on a table in front of us and was raising Cain about some of the issues that were going on at the time, people bringing guns to the meeting. So I was used to contention.

When you went to the YWCA [Young Women's Christian Association] or something like that it was like a love fest. Everybody loved everybody. I couldn't believe it. It's a board and we love each other. How does this work? The Dallas bar was the same way. The Dallas bar was one for all, all for one, nothing contentious except on issues, and us versus the community on some issues. But when you went to the state bar, because we're a governmental agency in essence, we're quasi-governmental, because they are the licensing agency for lawyers and they run the grievance system and they run the budget and all. It became very partisan there because it was more plaintiff/defense.

Riley: That's the division, gotcha.

Miers: But as you might suspect, there were more Democrats on the plaintiff side.

Riley: I might suspect that, yes.

Miers: The city council was nonpartisan. Everybody was identified, though, by which side they came from. Some people thought I was Republican; some people thought I was a Democrat. At the time I was a little of both, as it turned out. Let's see. In '89 I was formally a Republican, because our judges by that time were all elected in the Republican party.

Riley: I see.

Miers: So if you were going to vote for the judges, you were going to vote in that primary, and at some point when that happened, I shifted to Republican.

Perry: And you did have to change your formal registration and you did it?

Miers: You just started voting in the primary. We didn't have registration.

Riley: You would be on their rolls because you participated in their election.

Miers: Yes, you'd be on their rolls but there wasn't a formal, "I'm a registered Democrat." We weren't like that.

Perry: But you didn't have to do that in Texas. You didn't have to register by party.

Miers: No, you just went and voted. In fact, I remember going in, because I was in a very conservative precinct. There were this many Democrats and this many Republicans, and so I remember going over to my precinct chair and explaining that I'm a lawyer, I've got to vote for judges, I'm going over here, so bye.

Riley: That was your formal departure from the Democratic party.

Miers: That was my formal departure. Well, you know, you got to know each other because—

So anyway, the Dallas bar, no partisanship whatsoever, there really wasn't any, the issues you dealt with. Actually, being a Republican helped me in one of our disputes over the size of the criminal courthouse that was being built, but that was a united front kind of thing. Texas, I was a little bit taken aback, because I'd been used to everybody being on the same team, and then you get to the state bar board. You went from the Dallas bar president to the state bar board. That was before I was even considered as a candidate, very definitely involved in politics, and you could see it. It manifested itself in rules in lots of different ways.

Then when I went back to the firm, I swore to myself, *OK, I finished the state bar, I'm going to learn how to speak Spanish, learn how to play the piano, and relearn how to play tennis.* I still haven't done any of those things.

Riley: So, interview over?

Perry: In 1992 is when you were elected president of the state bar, but I'm noticing here on our timeline that we skipped over a part of 1989 where it says that you were introduced to George W. Bush. Is that right?

Miers: Well, I hadn't met the Bushes, not where they would remember me, because they were celebrity type just by who they were, because they were the President's son and daughter-in-law. I had met him a couple of times, but what they're talking about is—

Perry: Tell us how you met them before we even have you here.

Miers: Well, there would be community functions and they would be there, and you'd be in the same room with them. What's being referred to there is a Senatorial dinner that everyone went to that had any role in the government of Texas at the time. The supreme court all went, and my friend, Nathan Hecht, invited me to go to that dinner, so I was there at a table. It just so happened that the President and Mrs. Bush were at the same table.

Riley: The younger.

Miers: W. Bush, yes.

Riley: George W. Bush.

Miers: The future President. I'm sure that they didn't recall me. I am just 100 percent sure that the fact that I was at that table, they didn't remember me. I of course remembered them, because that's the way things are. That's what they're talking about, with respect to that dinner.

Perry: What had been your thoughts of seeing them at these other events and maybe even meeting them briefly?

Miers: None.

Perry: And then how about this evening that you speak about, at the table?

Miers: I finally get to meet them and see them, banter and talk, and they seemed like very nice people. So that was it. What happened really that connected me to the Bushes was that having finished the state bar, having been a woman and the first, I think that the President, in putting together his campaign, was interested in finding a woman general counsel, which was interesting in a number of respects; one that he thought about, *I'm going to get a woman because I want some diversity in my group*. He was going to have Karl Rove and others. He wanted some diversity, and Jim Francis was his chairman back then.

Riley: You said the campaign. This is for Governor?

Miers: Yes.

Riley: The first campaign or reelection?

Miers: The first.

Riley: OK, for the first time.

Perry: In '94.

Miers: Yes.

Riley: I'm sorry, Harriet, go ahead.

Miers: So no, the—This is returning your phone calls, because Jim Francis works with Haynes and Boone, the law firm in Dallas, and he knew Nina Cortell there, who was one of these women who came along after me that I've always known. She gave him three names of people who were Republican who might be interested in doing something like this. She identified myself and two others.

I remember getting back to the office late that evening and having a phone slip—This was back in '93, so I was back at the firm. I get this slip. Because of my involvement in the community and politics, I know who Jim Francis is. I knew who he was and I called him back. He asked me if I'd come meet with them. I was the only one who returned the call.

Riley: We're always looking for lessons to pass along to our students.

Miers: Well, this is a good one, because we preach this all the time, and there are some others. Anyway, I remember my first meeting was with then-candidate, about to be. I guess he wasn't a candidate yet, because he was still putting together his committee. A lady who was going to help with fundraising, myself, and Jim Francis met, and it was at that meeting—I'm going to tell this story whether he likes it or not—I was very comforted by the prospect of working with him because first, he is very personable.

I was very opposed to Ann Richards, which was very hard to do in Texas because she was a remarkable individual. I had utmost regard for her personally, but what she had done to our courts and what her policies were, in my view, were very damaging to the state. This was complicated also because Jess Hay was a very strong supporter and his other executives were very strong supporters of Ann Richards, and I had to go to Jess and just tell him, "I've got to do what I feel is best for me to do and for Texas," and so I did sign on to help. What I recall that was very comforting was the President's attitude toward what my job was going to be, because he and Jim laid out that there's a line, there's a gray area. We're going to be not close to the line, but not close to the gray area.

Riley: I see.

Miers: [REDACTED]

Riley: [REDACTED]

Miers: [REDACTED]

Riley: [REDACTED]

Miers: [REDACTED]

Riley: [REDACTED]

Miers: [REDACTED]

Riley: [REDACTED]

Miers: Anyway, that was comforting, that the attitude was we're not going to operate in an area close to the gray area, and that gives you a lot of strength because you can just say the candidate is not interested in that, and it was very clear that I had the candidate's approval.

Riley: Is that a full-time position, the general counsel to a gubernatorial candidate?

Miers: Oh, no, it was totally volunteer, so you're keeping up your practice and doing whatever.

Riley: Are there any other recollections? Are you getting to know the person who is George Bush relatively well? Is there a lot of interaction with the candidate, or are you just getting issues punted to you from—

Miers: No, there's quite a bit. Participating in the debate preparation and going to the debates, and so you got to know him very well, got to know Mrs. Bush very well.

Riley: Right.

Miers: I love Mrs. Bush, of course, and think back with a smile because Mrs. Bush, at that point, if you had asked me, I would have said she's painfully shy. I remember walking through the airport sometime, and you would have to notice her and know her because you recognized her shoes or something, because she would be like this with the newspaper, literally.

Riley: Up over her face.

Miers: She would have the newspaper up over her face. She wasn't shy if you knew her, and she always had strong views and always was outspoken about things, but she didn't like the attention, and this story about him promising her she'd never have to give a speech is true, I mean to the utmost. The idea that she gives all these speeches, is so sought after and articulate and wonderful, I don't really know anybody who doesn't like Mrs. Bush. That was all wonderful.

When he was elected the girls were 12. I loved the girls. They were very different. Barbara [Pierce Welch Bush] and Jenna [Bush]. Barbara was always reserved and quiet; Jenna was always vivacious, and that's best epitomized by her moving to Austin as part of the move as Governor. She ran for office in her student body within the first year. She was totally out there in terms of not very many inhibitions. They're both extremely bright. I remember on the plane to Austin something that Debbie Francis said to the girls that I've always thought was a really in-the-moment comment that was very wise and composed on her part. The girls were seated and she said, "Now girls, you're excited and we're all excited, and this, though, is monumental, that you're on this airplane and you're going to Austin and your dad is going to be Governor of the State of Texas."

Of course at that point, no one ever thought of anything else. This was huge. He started out a huge underdog. No one in the general public thought he could beat Governor Richards. It was a remarkable statement that she made to them that they should take in this moment, even though you're 12, this is something you should remember and you should start thinking about what's happening to you and what's happening to your mom and dad, and how this is so significant for

our state. I didn't think to do that. I thought, *That's a really wonderful motherly like thing*, and of course Debbie is a mom. That was on our flight to go down there, I guess for the inauguration.

Perry: In looking back, because you say the odds, at least among the general public, seemed so against George W. Bush to defeat the incumbent, Ann Richards, a very popular Governor, and you spoke about being at the debates as well. What was it that you were seeing in George W. Bush that helped you to comprehend why he was able to defeat Ann Richards?

Miers: I think it was the same reaction on other people's parts that I had when I talked about policies, because he targeted four policies and stuck to those and they were very practical and very central to welfare, for example, the juvenile program that he sponsored. But in addition, George Bush is a very likable person.

I remember he had some kind of barbecue or something. I had some tickets and I gave them to some friends of my middle brother who had never been to a thing before and certainly never thought they'd meet a real candidate for Governor. One of them afterward came and told me that he didn't know what to do, he was just there, and he was standing outside of the ring of the people at this barbecue, and George Bush saw him out there all by himself. He walked directly to him and engaged him in conversation, asked him who he was and how did he get to the event. The guy was just mesmerized that this wonderful son of a President, candidate for Governor, was that caring, that he wanted to make him feel part of it. He had an engaging personality. When you talk about a candidate's ability to be a candidate, that's really important, and it spreads. He was a great candidate and is a great candidate.

Perry: What did you see about his work style in his preparation for those gubernatorial debates?

Miers: He's very disciplined and very serious, which people also didn't give him credit for, because they thought, *Oh, he's a playboy and he used to get drunk* and all this stuff. They didn't anticipate the gravitas that was there, so really, when you think back on his Governorship, what was there not to like? I mean really. He became the closest friend to the Lieutenant Governor, who was the arch epitome of a Democrat, and the guy, [Bob] Bullock, has him do his funeral service. That's how close they were. This partisan stuff wasn't in his makeup because I think he saw that there were good things in the views of both parties, and you had to work together, and the speaker of the house, who was also a Democrat, and Governor Bush met routinely and were able to get things done.

He just did a really good job and he had no trouble getting reelected. In fact, I don't even remember having to be very active in the second campaign because he was just such a shoo-in. He had a very minor opponent. But it was a time for him, I think, to be introduced to other things. The concept of running for President I guess began to emerge in that second campaign.

My role always was, and I know this is on your outline and I actually marked up that outline a little bit, which I can share with you, but my role was always the state side of his campaign, to keep it out of trouble and to do the filings and make sure that we were abiding by the law. That was my role, and I still had that through the second. I had it until I went to the White House, really, because you had stuff going on and you had to reject stuff and you had to report different stuff, and there were valuation questions. At the same time, I was handling a number of personal

issues for him that the Governor's counsel couldn't handle. The President was not a guy who liked lawyers and he wasn't ever lawyered up. He didn't have a personal lawyer. Why was I his personal lawyer? Because he didn't have one.

Perry: And then by this time, it's Alberto Gonzales who's his counsel, correct, from '95 onward?

Miers: Well, if you mean in the Governor's office.

Perry: Correct.

Miers: When he was putting together his staff, again I was asked to be counsel and I physically couldn't do it. I couldn't move to Austin and I couldn't go on a government salary. I had to do what I was doing and so I said I couldn't do it, so he started looking around. I know one thing that I would correct. It says I introduced the President to Alberto Gonzales.

Riley: This is the timeline?

Miers: Yes. Where's my timeline?

Perry: It says that in '95 Miers recommends Alberto Gonzales to Bush as counsel.

Miers: That is correct as it's written, but I think it leaves an impression that has been reported other places too. What happened was that again, this is a guy who believes in a community as a whole, so he was out looking for a staff that was diverse to some extent, as much as it made sense. So he had reached out to various people to see who might be not only a good lawyer but also had some diversity.

Al and I had worked on the state bar together. He was either a minority appointment or he was—I've forgotten how he was on the state bar, but he was on the state bar board at least a year while I was on it, so I knew him and liked him, and I think we liked each other. Al, different from myself, always wanted to be in government. I think we had a difference in interest in that regard. So people said, "He's a lawyer, and Harriet knows him. Call her." So they did, and I said, "Yes, I know Al. He worked on the state bar board and seemed like a great guy. I think that would be great." So it was more a reference than an introduction.

Riley: Right, OK.

Miers: That's important. He was working for Vinson & Elkins at the time, and Vinson & Elkins had a lot of people who were involved in the campaign. Al was in kind of a special group there and so Al interviewed. The President is attracted to people, particularly people with interesting stories, and you can see this repeatedly. Al of course came from dire poverty, and his being White House counsel and Attorney General was as far-fetched as my being in the White House. I think the President was taken by Al's story and hired him and Al worked as his counsel until he was appointed and served as Secretary of State. Al was very interested in the judiciary. There became an opening on the supreme court and Al served on the supreme court until he was chosen to be White House counsel.

Riley: Were you ever approached about a supreme court appointment in Texas?

Miers: I didn't want to be in the judiciary. I didn't want to be a judge.

Riley: Right.

Miers: I wanted to be a lawyer.

Riley: You were doing what you wanted to do, which was being an attorney.

Miers: I certainly feel I could have been considered for that or even a federal judgeship, but I just never saw that as my role, to be in the judiciary. I will get to this later. I have no issue with talking about this, but when I was Staff Secretary, I was in the President's office, just the two of us, doing something, getting him to sign something, and he said, "Well, Harriet, do you want to be a federal judge?" And I said, "No, sir, I like being an advocate. That's my role."

I think I even explained to him one of the reasons why, because I think if I was a judge and I was seeing things happen in the courtroom, I would have a tendency to reach down off the bench and say, "Don't do it that way. Do it this way." [laughter] I wasn't sure that I could maintain that role the way you're supposed to. It just wasn't something that was a choice for me, that I was that interested in, although I had great admiration for the role and great admiration for the people who are judges.

Riley: Sure.

Miers: It wasn't a life choice that I had an interest in.

Riley: I understand. You had also said that you thought the President liked people with interesting stories. You think this was true also with you, that part of the reason the President was attracted to you was because of your life story?

Miers: If you sat the President down right this minute and asked him my life story, I'm not sure he could tell it, because that's not something that we really dwelt on. So insofar as my being a woman and working with him and the way I approach things, I have to say, Russell, I don't think that I really talked about my personal situation. He knew I loved my mother, he knew that I took specific care of her, because he would see me driving her from my house to her house every morning. She was in a rather isolated house and I didn't want her sleeping there at night at some point. He would be driving the girls to Hockaday and I would be driving mother over to my house, so he knew I did that. Our cars would cross every once in a while. He knew stuff like that—but I don't think he really—and I had no interest in that. It wasn't that much of an issue to me really.

Riley: Let me pose a related question.

Miers: Sure.

Riley: You said that he was interested in you because you were a woman, and obviously a kind of pioneer as a professional woman in Texas.

Miers: I think that's why I came to his attention.

Riley: OK. But there were a lot of women in high-level positions. We'll come to the Presidency later, but this is related to Texas, where he was surrounded by very strong women. Have you thought about why this is something that George W. Bush does?

Miers: Well, I'm sure he has no inhibition about the competence of women. He had a number of women who came into his Governor's office and did an extremely great job for him, and I think he is merit-based. Karen Hughes came in as his press secretary, not from the beginning. She had worked with Fred Meyer in the Texas Republican party as the spokesman and executive director for that. She had done a really good job for Fred. Fred I'm sure was very supportive of her coming to the Governor's office, and there was a need, and so Karen was not afraid to—What you can't be around President Bush is afraid, or you can't be hesitant to tell him even when he's wrong, which rarely happens, but every once in a while. You have to be willing to tell him what he doesn't want to hear, and if you're not, I don't think he respects you.

Karen Hughes had a very effective way, for example, of managing the press. I loved her because when I got into the lottery controversy, I remember calling Karen, and of course I was talking to her all the time because you had to. Anything I did was going to reflect on the Governor's office, and I had to be sure that I was communicating with them, as well as doing a good job, and so I would call Karen. Have you all interviewed Karen?

Riley: Yes.

Miers: You know that she is extremely articulate and extremely able to take a bushel full of words and put them in a sentence and it makes sense and you go, *Why didn't I think of that?* I would do that on the Lottery Commission, which was night and day, when the scandal hit. We were dealing with a news conference every day, scores of gaggles, all that, and it was really helpful to be able to call Karen and say, "Karen, here's the deal." And she would say, "What you're saying is—" Yes. She has an incredible talent with words and meanings of words, and how to articulate things and say them the right way, and so she was an immeasurable help to me in that scandal. That was one person.

Margaret Spellings is an incredibly wonderful human being. She loved policy, she loved education. She worked on the campaign, she came into his Governor's office, she helped him with policy, and they just grew up together. She did a wonderful job. She did a wonderful job in the domestic policy arena, she did a wonderful job as Secretary of Education, she's doing a wonderful job now. He just was able to pick maybe, correctly, but you had a really good experience. His best and closest advisor, of course, is Mrs. Bush, and so I think he had it very close at hand through his mother, through Laura Bush. His sister Doro [Bush Koch] is someone I think he really cares a lot for. So that's all. I'm sure there were other women who were around him, but you'll have to help me remember who I might need to comment on. Those are the two that come to mind.

But then I did want to go back to the girls just a minute because during the Governorship, of course, they were in the public's eye, and what a terrible thing for teenage girls. They were always being focused on and I thought very unfairly and not in the correct light, if you knew

them. They were typical teenagers, one quiet, one not, and so one thing that has developed over the course of time is that the public is now seeing the quality of those two young women.

Jenna is just beloved and I think Barbara, likewise. In fact, this spring Barbara will be the keynote speaker at a luncheon in Dallas where the purpose of this organization is to help women out of the sex trade, so dancers and prostitutes who are helped by something called—What's it called? New Friends, New Life. It is just so wonderful to see her having done this great thing with global health. Do you all interview the girls?

Riley: No, we don't, but it's just the limits of what we can get to. There may be some interviews done in Texas where they would get them.

Miers: They are wonderful young women now and always have been. They were very bright in school. One went to Yale, the other was Phi Beta Kappa at Texas, which is not easy, and so you know they were always very talented young women with very big hearts and a great comfort to their parents at very difficult times. I did want to finish that because the family unit for the Bushes is so important. You talk about a source of ethics, a source of integrity, a source of belief, a source of religion and faith, a source of comfort, it's the family, you know?

I can only imagine what it's like to grow up under somebody like former President [George H. W.] Bush, who has got to be one of the most wonderful men who ever walked the face of the earth. I'm not biased [*laughter*], but he is a remarkable man. I don't know Barbara Bush that well, the senior Barbara Bush, but she must be every bit as wonderful and everything that we perceive about her, been around her, whatever, she's always been wonderful too, but he is a phenomenal person.

Perry: Did you get to see him on occasion?

Miers: Oh, yes. Of course our staff and the President, I think, were very careful not to make it look like the former President Bush was in any way guiding this President or influencing his policies or any of that, because the press and enemies would have been all over that.

One of the most painful experiences with the Bushes was when his dad was running for his second election and the President's office at the time, my President's office, was at the corner of two streets in Dallas. You actually could look down on the campaign headquarters of Ross Perot. That whole scenario that really cost the President his reelection was extremely painful and extremely sad. It was not in any sense a betrayal. Mr. Perot is a remarkable human being in his own way. He had every right to do what he did. I love the Perots. They are extraordinary citizens of the world, and they do immeasurably great things, both themselves and their kids and everybody, but that was really sad because we watched that election be lost.

Riley: You touched very briefly on the Lottery Commission experience, and I wondered if there was anything you wanted to say about that to help clarify the record or to elaborate on the record of your experience there.

Miers: Well, I'm of course proudest of the *Dallas Morning News* editorial about what really went on there. I remember a lot of that like it was in slow motion, as you might suspect, because

I really came into the lottery—Our fear was not that the lottery had any issues. It also had supervision over bingo. I'm an expert in bingo.

Riley: See, that's something you don't get from the book.

Miers: Absolutely. The money involved in bingo and the possibilities for that to go amiss, the abuse of elderly people who participate in that has huge potential. So when I was first approached about the Lottery Commission, the primary concern was not the lottery, it was bingo. I hadn't been in the office very long when I got home late one Sunday afternoon and I had a yellow slip. These yellow slips can make all the difference in the world. I had a yellow slip from the press people at the lottery, and it was reporting to me that it was about to break that our Lottery Commission executive director had a relationship, allegedly, with a man who was getting money on a consulting basis from our major vendor, the lottery contractor.

The problem with that isn't the scandal itself. That's not an unusual occurrence, and in an ordinary agency it wouldn't have been that big a problem. You would have dealt with it and so what. But the lottery is all about the public buying tickets, and if there is a scintilla of fraud or lack of integrity, your sales can drop overnight, so the task at hand was how do we deal effectively with what obviously is inappropriate if these are the facts, but you don't in any way have the lottery impacted in its sales. That was the challenge. So you had to deal with both those fronts. There were some document issues, some records that were at issue.

We had to have the DPS [Department of Public Safety] come in and seize the records so that there was someone objective, not us, not them, because at this point, I'm us. I'm potentially identified as part of something bad, so you need to protect, at all costs, the agency itself. So we got the DPS to come in, seize the records.

Perry: DPS is?

Miers: The Department of Public Safety. We just had them seize the records of the agency and monitor people coming in and out until we could put in place enough security that no one could ever say that any of the records were in any way tampered with, which worked, I'm happy to say. At that time Jim Francis had become the head of the Department of Public Safety, so we had a good relationship. He was very cooperative and responded immediately. We got all that taken care of. We got past that.

I learned out of that—This is a book, so I'm not going to go into a lot of detail, because I don't think it's where your emphasis is, but the truth of the matter is that when something like this happens, the aggressive posture of your opposition is to turn you into the evil—and that's exactly what happened here. The effort was to portray me as having a conflict of interest and being the evil one and attacking this poor innocent woman. But for my colleagues on the Lottery Commission, both of whom were Democrats, that may have been more effective. The challenge against me was on a relationship that I had taken to the ethics people and gotten an opinion on, that it was not a problem, so there clearly was not a problem. That did not stop both my accusers and the media from holding that, "Is she or isn't she a crook?" and you're going, "A crook? Really?"

Fortunately, I had the support of my other two commissioners. They put the spotlight back where it needed to be, on the person who had allegedly been in this relationship, but it was at one point very in doubt as to what would happen. As it turned out, the vote was unanimous, so it wasn't like I was anything, and the media shifted over to focus on the relationship and why that was wrong. But all of that being started, the issue about who is going to be the lottery contractor was coming up for a vote. Of course I made the decision a year before that vote would occur, because my term would have run out about the time the Lottery Commission contract would be considered. I made the determination that I was going to withdraw so that whoever came in as chair would have a year to get knowledgeable and make the right decision and all of that.

The lottery contractor situation is very difficult, because there just aren't that many companies that can run an organization like that. I haven't checked recently, but that was the case when I was there. A gentleman named Tom Clowe came in. He was wonderful, and we're very close friends. I just saw him the other night. He's from the Waco area, I guess. Tom came in and was a great chair, but we had all of this loss.

We had hired an executive director who raised some issues for us in the operation of the lottery. We had to make some decisions about his continuation at the lottery. He then sued the lottery, saying that we really only were—All this is fuzzy. This is really something facts should be checked on.

[REDACTED]

The record was clear, and as I say, I think the Lottery Commission never suffered from all of that. I think it's fair to say we did suffer a drop in sales at one point, which was very unfortunate, and the reason we did was that for some reason, the comptroller of Texas decided that they were smarter than the Lottery Commission and that they wanted us to reduce the payoff and get—I'd have to think this through, but it was not wise. It was not going to work and it didn't. Eventually, we went back to what we were doing.

[REDACTED]

I will never know how that happened, but we lost a ton of money and then we had to revamp, and what was forecasted was exactly what happened. I'd have to go back and reconstruct exactly how they got it through I guess, the legislature, so that we had to do it.

Riley: Was there any other piece—? I'm mindful, looking here, because I think we're going to break. Actually, we've already run over, haven't we? My apologies.

Miers: Nancy is not here. I'm fine, I'm really fine, but I thought we were waiting for Nancy so she could join us.

Riley: No, we're not waiting at all, we're proceeding as we normally would.

Miers: I mean waiting for a break.

Riley: Let me just ask this one question, which will set us up to come back after lunch, and that is, was there anything else that's important for your story, before we get to the Presidential campaign?

Perry: Of 2000.

Riley: In 2000. Is there any other piece of this that we've skipped over or anything about your relationship with the Governor at this time that merits discussion?

Miers:

They were always very caring people. The Governor's office, when it first started, there were a variety of issues that we had to sort through, settle in personnel, which is not dissimilar from the White House, of course. I don't really know of anything that we've skipped over.

Riley: OK. Well, that's something we can keep in the back of our minds. Why don't we go ahead and pause here? You've been a good sport, because I've kept you longer than we normally do for the morning session.

[BREAK]

Riley: We got you to the campaign. Did you have a role in the Presidential campaign?

Miers: My role was principally still as counsel to his state campaign, which of course still existed and in fact existed up until just before we went to the White House, where I had to hand it off. I did various things from time to time, attended with the debate commission, attended a meeting, and also handled some other issues related to the campaign, but it was more legal; for example, if they had what looked like it could become a complaint or something. The principal lawsuit I handled was the citizenship of Dick Cheney being the same as the President's. Remember that?

Riley: Yes.

Miers: So we went to the Fifth Circuit. We had a District Court suit filed and then it went to the circuit and of course was resolved in favor of that not being an issue.

Riley: Was there ever any question? That wasn't—

Miers: Not in my mind. I'd like to say it was brilliant legal work.

Riley: We'll say that. Brilliant legal work.

Miers: It should have been an open-and-shut issue, but I think our fortune was that we had a judge who saw it that way and handled it expeditiously, and then the Fifth Circuit did also. Let's see, did I do anything else in the campaign? That's about it.

Riley: The Florida controversy. Were you drawn into that in any way whatsoever?

Miers: I really wasn't. As someone who was in the legal community and knowing that they needed bodies, I helped send people to work in that process, but that's all I did.

Riley: So just some recruitment of some lawyers to go.

Miers: Correct.

Kassop: Did the President ever have conversations with you during the time that the entire Florida controversy was going on?

Miers: You know, I don't remember. I don't recall any specifically that would have stood out in my mind, because the communication was kind of just every once in a while anyway, a variety of matters, but I don't remember any that stand out.

Kassop: He might not have expressed frustration or just the fact that it was so delayed and so uncertain?

Miers: No, not that I recall.

Riley: Were there any sensitive points in your portfolio, with respect to the previous campaigns, that you had to be vigilant about when it came to the Presidential election? There are opposition research people digging all the time. Was there any component of the stuff in your portfolio that you thought, *I've got to be prepared for this because they're going to stir this up and although there might not be anything there, they could make a lot of smoke out of nothing?*

Miers: I did have some legal responsibility with respect to issues, but those would really be attorney-client issues, so I need to not involve those. There was a lawsuit that occurred where I represented the President. It was public record and we were able to get that resolved by a summary judgment, so we didn't really think it would ever become anything. But as we were saying earlier, people can make something of something even when it's not really an issue, but they have a way of making it one. But other than work that would fall into the attorney-client realm, that's really all that I would have done.

Riley: At what point did you start thinking, *Maybe I'll go to Washington with this bunch?*

Miers: Well, I went up on the transition. I did go up and worked on the Justice Department transition.

Riley: Was this before the Supreme Court decision, or after the Supreme Court decision?

Miers: This was after. As you remember, we were so short-circuited on transition that it was wild and crazy, and people were working all over. I was co-managing partner of my firm then, so it really was not in my perspective at all that I would go to D.C., other than I went to help with the transition. Everybody knew I was going to do that, but it was with the thought that I was coming right back.

Kassop: Can you name some of the other people who were working with you on the legal aspects of the transition, the Justice Department?

Miers: Paul McNulty was working on it. I just have to look back, Nancy. He's the one person I remember specifically.

Kassop: Well, he became Deputy Attorney General, I believe.

Miers: He did.

Kassop: Was Boyden Gray involved at all?

Miers: I didn't see Boyden. I saw him later of course, once we were in office, but I don't recall Boyden. I do remember Fred Fielding was doing the vetting. He was responsible for all the vetting.

Riley: For personnel in Justice, or more broadly?

Miers: More broadly.

Riley: More broadly, OK. Did your portfolio include policy and personnel, or only one or the other?

Miers: It was comprehensive.

Riley: Who were you reporting to then when you were doing the transition work?

Miers: I think pretty much Paul was coordinating everything.

Kassop: Was Andy Card also working on the transition?

Miers: Andy was leading it.

Kassop: He was leading it. That's what I thought.

Miers: Andy would have been leading it, but he was focused on the White House, clearly.

Kassop: OK, I see.

Riley: Did you know who the Attorney General designate would be when you were doing this?

Miers: I don't know that we yet knew. I don't think so. This was early, where you were going in and saying here are the people, they're in this position, here are the cases that are pending, here are their issues, this is what they're doing, are these issues you're going to want to continue, not continue, all that kind of stuff. It was an early-on analysis.

Riley: That's a terrific summary, by the way. You just short-circuited about five minutes' worth of questions.

Kassop: I have one other question. How were the [William J.] Clinton people with you when you were trying to get that information as to how you should prepare?

Miers: That's a great question. I don't know that I really related to them as Clinton people, because we had, I thought, a very open door, and it was sort of an easy thing. Obviously, you were talking at some point with career people and at some point with political appointees, and the political appointees clearly knew they probably weren't there very long. I don't remember anything except responsiveness and helpfulness and whatever.

Kassop: Even though it's also, I think, in the chronology—I think you were one of the people who was asked to work on the White House computers, the missing W's.

Miers: Thank you for bringing that up, because that's a myth, that really is a myth.

Riley: That you had anything to do with it?

Miers: It's a myth. My impression is it's pretty much a myth that it even existed. There were a few instances of W's being taken off a typewriter or something, which we would have had back then.

Perry: Keyboards.

Miers: Keyboard. But you know the trashing, all of that was way blown out of proportion. I remember the press account of the fact that I was put in charge of investigating that. Nothing could be further from the truth, and if there was an investigation, it was not something I could observe. I just thought it was kind of silly. I think there might have been an instance or two of something like that, but to my knowledge, it was blown out of proportion. It wasn't a big deal. Has anybody else identified anything about that that you all have talked with?

Riley: You know, it's really funny. I have to be careful about characterizing what we pick up, but we get conflicting stories, frankly.

Miers: That's interesting.

Riley: But it's seldom from people who have firsthand experience. It's usually people who assert that they have authoritative accounts that yes, it did happen, and then people who assert that they have authoritative accounts that it didn't happen.

Miers: Well, I was Staff Secretary, so while the press zeroed in on the Staff Secretary, the one that would be designated to do this, they just knew I was his lawyer, I guess, and that was a little different in the White House. Maybe the counsel's office knew something about it, but certainly, from my standpoint, I was never asked to look into it. I never saw any evidence of it. I never heard anything other than just bits and snatches of what others had heard, you know, that maybe there were some keys. The process is so interesting that you just walk into this vacant building all of a sudden and it's all yours, you know?

Riley: Yes.

Miers: It's a very wonderful part of the peaceful transition I guess, that all of that happens the way it happens, but my area was certainly not tampered with or anything. I had three career people who worked in the Staff Secretary's office for some period of time, and I don't recall any of them saying anything about anything like that. I just was kind of amused that the report occurred that I was investigating it.

Kassop: Can I go back to your characterization about you walk into this empty office? Because I have done some writing about the transition, particularly for the 2000 transition, and because of the Presidential Records Act, as you know, all of the paper from the previous administration essentially is moved over to go into the archives.

One of the motivating factors for the scholars who wrote about the transition was to try to provide some background for new White House staff members coming in to tell them, give them a little bit of a roadmap, give them a little bit of the lessons learned from what worked and what didn't work before. I remember many of the people that we interviewed would say you'd walk into an office, you'd open up the desk, and there's nothing there. There's no paper, there's no pencil, there are no files, with some very few exceptions. The counsel's office was one exception because there's the Presidential disability file and the war powers files. So there are a few things that get handed down.

Miers: And I assume the national security file.

Kassop: Right, and those get handed down from one administration to the next, but generally it's pretty bare. So I guess when you walked in as Staff Secretary, what was your reaction and where do you start?

Miers: First off, these materials that were done, describing the various offices, I thought were excellent. I just thought the difference in what we experienced and what this indicates was going on in terms of describing how to do things, and come in and we'll show you where we are and all of that kind of thing, because once the decision was made that he was going to be President, it was like—

Kassop: That was December 12th and you took office on January 20th.

Miers: It was just crazy, you know, just crazy, the speed with which you had to act. We haven't touched on this, but I will. My first invitation to come to be part of the White House came from Andy Card, who literally, his office was over here and there were some offices of the people that were positioned in the administration already, and then they had some of us who were working on the transition. You walked through the hall and we were over here and he was calling my office to reach me. He didn't realize that I was right around the corner. Finally, he comes walking around there and he asked me to come visit with him. We had worked together some on the debate kinds of things, so we knew each other. That wasn't my first encounter with him. I was pretty close by. He just didn't know it.

Kassop: These were the transition offices that were in downtown Washington?

Miers: Yes.

Kassop: It was obviously before you moved into the White House. Something in one of the materials mentioned that you had perhaps thought that your first position in the White House might have been the counsel's position, which ultimately went to Alberto Gonzales. Obviously, you and Gonzales must have known each other quite well from the Texas days.

Miers: Yes, and that again. I remember having someone call me and say, "So sorry you didn't get that position," when Al was announced, and I kind of went—You know? Anybody who knew the situation knew that Al was going to move with the Governor to the Presidency, or that was highly likely, if there wasn't something else that he wanted him to do. So it just wasn't something that was on my mind; I was running the law firm and intended to stay.

Perry: So you really thought you would go back after the transition.

Miers: Absolutely.

Perry: That you would go back to Dallas.

Miers: No, I was just up there—

Perry: Just helping with the transition.

Miers: Yes, I was just up there helping.

Perry: So when Andy Card spoke to you, was that really the first time that anyone had approached you from the administration?

Miers: Absolutely.

Riley: Did he ask you what you wanted to do or if you would be willing to stay?

Miers: No. He said, "Do you want to be Staff Secretary?" I thought, but didn't say, *What in the world is that?*

Kassop: That's why you have materials to read.

Miers: I had never heard of the office and I think most people haven't who don't know the White House.

Riley: Were you offended that he wanted to make you a secretary?

Miers: Well, he was very grandiose in his description of the office, to the extent that he was probably a little overly trying to say this will be an interesting, wonderful job.

Perry: How did he describe it?

Miers: Well, he described it as being the gatekeeper to anything that went to the President and anything that came out of the White House. Of course that is this much of it, because there's a whole lot more to the office. That was the first introduction that I had to it, and I learned a little more about it, but it's sort of what we all know, and that is if the President asks you to do something you're going to do it if there's any way you can possibly manage to do it. But I always say I was offered a job and I had no idea what it was.

Kassop: Did you read any of the transition materials at the time to try to learn about it?

Miers: Oh, yes.

Kassop: Because as I said, there was this project that was actually a joint project, from the Brookings Institution and AEI [American Enterprise Institute for Public Policy Research], and it was to provide that information to the incoming administration. It was prepared even before we knew who the winner would be, and it was given to both campaigns, thinking that either one of them could have been the one coming in. But the President had never approached you about a position in the administration?

Miers: No.

Riley: Did you tell Andy you would—

Miers: In fact, I think he didn't think I was coming. I've heard Andy say that he didn't—He thought I was occupied and that's where I was going to stay. I was running this law firm and I was going to stay there.

Perry: Did you still have your mom?

Miers: Yes.

Perry: And was that also part of your thinking too, of not leaving Texas, that she was still there?

Miers: Family responsibilities generally have always—Not just Mom, but others, have always been an issue to leave Dallas. But no, I think he thought that wasn't on my list.

Kassop: What was your thinking then? How did you weigh the pros and cons and come to the decision that you would do it?

Miers: It comes down to if you're asked, you're going to do it if there's any way you can do it. And so again, and it was all so accelerated because I was up there, I had a law firm, I had a house. You were working around the clock, so there wasn't any time for anything. So once we got through, I don't think I took very long, maybe a day or two, to come back to Andy and say yes, I would do it. Tons of stuff was swirling around, being done at that time, it was just like a whirling dervish. We were all living in a hotel, which I'm sure you know, and you had the suitcase that you had and whatever you had, and you were trying to figure out how things got washed and just the basics, when you're not able to take time to do anything.

Once I had decided that I was coming to the administration, that meant I had to have a place to live, and I surely didn't have the—That meant that I left this area of—Was it 1600 G Street? Whatever that building was. We went from there—No, I think this was the early building. There were two buildings; one out in McLean, and then we moved to the 1600 G. So we moved from there over to where the offices were and started trying to learn what this job entailed, so it was very fast paced. I had a friend and my preacher's wife who came up and found an apartment, put furniture in it.

Kassop: Wow.

Miers: Handed me the key and that's how it happened. I had never even seen the place. So I started doing, Nancy, what you would think, which is find out anything and everything I could about the office. I know there's a question about did you talk to prior Staff Secretaries. I had a lengthy conversation and interchange with Jim Cicconi, who had been the Staff Secretary before, and that was very helpful. I was trying to think if I remember talking to Phil Brady or not. I might have. I talked to him along the way some time. Then I called the young lady who had taken over the Staff Secretary position right before, and I may have visited her before the actual transition, when she was still in the office. I don't recall all of that, it's just a blur, but I know I did talk to her, and I've forgotten her name.

Riley: Loy, is that Lisel Loy?

Miers: Yes, I think so. She had only been there a short period of time. So I talked to her. I went to see the executive clerk, I went to see the records management person, and I went to see the correspondence area and all of what was involved there. So you did everything that you could think to do. The schedule book, which is such a huge part of Staff Secretary work—Blake Gottesman, who later became his helper, Blake had been doing the schedule book for the campaign during the last few days. [Israel] Izzy Hernandez, I guess was the first one, and then Blake took over, and then Jared Weinstein. Blake came in and was Andy's helper, body person, who walks around with him.

Riley: Right.

Miers: Blake came up and showed me the schedule book they'd been using on the campaign and what the President liked, what he didn't like, told me if there was ever a typo I'd be sorry, and all of that. I remember that and it certainly proved to be true, because he didn't like mistakes. I guess Blake thought he ought to explain that and he said, "The President believes that if you are

careless in little things, you will be careless in big things.” Which hit me, because my mom’s expression that I had heard for years, if you all have heard it, “For want of a nail”?

Riley: Mm-hmm.

Miers: It was the same principle. You just can’t not be careful. That was helpful, to see how it had been done on the campaign. It was quite different in the White House, but a foundation and a format that I knew the President was comfortable with. So we did whatever we could to get up to speed, and of course at that point, you started even having meetings about, what’s the schedule that day and what’s he going to do today and what’s he going to say, and all of that started very quickly. And I was meeting all these new people that I had never heard of or known before. I knew some of them, like I knew Karl and Karen and a number of them, but there were a whole slew of people that I had never met.

Kassop: In the materials, too, it says that the more recent Staff Secretaries have been lawyers, and so to what degree was your legal background necessary or useful for the job?

Miers: It would be a huge mistake to have a Staff Secretary who is not a lawyer. I think being a lawyer is extremely helpful.

Riley: And why is that?

Miers: Because you can spot issues and you can spot problems that others can’t, if they don’t have the legal background. That mainly is true, but you also have a lot of skills dealing with people, reading materials for substance. There are just a whole lot of the skills that you use as a lawyer that are very helpful in the Staff Secretary position, and it’s not to say that somebody else couldn’t do it, but I think you’re missing a lot not to have a lawyer do that. We’re used to being careful with detail, we’re used to saying yes or no, but working with people to get to whatever the result needs to be, we’re used to being collaborative. There are just a whole lot of legal skills that are helpful.

Kassop: Did you turn to the counsel’s office when you were Staff Secretary, for advice, and was there an ongoing communication there?

Miers: There was an interchange with the counsel’s office, because they’re a part of to whom you staff, but it’s not like you turn to them or they turn to you. They definitely turn to you because they have to, it’s part of the procedure. We would turn to them if we had a legal issue or if we saw a legal issue and something that we didn’t think had been addressed, then we’d talk to the counsel’s office and say, “Don’t you think this is a problem?” Or not. I don’t know if I’m answering your question, but it was sort of like any other office, except that their expertise bridged every office. If you turn to the national security office, you know you’re talking national security. If you turn to the counsel’s office, you could be talking domestic policy or energy or education, whatever the subject is, so they were sort of broad ranging like we were in the sense of activities that touched every office.

Riley: Did you have a conversation with the President before you came into the job about what he wanted or expected from you in the position?

Miers: Yes. I can't place that in time. I was trying to remember back when exactly I would have had that. Before the inauguration I had some interaction.

Riley: Right.

Miers: I came into that position, though, not knowing a lot about the little things in life, and one of the lessons that I had to learn was during the inauguration. I did not attend the first inauguration because I went to the Capitol to be there to organize and present the commissions that he was going to sign for his first Cabinet officers. But I didn't know what I was doing. I mean I'd never done it before. I didn't know what I was doing. I kind of knew I was supposed to go down there and make sure the room works and get the pens ready, and I had to have so many pens so I can give the Cabinet person one and all this stuff. But what somebody didn't tell me is get the heck out of the picture. So what you're supposed to do, which maybe I should have known, you're supposed to give him the commission to sign, and he picks up the pen and signs it. My instinct is if I'm presenting something, I stand there and wait.

Riley: Of course.

Miers: So there's a great picture I have of this, and I don't even know that anybody actually said specifically, but somehow I figured out that I was supposed to put it down, put the pens down, and not be anywhere where the camera could hit me, so that it would just be the President, which is a great metaphor. In that particular instance, the picture on the wall at the Capitol—never hung in the White House, but at the Capitol—There was a picture of his signing those commissions and I was in it. Mortified, I should say, that I was in it, because I wasn't supposed to be. After that instance I knew better, and so it never happened again, but that was just one little thing that was not a little thing, because those were historic pictures and I should have known better.

Riley: Who are you relying on to tell you even to take the commissions down to the Capitol and have the pens? Is there a permanent staff member there who says, "Harriet, this is how this is going to take place"?

Miers: Well, you have a combination of people who can do that and at different instances do do it, thinking back. That's a great question. You have the Chief of Staff, of course. You have the body person. These young people who are the body people, I can't say enough wonderful about them. They are remarkable young people that have such a maturity for their age. It's just amazing. So they're very helpful, and I guess if I'd been in the Governor's office, now that I think about it, maybe if you'd been in the Governor's office or done something on the staff in the Governor's office, you would have a feel for something like that, because if he signs a bill as the Governor, I guess it's the same kind of thing, but I hadn't.

Perry: But while he was signing these commissions then, you said then it dawned on you that you should step aside, but that just came to you.

Miers: Oh, no, no, no, not at the time. That was after.

Perry: And did someone come to you and say?

Miers: That's what I'm saying. I don't remember. I can't remember anybody actually saying it.

Perry: But when you saw the photo?

Miers: Or maybe somebody did, but I just don't remember that. I don't remember how it was that it came to my consciousness to stay out of the picture.

Riley: Harriet, did it make you self-conscious after this? I could understand, if I'm in a position like that and I make an unforced blunder, I tend to be very self-conscious, and it makes me probably more prone to mistakes later on, because I'm thinking through everything. It's like a batter overthinking his grip and everything. If you start thinking about things all the time, you can't really perform in the natural way that your skills allow you to do. Did you get self-conscious after this?

Miers: I don't remember that. I don't remember being that and I didn't learn about the picture in the Capitol until many months later.

Riley: Oh, I see.

Miers: I didn't even know that went up there. The way that came to be was that someone came and said, "Gee, I saw your picture." *Oh, great.* Someone actually got me a copy of it. That was just one of a lot of learning experiences through the course of this.

Perry: So you left the Capitol after the ceremony. You say you weren't there to see the swearing in. Then did you just go back to the White House and arrive in the afternoon to this empty place? And where was your office and where did you know to go?

Miers: Well, I was with Andy Card. We rode a bus down to the Capitol, the ceremony happened, and then he came down there after he was President to sign the commissions. Then of course, in further response to what you were asking, Russell, there's the advance team, and probably advance has the most direct responsibility for telling you, "You stand here, you do this, you do that." I would think advance really has the primary responsibility for making sure that everybody is where they are, doing what they're supposed to be doing, and then collecting everything afterward, although I think I was responsible for collecting the commissions and the pens and making sure they get distributed to whom they needed to be distributed.

But at some point, and I can't remember, maybe Andy could, but I was with Andy and we went to the White House that evening. Actually a precious memory is—This is in the history books and it's been written about, but I was there when the President went and sat in his chair for the first time as President, and his dad came with the little boy, which had to be a nephew, I guess.

Kassop: One of [John Ellis] Jeb's [Bush] sons or something?

Miers: I'm thinking it was Marvin's [Bush] son, but I could be misremembering. The dad came in, and to see the dad and President Bush, it was neat to see it.

Riley: Sure.

Miers: To have lived it and be one of them, I don't know how you make it through something like that, but it was very special.

Kassop: What was their interaction like, between father and son, that you saw over time, particularly for that event?

Miers: Well, that evening it went something like, “Mr. President,” “Mr. President,” It was literally that. So I’m sure there was a lot going on inside of them but not spoken.

Perry: So neither one of them showed emotion other than, I’m sure, happiness.

Miers: I can’t say that, although I don’t remember. They didn’t cry or anything like that. There certainly was a sense of pride and accomplishment, but I don’t remember. There are pictures of that, so you can see what at least our President’s expression was, because the cameras were facing him.

Perry: What were you thinking? Because these are your first moments in the White House, in your position, in a position you’d never thought you’d be in, in a place you never thought you’d be?

Miers: I thought, *This is history and it’s very special history, for a son to follow his father as President.* I thought, looking back, Andy was very special to allow me to accompany him. We had a couple or three things that we needed to deal with, so that’s one thing. There’s one instance I can think of where—Well, I guess there was a purpose there. In the White House there’s always a purpose, and if there’s not, something has gone awry. So you did have a sense that wherever you were, you were there for a reason, and if you didn’t have a reason for being there, you shouldn’t have been there. So my recollection is we had two or three things that needed to be signed or something.

Kassop: Actually, I was going to pick up on that, because when you mentioned the commissions, which is obviously for department heads and that sort of thing, but also did the President issue a number of executive orders that first day, and were you involved in the drafting of those?

Miers: I think that may have been, Nancy, what it was that needed to be signed. I’d have to go back and think about it and probably ask, but I think it was the executive orders. What I did not do, and you all ought to be helping people think about this, but my approach to serving was that the documents that I created were to be part of the Presidential record. I wasn’t there to take notes or to keep memoirs or anything like that. I never took notes just to keep notes. I took notes when I was supposed to, particularly when I was instructed to, but otherwise I didn’t keep them.

Riley: Did you go to the balls?

Miers: Yes, the first inaugural I went to maybe two; that was all you could do. I had family in, and that was all—Oh, and I do remember there was a lunch I stopped by. I had a friend who was supposed to go to the balls with me and we stopped by a law office where he had a friend, and then went I guess to the White House or to our offices, because I remember it being out of pocket and it was a little bit awkward because I really couldn’t entertain the people who were there. I had to do what I had to do, but I did meet up with them at some point and we did go to at least a couple of balls. I remember freezing.

Riley: Better that way, otherwise you spend three hours waiting for your coat to come back, if I understand correctly.

Miers: Both inaugurals really were a mess. The second one was slightly better, and of course I did get to attend it.

Riley: All right, so you're getting set up in the office. Can you tell us, did you have a routine at all? And what does the routine look like and what are the most important things that are a part of your portfolio as Staff Secretary?

Miers: One of the questions in the book was what did you do to adjust to the President's schedule. He made it tough on us, because he was an early riser, and that's particularly difficult for the Staff Secretary. What I mean by that is that he was up early and—

Riley: Early being?

Miers: Oh, well, he was certainly in the office by 7:00, but many times earlier than that, which meant that you needed to be up before that and in before that and able to answer any questions that he had. But for the Staff Secretary, that's a little bit of a problem, because you also are closing the day by completing the schedule book and getting in all the papers he needs for the next day, and not all the staff was Johnny-on-the-spot with their materials, or they were Johnny-on-the-spot and they needed corrections or they needed staffing or they needed whatever, or depending on the kind of document, fact checking or whatever. So you were needing to be around early and needing to be around late, and that didn't leave a lot of time in between.

Kassop: Did you choose your own deputies, or was that in consultation with Andy? Or how did they get selected?

Miers: I would do that a lot differently if I were doing it over, but I did sort of inherit a deputy who had been in the White House before.

Kassop: A career deputy or a political deputy?

Miers: No, he was a volunteer who had been in the White House before, a young man who I certainly like and maintain a friendship with, but we had no personal relationship, and I think particularly under stress like that it's really helpful if you have some comfort in the person and know the person that you're going to be working that closely with. So in my office was the deputy, but also three administrative people. One of them had been in the prior Bush administration and two of them had been in the Clinton administration and held over as career folks.

Kassop: So how many political appointees were there in the Staff Secretary office besides you?

Miers: Initially there were just the two of us.

Kassop: Just you and your deputy?

Miers: Correct. At some point, we added a third political appointee, and I couldn't tell you when that was. And then you had relationships, of course, with the other offices that you were managing. The executive clerk's office is phenomenal and just such a wonderful group of people, and they are quite less time demanding. Records management was similar but not quite so independently operating, and then correspondence was very much in need of a lot of attention.

Riley: How did you discover that?

Miers: It was not difficult. Of course you have a massive amount of mail. You have all these different kinds of things, like children's programs and the gifts coming in, and populating those positions was very difficult. We just didn't have any time, and you sort of wound up—In some respects, the natural thing was whoever had been volunteering on the transition fit into some of those slots. Well, that's not the way to do that. You need people with various talents. Correspondence is something that needs to be very organized. The people need to be expert in what they're doing and they need to love the President. Some of it's very routine, but they need to love the President and Mrs. Bush because they're speaking for them in many instances.

Then there's one person that is sort of a hybrid between correspondent and Staff Secretary, in that that person did the more personal letter drafting. It was very hard and it took us some time to find a person who could help in that connection, and that's like answering friends' mail and taking care of the real close personal Rolodex and all of that, meshing politics and personal and Presidential. That was all not really difficult, but you could have sure used a lot more time than what you had to do it.

Some of it could have been done ahead of time now that you think about it, because it's things like drafting the standard letter that you're going to send out if someone asks about energy or education or whatever, and so you developed a template for what it was going to say and all those had to be staffed, all of them had to be approved by all the necessary offices, and then the Chief of Staff and President had to approve them also.

Riley: You had started talking a little bit about the President's schedule and the challenges of keeping up with him because he was an early morning person. Are you a morning person also, normally?

Miers: No.

Riley: We didn't test that out today.

Miers: I actually was not a morning person. People turn their clock, and I tend to turn mine this way and he turned his this way.

Riley: What else are you having to do to accommodate this President and his own idiosyncrasies about schedules or work product or temperament, who he wants to see or hear from and things of that nature?

Miers: Well, you just do the best you can I guess is what I would say to that, because you figure out when he has windows in his schedule so that you can take things in for him to read.

If you have something that you know is going to be an irritant, that's going to be problematic and troublesome, you probably don't want that to follow his national security briefing, where he's just dealt with the most difficult of issues. There's probably a better time of the day to do that. You just do the best you can to feel what's going to allow him to function best, and that means how you present things, making sure if you were going to ask him about one thing and you could anticipate that he might have a question about three others because of what's in the first one, that you had those three others available, that you didn't present something that had a lot of errors in it or anything like that. So just a number of things that you learn from a sense, a feel.

Riley: Sure.

Miers: And of course you can lean on Andy, in my instance, to help me know. Andy and I worked very closely together as Staff Secretary, deputy, and counsel really. He was the ultimate gatekeeper. The President had a list of people who had access to the Oval Office any time they wanted it, pretty much, which everybody knew not to abuse, and we pretty much knew that we'd better not pick the wrong time.

Riley: Were you on the list?

Miers: I considered myself on the list and I think he considered me on the list, but I wouldn't go see him without making sure that it was appropriate.

Riley: Sure. How disciplined was the process of submitting paperwork and honoring the channels through your office for paper going in and out?

Miers: Extremely disciplined. The staffing process was new to me. It wasn't something that I had used in any other life, and so it was new, but I understood it and I could see how it would be very important in a military context, which is really out of which it grew. I thought it was a wonderful process.

It could cause problems for other people, because it meant they had to be disciplined too, but it's sort of common sense in a lot of respects, the ultimate point being that the President shouldn't see anything, that as we used to say, wasn't "ready for prime time," which meant that the people who had an interest in it had seen it and/or been advised that he was going to see it, that they had had the ability to provide input, that their input was addressed. If it wasn't taken, you explained to them why it wasn't taken. If there are differences of opinion, you make sure that the President is aware of those differences. If it's something that he just shouldn't see or hear, then you made sure he didn't. That didn't happen a lot, but it happened sometimes. You never wanted to show him anything that he felt was wasting his time, he had so precious little of it.

All of us who worked directly with the President, and certainly after 9/11, we appreciated that every minute of his day was precious and that so much was on his mind and causing his attention that we had to be very considerate and cautious about anything we did that was an interruption or longer than we should take or something that was not presented at the right time. As I was saying earlier, you were careful to understand that there were times when it just wasn't the right thing to do to try to bring his attention to something that wasn't pretty vital. And you know, the President does have to deal with things that aren't vital, which is one of the aspects of the Presidency that I

think in our system is so difficult. We put them on a roller coaster every single day almost, and that's pretty wearing.

Kassop: It's often been said that our system requires of one person what in many other countries is done by two people. In other words, the ceremonial function in Great Britain is done by the Queen, but the real governing is done by the Prime Minister. We collapse those into one person, and as you said, that's a lot to expect from one. They can be conflicting, not so much in terms of different things, but time-wise. You only have a limited amount of time and he's required to do both of these jobs.

I actually have two questions, and they're not related, but I'm just going to say them because otherwise I'll forget about them, but each one is significant. One is, while you were Staff Secretary—You were Staff Secretary for about a year, a year and a half?

Miers: Two and a half.

Kassop: Two and a half years. Just your thoughts on what were the most significant policies that you remember working on and that struck you as being really prime. Then the second question, which is completely different, is since you did hold three separate, three different positions within the White House staff, could you make some comparisons among the three of them?

Miers: Interesting. Well, you mentioned something with respect to the significant policies in those first two and a half years. That causes me to comment on the role of the Staff Secretary, because I had no policy responsibility, none whatsoever, and I felt like if I ever allowed myself to creep into policy, I was doing the office and myself and the others on the staff a disservice because I had to be an honest broker in every sense of the word. You are dealing with people who know their subject matter, are prime in their field, and they are all very, and necessarily—I don't mean this as uncomplimentary—They're very confident in what they're doing and why they're doing it, so you then sometimes have to weigh or take issue with how they're saying something or make sure that what they're saying actually gets shown to some people that they may not feel—What do they need to know this for?

When you're trying to resolve differences among the people, and I did think the Staff Secretary could provide great value if you could resolve differences. You can resolve differences if you're not viewed as having your own thumb on the scale, you know you're trying to get this resolved this way because that's really the way you think it ought to be resolved. So I was dead set—and I hope I succeeded—on trying to be as free of my own personal views of policy as I could be. So in terms of what we did during those first two and a half years, what didn't we do? I can't even begin to talk about that.

Another thing the Staff Secretary does is travel with the President when he is out of the White House overnight, which I did. I was with him on 9/11 of course, in Florida, and through Louisiana and Nebraska and then back home. There was so much going on that you just—Reading back through this material, it just washes over you in terms of trying to put yourself back into that situation or that time, because just reading this, you know you think about 9/11. People ask you all the time about 9/11. Well, there was anthrax, and in terms of significance and potential damage to human life and threat to the country and all of that, it wasn't as high profile,

but it was huge, and just little tiny things that my friends outside the Beltway thought, *Oh, surely you're not worried about that*. But we had the sniper in there too, remember?

Riley: That's true.

Miers: So if it wasn't one thing it was another, as they say.

Kassop: Actually, Gilda Radner says that.

Perry: Roseanne Roseannadanna.

Miers: The emotion that hits you when you think about anthrax for example, the threat that was.

Kassop: It was so immediate to anybody in Washington and particularly governmental officials.

Miers: You may not remember this, or you probably do, but it was particularly impactful on my office because we had to shut down all the correspondence, and we had all this mail coming in. Then later on we got these piles of stuff that had been through whatever they did to it, to run it through the purifier. They would be stuck together, and all this—Just to add a little bit of levity to a very grave situation. I can't believe I can't remember that word. You irradiate everything, and that meant it came in crumbled. It was bizarre. It was just totally bizarre.

Kassop: When you said that you resolved differences, can you think of a specific example?

Miers: I could think about that, Nancy. It happened with great frequency. In terms of a big one, I would just have to think if I could remember something back, but in many instances not a huge thing. It was somebody wanting to say something this way in a speech, and someone else wanting to say it *this* way, and knowing that they have to be resolved, and so you keep working with them until they both like the language. So it wasn't like some big huge issue, but that happened all the time. The staffing process in large measure was to get comments resolved, conflicting comments, and make sure everybody was happy so you could get it to the President.

Riley: Let me ask a related question on that. You're coming into your position without any previous Washington experience, and I'm wondering how comfortable you felt in your ability to vet documents. You had made a comment about part of the job being getting all the right people to sign off on things that needed to be signed off on. Was your field of vision sufficiently acute and comprehensive at that point so that you could know who to draw in on? Or is there a steep learning curve when you come into that job to think, *Oh, the Commerce Department is obviously going to have a piece of this because NOAA* [National Oceanic and Atmospheric Administration] *I guess is in the Commerce Department*. That's not the kind of thing that most normal human beings would know, and I'm just wondering how fast you come by this knowledge.

Miers: Well, you have a lot of help. I don't have the sense that that was the issue. In fact, kind of the flip is the issue. You're out there and a normal human being, and you don't know anything about anything in many respects. What is remarkable about the White House is that you have the best and brightest at your fingertips. You pick up the phone and you call anybody, any time of night, and you have the wonderful White House operators who can find them at any time of night, and you say, "This is the Staff Secretary at the White House and I need to reach Secretary

So-and-So,” or an Under Secretary or the counsel, whatever. They find them and they put them on the phone, and you ask them whatever question you have to ask them and that’s the way it was. It is amazing, the resources that are available to you because you are in the White House, and they know that they’d better respond to you. If they don’t, there’s going to be a real problem.

I guess a corollary is I found myself having to be careful that I wasn’t asking too much of someone, because you learned pretty quick that if you ask, you would get, and so you didn’t want to abuse that. Having resources, you may not know the person that you need to know, but you’ll find it out in a very quick amount of time. Of course I was blessed to have Andy, because Andy had been in almost every aspect of the White House operations for so long that Andy could help you a lot, know where to go. I don’t really remember that as such an issue. I can see that it may have been.

Riley: Did you have any, for lack of a better term, serial bad actors? Were there any offices or departments or people that were relatively more difficult for you to corral?

Miers: I worried about that question on my way up here and the answer is yes, you did, and it was infuriating at times. Yes, because as I was saying, you have to get the materials together and if you don’t have them together then you can’t give them to the President and he may want to read them that night. That’s a very difficult issue. There were many nights when I got a call in the Staff Secretary’s office. “Where is X?” or “When is this going to happen?” and I had to say, “As soon as I can get it.” And you hate it because it’s just turning up the temperature unnecessarily, but of course everybody in the process had their own set of problems.

One thing I love to talk about is when Jenna started dating Henry Hager.

Riley: I didn’t have that on my list of topics to ask about.

Miers: I bet you didn’t.

Riley: Please, do tell.

Miers: They met, apparently, on the 2004 campaign, and at that time he had moved over to the campaign. I loved Henry Hager because he was on Karl’s staff and I don’t care what time of night it was, I don’t care what I needed—A lot of the events in the White House were under Karl’s supervision because he had all of the issue-oriented events, and Henry was respectful, intelligent, diligent, all this stuff, so she started dating him and I went, yes!

Perry: But you didn’t introduce them, unlike several other pairs we’ve talked about today.

Miers: No. No, I didn’t. One thing we used to say all the time in the White House, and I think this is a big-picture thing, is we used to say, “Where do we get these young people?” Because in our nation all the time we hear about the rotten group of young people we have out there. I realize that we saw the cream of the crop, but these were absolutely a great number of amazing young people who had the kind of ethics and willingness to work and accomplish something good. For that purpose, we just said it over and over and over again, and of course a lot of that was the military. You would see these very young people doing these remarkable things, but it’s a side of American youth that I love to talk about because they were amazing, just amazing.

Riley: What can you tell us about the President's own comfort level with the office and his own sense of development in the Presidency? We haven't talked very much about him until now, because although you've worked closely with him, you've been on the outside. Now you're actually in close communications with this man on a daily basis. Are you finding out things about George Bush that you didn't know before, for better or worse?

Miers: Well, I don't know. I thought I knew him pretty well. It's just to a different degree, I guess, is how I would describe it. There were things that happened that were to me a revelation of how he looked at things or what he thought about things, times when maybe you would be worried about something little and he could bring you back to look at the more important, what's-the-real-issue kind of thing. Relative to that I'm just trying to think of something that is expressly on point.

I do remember one of the early trips to Camp David. Talk about the young military people—The Marines do the helicopter, and they were all just—I'd like to pick them up and take them home. They were just wonderful young people with lots of responsibility. They're carrying around the President of the United States.

One of them, early on in the first few months, contracted leukemia, and I'm not sure I can get through this without tearing up myself. He was known to all of us, a precious young man, very near death, and someone asked the President to please call him. We were in his office at Camp David and he picked up the phone and called the guy and obviously the young man on the other end of the phone was saying, "I just want to get well and do better," and we all knew that was not happening. The President was saying, "Yes, I can't wait for that. We know you will. We just want you to do great."

As he was talking to him, without tearing up or anything, there was just a tear that ran down the side of his face. He obviously was upholding the dignity of who he was and what he was doing, but emotionally was very touched, and I thought at the time, *If somebody is going to have to send our young men into battle, I want it to be somebody like that, who values the life and values what he has to do.* I had heard the President say that he'd asked his father what was the most difficult thing that he ever had to do and his father had said, "Send our young men and women into battle or into harm's way." I guess not battle for women at that time, although that's changed.

Kassop: As of this past week. Could you speak about any kind of either character or personality development of the President over the period of time that you watched him in office? Because again, you had a close friendship with him previously, on a personal level, but now you see him as the President. Did you see him grow into the office and acquire new personality traits that had not been there before?

Miers: I didn't work with him in the Governor's office, and my relationship with him was such that if anything, I was his lawyer, so I was saying, "We're going to do this." It wasn't the other way around.

Kassop: Right.

Miers: So I didn't see day-to-day before, the kind of exposure that I had when I did work in the White House. The comparison isn't as easy for me as it would be for Al or for Clay Johnson or

for people who saw him—Karen Hughes, who saw him in both roles, Karl. But I do know certainly, I think we all to some extent, but certainly the President became a different man after 9/11, and I would say resolute. It was a transformation from everything going along kind of as you would expect, on education issues and tax issues and all these issues that are of a sort that don't wrench the heart out of you. Then 9/11 comes along and the tenor changed. The sense of challenge was dramatic. So in terms of a change that's probably the most dramatic that I guess could be anticipated.

I think he was truly hurt. I'm doing this off the top of my head, just thinking as you asked the question, but I think he was truly hurt by the inability to rise above the partisanship. I think he anticipated, and had reason to, because of the education bill, that there was going to be an ability to work together, and I think that really was something that hurt him, that he was not able to do in Washington what he did in Austin so well. The bitterness and the partisanship were very difficult. It was difficult for me.

Kassop: Did you have conversations or do you remember talking about his reaction when Jim Jeffords essentially stepped out of the Republican party and clearly had an impact on the partisan divide in the Senate?

Miers: I don't remember that, Nancy. I know it changed things dramatically, and I was reminded about that as I read the materials, but a lot of that was happening above my pay grade at the time. As Staff Secretary, you are at I would almost say an operational level, so that you made the wheels keep rolling. Those kinds of things you were hearing and they were going on, but it wasn't like your day-to-day fare as it was more so in the Deputy Chief office.

Kassop: What about the President's relationship with the Vice President? Do you want to speak about that?

Miers: I always thought that was extremely close and that he had a great deal of regard for the Vice President's opinion. I always thought it was close, just from what I observed. Others might feel differently.

Riley: Was the Vice President routinely copied in on the materials that you were seeing?

Miers: Oh, absolutely.

Riley: OK.

Miers: Absolutely. And the Vice President had the advantage of prior service that was different from the President. One thing that the President wasn't bashful about, whether he said anything about it or not, was that he recognized, probably from his father, that having been there, done that was pretty important. So that's why I think he had the shadows that came into the White House with us when we came in, you know, the Margaret Tutwiler shadow for Karen, and a lot of people. I didn't have a Staff Secretary like that, but a lot of people had a former that could help them ease into the job if they didn't have White House prior experience. Of course I had Andy, so that's kind of the same thing, I thought, for me. I don't know what more to say about that.

Everybody knew the Vice President was opinionated and tenacious. He had his positions and they weren't easy to change.

Riley: Who on his staff would have been your main point of contact most of the time, or if you had occasion to be in touch with him, would you go directly to the Vice President on things?

Miers: I certainly did in some capacities. In the Staff Secretary's role, I think I worked more with his staff, his counsel or someone that was helping at a much lower level.

Riley: Sure, sure.

Miers: As Staff Secretary I don't remember a lot of relationship to the Vice President.

Riley: Was there ever any sense from your perspective that the Vice President or his staff was taking on a disproportionately outsized role in the internal activities of the White House?

Miers: I know that's been said publicly. My sense is that that was an underestimation of the President, because I think he understood he was President and I think he managed the White House that way. Did the Vice President go out and do things that were in his role as in the Senate? There was some joking around because the Vice President's counsel took the position that he wasn't part of the White House and he wasn't part of the Senate, and he was just the Vice President's office, and he had a basis for doing that. We used to make fun of it, but I didn't discount what he was saying. I don't know if he would be interviewed, but if you could interview David Addington, you should.

Riley: He's on the list and we're working on it.

Miers: Well, you should work on it because he will delight you in the sense that you may not agree with him, but you will know where he's coming from. I have the utmost regard, personally and professionally, for David, and I hate that he has been demonized along with some others who were very fine people. If I had a legal issue and my life depended on it, I'd go to David Addington in a New York minute.

Riley: I wanted to ask a question about the relationship between the White House and the Cabinet during your time as Staff Secretary in particular, although we can talk about it more generally. There are forever discussions among political scientists about whether the primary activity in the executive branch is in the White House rather than the Cabinet departments, and I'm sort of curious about your perspective on the role that the Cabinet played in the 43rd Presidency.

Miers: That's a slightly broad question.

Riley: Yes, it is.

Miers: My sense is that certain Cabinet members at certain times had very significant roles. In the Staff Secretary's office, your main concern there was getting them staffed, getting their viewpoints, making sure nothing got to the President that—You have to police the process; we did our best. You see the schedule, so you know Secretary So-and-So is going to see the

President at 1:00, and what you don't find in the White House or among the secretaries is a willingness to misrepresent or to pull some kind of behavior that they shouldn't pull, so if you see that person on the schedule, you make a special effort to make sure—Is he going to take anything to the President, and may I see that? Oh, yes, that would be really helpful.

Perry: Whom do you ask about that?

Miers: You'd ask their chief or you'd ask whoever was appropriate at the time, or you'd ask Andy to check or you do whatever you needed to do to get it done. You just didn't want people walking into the President's office with a paper in their hand, or if you were in there and they had some paper, you'd try to make sure it came to you and not to him.

Kassop: Wrestle it to the ground.

Miers: It's just, "Oh, yes, thank you."

Riley: Sure.

Miers: So in terms of the first two and a half years, the secretaries—Of course that covered the 9/11 time period, so the Secretary of State and the Secretary of Defense and the CIA [Central Intelligence Agency] Director and Robert Mueller, all those people were larger than life. That's where the heartbeat was, and then pretty soon you had the Homeland Security office, and then the Homeland Security Department. Various members of the Cabinet played larger-than-life roles, depending on the circumstances. A lot of them were in the background. Somebody like Norm Mineta, for whom I have an undying regard, is an example of someone who was there, and then all of a sudden he's doing things and managing things that make a lot of difference. I don't know if that's responsive to your question.

Riley: Sure, it is, sure.

Miers: But from the Staff Secretaries' viewpoints, that wasn't really that big a deal. The staff, we also had a Cabinet officer who was able to help you. They were supposed to help you manage the Cabinet if you had an issue, and that was a useful tool also. Albert Hawkins, initially, that's who I principally remember working with. Then you had the Cabinet meetings, of course, which were interesting meetings in the sense that so much of that was sort of foreordained.

Riley: They weren't functioning meetings in the sense of a lot of work getting accomplished?

Miers: They were meetings that were planned, that pretty much people obviously knew the outcomes.

Riley: Was there a difference—Again, still in the Staff Secretary's level—in the way that you treated foreign policy issues as opposed to other things? Was there a kind of parallel universe that ran through [Condoleezza] Condi Rice?

Miers: There was a little bit, actually, Russ. There was a level of security that didn't go through the Staff Secretary, and I was aware of it and understood it. There was a high degree of "need to

know” in that process, and so a lot of the very confidential materials did not come through the Staff Secretary.

Riley: Did that ever create problems for you in terms of there being things that had implications for what you had to be doing in your regular field, but you end up getting blindsided or you don’t know?

Miers: Well, the biggest lesson you learn, I think, in the White House, but in lots of areas of life, is you don’t know what you don’t know, and I still don’t know what I don’t know. But I do know that the kinds of things that met that criteria were not every day, and we did a lot of the national security briefings. They came in classified packages, so you dealt with them in a classified level. There were lots of decision memos that had to be done that were classified, different levels, and you dealt with those. But there were ones that dealt with some things that were not going through the Staff Secretary’s office. I knew more about those later because of my counsel’s office experience, but the White House is definitely a need-to-know environment and it’s very important that it be that way, because you never know when someone’s going to screw up.

Riley: You mentioned earlier that one of your responsibilities was to travel with the President. I’m not sure that’s a role I’ve associated with the Staff Secretary. Why does the Staff Secretary travel with the President?

Miers: Because his need to get materials and to send them doesn’t stop when he leaves the White House, so we went on foreign trips and we went on domestic trips, and that was so that we were there to make sure that anything he needed to sign was signed and that everything that he needed to have sent out was sent out with proper supervision, and of course we had to do the schedule book. You did several layers of the schedule book, because you gave a schedule book to everybody on the trip who was staff, but his schedule book was his and Andy’s really. They were different. They were more complete and had materials that the staff generally would not get, and that would include, of course, all the red-envelope ones, which were national security.

Riley: Can you tell us about what it’s like to travel with a President if you’ve got examples before 9/11? And then we want to hear about your 9/11 experience too.

Miers: Well, to travel with the President, of course the foreign trips and the domestic trips were different. You’re traveling on Air Force One, which to most people would sound pretty glamorous. To the Staff Secretary it is not glamorous, because it means that your equipment doesn’t work in many instances. We talked about the phone and the difference in what we’ve got now versus what we had then. The same thing was true in terms of the equipment aboard Air Force One until 9/11 happened, and then it dramatically changed very rapidly. The Staff Secretary operated out of an office on Air Force One, but you could not get email, which now is just mind boggling, and it was such a problem then because you would need copies of documents that were back in the office and you had to go up to the communication office and get them to transmit, and of course other things were being transmitted, so you had to get in line.

Riley: Kinko’s.

Miers: If it were classified, it would have to be dealt with differently. It was a nightmare from a mechanical standpoint. The good news is that that improved dramatically after 9/11. Eventually

you were able to receive email, so that you could pull down attachments and do that sort of thing. I don't really know that there's much remarkable about traveling with the President that I can think of. Is there something that you have?

Riley: Well, the one thing I was going to say is that I'm shocked that 4:00 is almost here. That just shows you how well things are going. I'm more interested in your personal accounts of any adventures, or maybe you were just working so hard that Air Force One is sort of congealed into this big thing that you put in the recesses of your mind and don't want to think about.

Miers: There was some of that, of course, and there were moments that were, we used to say, "pinch-me moments," or moments that were very touching. When we went to [Deng] Xiaoping, we went to the DMZ [demilitarized zone] in between South and North Korea, and you just think about the existence of those people. That was international, of course.

I was with him when he met [Vladimir] Putin for the first time, which was in the most beautiful surroundings, the most beautiful weather. It was a really inspirational experience. For it to have deteriorated like it did—I mean for so long the relationship with Putin was very friendly, cordial. They respected each other; their families were very similar. There was just every reason to have hope, and that deteriorated dramatically. But I remember that day you could see the rapport between them. It was totally palpable; they had this connection. You just think about the Russian leader and the United States, this is so wonderful. It didn't last.

We were with him when he was trying to broker the Middle East peace. Do you remember the picture? He was in the middle with his hands stretched out. That was a remarkable experience, to be there and be present for that. Lots of incredible moments like that, that are just moments that were hard to take in at the time they're happening. What else? We had the fun of going to the ranch, which really was fun, and that's when he was on "vacation."

Riley: Air quotes. The tape recorder won't pick that up.

Miers: Being on the ranch was always fun because it was outdoors, which was different than otherwise. It was beautiful and you did get to see him have some relaxation, sawing cedar.

Perry: Biking?

Miers: Well, at this point—

Riley: I have to step out, carry on. We owe you a break.

Perry: Should we just take—As long as you're leaving, why don't we take a five-minute break?

Riley: We'll take a five-minute break now, but then you can back up. I don't think I'll be much longer than five or ten minutes.

Miers: Thank you.

Perry: That will be fine for this short amount of time.

Kassop: I think Russell really wanted to know, does the President play cards on Air Force One? That sort of thing.

Miers: I didn't play cards with him, but I think he did play cards.

Kassop: Did he talk to reporters on a more informal basis?

Miers: He did talk with reporters in the meeting room that exists. He did go back to the back frequently. Some of the staff used to play chess and Risk, but I don't remember the President ever doing that. He was a bridge player too.

Kassop: I think you're right. I forgot about that. Yes.

Miers: But you know, I can't overstate how primitive Air Force One was at the beginning in terms of getting television, getting reception.

Kassop: That's interesting, only because I might have thought that coming off of the Clinton administration, certain technology was taking off at that point, and I guess the White House was just behind in terms of bringing it on board. But then of course 9/11 required that there be this instant ability to be able to communicate, and just upgrading all of those systems. So you're right, yes.

Miers: It became a security issue too, of course. It was pretty amazing initially. It served us well.

Kassop: Sure. It was going to have to happen sooner or later.

Miers: Air Force One served us well, so we could get done what we needed to do, but it wasn't like it was advanced.

[BREAK]

Miers: This should be fun, to talk to everybody that you all talk to.

Kassop: I'm so envious of your job. It's like heaven on earth to me.

Perry: It's a little bit of the version that you talk about, a pinch-me moment. Obviously, it's at a lower level. I'm not working in the White House, but I'm coming up for a three-year review here, and in my statement about myself and what I'm doing I said I guess it goes back to my reading children's biographies of Presidents when I was in the first grade, and now I'm talking to people who worked for the President. To me it's just the best position anybody could ever have in our field of political science.

Kassop: And you do it so well. You do. It's true. If you ever need anybody to write references for you—

Perry: Well, thank you. We pick our positions because we love history and political science.

Kassop: Politics.

Perry: And politics and government.

Kassop: And law.

Perry: And law. Nancy has a similar story to mine, that we were interested from the time we were kids in politics and government, and so then to be able to teach it and write about it and now speak to you all, who give such great public service to our country, for me it just feels like the capstone of my whole career to be able to do it. We just are so appreciative that you would take your time to come talk to us.

Miers: It's my privilege.

Kassop: It was funny, when we were speaking to Judge [Michael] Mukasey, General Mukasey. Judge—

Perry: Judge Mukasey. He said he wanted to be called "Judge."

Kassop: This was a few months ago, I guess. It was back in October.

Perry: Well, remember not to say anything that was on the record.

Kassop: No, no, no, but just his personal reaction to us, which was fascinating. He kept saying, "I feel like I'm an old man just going over these war stories. You really want to listen to this?"

Perry: You're really interested?

Kassop: Yes, yes, keep going. It was like he couldn't believe that somebody actually was fascinated by what he had to say.

Perry: And of course that just draws you all the more to people like that and yourself, who are very modest about the things that you have done and things you've accomplished, and as Nancy said at lunch, we as women are so admiring of your career and all that you have done and continue to do. You are a pioneer.

Miers: Well, I appreciate very much that. I've been very blessed in many respects, but like Mukasey, you kind of feel you've just done what you've done.

Kassop: Well, I say you're very modest. You went to law school at a time when there were so few women.

Perry: We talked about that this morning, that you said there were maybe 10 or 11 women, and not necessarily the same cohort all the way through, but it started with 10 or 11 and when you graduated, there were about 10 or 11 and some were older women who had been divorced and had come back to law school to have a career and to raise their children. One thing I didn't ask— Oh, when you said about 10 or 11 women, do you remember how many people were in your graduating class approximately?

Miers: I don't. I think we started out with maybe 240, something like that, and I think we were down to 140 by the time it was over.

Perry: So a high attrition rate.

Kassop: But even so, to think of 10 women or so out of almost 150 at the end, and about 250 to begin with.

Miers: Well, remember I said that graduated in one class or the other. Ellen Solender, who is now a professor, a wonderful woman, at SMU, and she may have been retired now because she was older when she was in school with us, but she didn't graduate with our class, she graduated a year or two later.

Perry: Did they have a night program?

Miers: Not then. They do now, but they did not then. They had one. They didn't have it when I was there, and then they reinstituted that recently.

Perry: You said you had to keep on working during law school. So you were going to classes during the day and then working at night I guess.

Miers: At the computer center.

Perry: Right.

Miers: But we had sort of a tragedy in that two of our women, two of those that I've been talking about, I think one was going to go to work in public service for a district attorney or county attorney or something like that, and the other was maybe just going to not practice for a while because she had gotten married, and they both died within a year after we had graduated.

Perry: After doing all that work.

Miers: One died in her sleep and the other was killed in a car wreck. Then I've really lost contact with so many of them. We had another member of the class who was a very bright woman, but she also passed away very soon, maybe 10 years after we were out, something like that. I see one of our members who graduated with us—I'm just trying to think who else. Ellen Solender, because she was in SMU, I kept in touch with her, but we all went kind of different ways.

Kassop: I probably missed the beginning of this conversation, but what drew you in the first place to go to law school? What was the attraction, since it was unusual?

Miers: Having to decide what I was going to do after I graduated from college, and I was either going to teach or go into counseling at schools, or data processing, which I'd been doing as sort of a job, or someone suggested I go to law school. My father and family had had significant, pretty recent legal issues, and so I just decided law sounded like a good idea.

Kassop: Even though you realized that you would be certainly one of very few and this was sort of groundbreaking in itself. But you didn't think of that.

Miers: Think about it as groundbreaking? No. We did go over some of the experiences that I did share, but the experience for a woman was weird.

Perry: You had to be among the few women in political science I bet, in graduate school, and I certainly was here.

Kassop: That's true.

Perry: I did my PhD here and it was a very traditional department. And now that I look back, I think, Gee, I would be the only woman in a seminar or the only woman in a class.

Kassop: That's likely to be true.

Perry: My parents had just raised me to fit wherever you go, and so I didn't stop and think, *Oh, I'm standing out here, I'm different.*

Miers: Well, and even now. I went into mediation last week and I was the only woman in this huge room of lawyers. They were a bunch of lawyers for insurance companies, and then the lawyers on my side of the table are lawyers from a firm and they were all men. They have a woman working with them in the home office but they didn't bring her to the mediation, so I was the only one there. Eventually a woman came in, a second woman representing one of the insurance carriers, but I was a little amazed.

Perry: It's still true.

Kassop: I was going to say at a conference it's a little bit less so than it used to be.

Perry: But often you'll be the only woman on a panel.

Kassop: On a panel, absolutely.

Perry: But the opposite of this, to tell you that we're making progress, was that when we interviewed Judge Mukasey. Nancy was on that panel. I was on it. I think Russell was—

Kassop: And Sarah.

Perry: And Sarah Wilson, and Russell had something else to do. I was talking to our editor here who goes through the transcripts and she called me the other day and she said, "Oh, Barbara, I just was going through the Judge Mukasey transcript," and she said, "I think that's the first time I can remember that we had an all-woman panel of interviewers." And I said, "Oh, thank you." I hope that's true and I hope we'll continue to make progress in these areas.

Perry: When we took our break for Russell to step out, and he's not yet stepped back, but he probably will momentarily, you were just telling us about President Bush's ability to do some

relaxation or the opportunity to relax at the ranch. Was there anything else that you wanted to say about that?

Miers: I can't think of anything. There were fun moments.

Perry: You had mentioned his clearing the brush and I think I mentioned the bike riding. You were just getting ready to—

Miers: No, he'd run, he ran.

Perry: At that point he was still running.

Miers: Mm-hmm, he was still running until he had to change that.

Perry: But in other words he was the sort of person who could relax once he knew that he was "on vacation." He would take that opportunity to clear his mind and take the opportunity to get some relaxation in, I presume.

Miers: I don't think any of us know what's going on inside someone else, but I know that he enjoyed getting out and cutting the brush. We had teams and everybody had their role and that kind of stuff. The position on the team that was the most exalted was the one that had the saw, and so he and a couple of other people had the saws.

Perry: And the teams would compete?

Miers: No, no, no, we were just working together, because you had to have the pullers and the stackers and the stacks all had to be burned. It was good fun and it was outside, which was very valued. We had this little set of trailers where the staff stayed and that was like an office. You had an office and your bedroom, and we shared a bath, and I guess it was pretty neat because you could just roll out of bed and start working. You didn't have to go anywhere, so that was nice.

Perry: And you had mentioned the logistical problems on Air Force One prior to 9/11, just communicating and getting emails and getting the things that you needed to operate. Did you find though at the ranch, that even before 9/11 things were suitable for you to do the job the way you wanted to do it?

Miers: That's my recollection, that I didn't have mechanical problems. I frequently had mechanical problems out on the road because you know, if you go to Arizona or California or wherever you were, you could have some real issues, because they have to set those up.

Perry: Right.

Miers: They always set up two sets; one for the classified and one for the not classified, and so you could have issues on either one of those where they wouldn't work and you'd have to get someone to try to help. One thing that I noticed in the materials was that the Staff Secretary's office started having an assistant travel with them on the road. I should have done that. It never dawned on me that that was possible, because our White House was very conscious of keeping the staff lean, and that was a mistake not to have an assistant with you, because it meant that you

had to do copying and document assembly and stuff. That took a lot of time, and it took away from sleep and that's not a good thing. I really personally feel like I made a big mistake not making myself get more sleep, because you just can't function.

Perry: I had a question.

Miers: I have to come back to Nancy's, about the three positions, but we can do that later. You go ahead.

Perry: This may be then a step into that. Were there any changes while you were Staff Secretary that you made to your standard operating procedure, either based on your own observations about how things were working or as a result of a reaction that the President had to something that came to him or a person who came to him where you said to yourself, *Oh, let's do that differently?* Or did the President ever say, "Could you do this differently?"

Miers: Well, I'd have to think about that. Nothing comes to mind. I know at one point we did start maybe trying to focus—This would be relevant to you guys—Because everyone knew that every President does a memoir, and so there came a time when we thought well, maybe every day, if we see something happen, we ought to be getting the President to think about that so he would have thought about it in terms of later, when he wanted to write about it. We kind of experimented with that. It didn't really work. There wasn't time, you know? It was almost as if you were making work as opposed to getting anything accomplished, so we quit that.

There were a lot of adjustments to the letter processes and all that kind of thing to make those more suitable to him and more where he was comfortable with the language. He would help us with how he wanted to say different things. I'm sure you all know about the autopen.

Perry: After I read that in the briefing book, it did strike me that I had never really thought—I've worked in Senate offices and of course I know about autopens, but in some ways it seems almost oxymoronic to think of there being a Presidential autopen, because you'd think that anything that the President's signature would be on would be so important that you couldn't have an autopen. So how did you make those choices about using it or not using it?

Miers: As I recall, the only two people that could really do that were myself, and the records management person had access to the autopen, but nobody else. You made it based on was it a form letter or something that could be—If it was the same letter that needed to be repeated a bunch of times, or a letter that was of a nature that you felt like it's not going to be signed by somebody else, it really is going to be signed by him, but it's not going to be an original signature. It was just a judgment you made all the time and it was something that you felt comfortable that he had approved, so that you weren't signing his name under any circumstances to anything that he hadn't approved. He didn't approve that letter and sign it, but he approved the text.

A lot of that also is done in the political arena, as you might suspect, and that's an interesting issue because he's the President but he's also a politician, so you do a lot to keep separate any political activity from the President. But sometimes many evenings in a row there would be political letters that would come over and those had to be dealt with. A lot of those would be autopenned because they were of the nature that they were benign and yet needed his signature.

Perry: To Nancy's question?

Kassop: Mine was the comparison of the three offices.

Miers: Well, they were very different. The Staff Secretary's office, as we talked about, was not policy related. You did not attend the policy meetings as the Staff Secretary. That's the way Andy wanted it. For me it was probably helpful, because if you added on going to three or four meetings a day, I don't know how I would have functioned.

I know when Jim Cicconi was Staff Secretary he wanted to go to all the policy meetings. It has value because you can begin to pick up some things and learn some things that help you in your job, would help you with speeches, would help you just to know more about what was going on. Similar to what you were asking about, do you know who to call and all that kind of stuff. But that's just not the way Andy wanted to do it, and I was very comfortable with that, I didn't feel like I needed to go.

We had meetings in the mornings, which I'm sure lots of people have talked to you about, at 7:30 in the morning every morning. You went around the table, and so you did get a dose of what's going on in everybody's world every day, which was helpful. They would talk about what's coming up at policy and that sort of stuff, so you got a dose of it, but reasonable minds could differ over whether it's good to have the Staff Secretary in the policy meetings or not. If you're going to, you'd have to have a very strong deputy, almost an equivalent Staff Secretary, because if you're going to do the rest of the work and have a hand in it, if you're going to pass it off to somebody, well then OK, but if you're going to do it yourself and attend all those meetings, you're going to have a time issue. You can do both, but you'd better have a really strong, almost equivalent to you, deputy.

Then you move to the Deputy Chief of Staff and you're all about policy. Again, you're not necessarily the leader on policy, because you are coordinating policy, you're not trying to make it, but coordination, it's kind of harder there to make the distinction. The Deputy Chief was a great job for lots of reasons, because you're standing in for the Chief of Staff when the Chief is not there, so you have a lot of duties that you didn't have before, like sitting in on the intelligence briefings and traveling as the Chief. So you traveled in that job still, but it was when you were standing in and going when the Chief couldn't go. Unlike Josh Bolten, I had a specific and deep interest in the national security issues, so Andy wanted me, if I would, to sit in for him on those meetings. Josh wanted nothing to do with international policy. He just wanted to do domestic policy, and so that's what he did.

I think working with the substantive staff was challenging, but also a very interesting and inspiring exercise. You coordinated all the policy council meetings, and so in that role you saw more of the challenges of the President. That was not the kind of thing you would have seen as a Staff Secretary.

For example, on the domestic policy side of things, but the financial economic policy, not domestic policy, the so-called GSEs, the government sponsored enterprises, the Fannie and Freddie Mac, that effort to try and rein in those organizations commenced very early in the administration and came up again and again. There were policy meetings many times to address

what could be done about these entities. You could see the frustration, because we tried legislation, we tried policies, we tried a lot, and those entities were so ensconced on both the Republican and the Democrat side that they were untouchable. We couldn't rein them in. That was something I would not have observed in the Staff Secretary role.

The policy anticipation—You had this responsibility not just for the current policy but to anticipate what needed to be done over the next period of time, whatever it was, so you had a weekly meeting of all the deputies, as I recall, who would come in and help map out what the next three weeks are going to look like or the next period of time maybe longer than that. How are those events going to be planned? That's where people who had an issue that they wanted the President to consider would come and say, "I want to have this event with teachers and I want to do it under this circumstance," and the group would talk about it and say, "Do we have time to do that? Is that something that we want to do? Does it mesh?"

There was supposed to be a theme for every day, which is a lot of work. The Deputy Chief role was a very enriching experience, and I very much admire Andy Card, of course, and so being in his shadow was something that was enjoyable. You felt like you were helping formulate policy that made an impact, so it was very meaningful, and you were personally involved in success and failure. In the Staff Secretary's office, of course, at least in our early years, we were just getting things done, making sure that things were done and done right, and that if the President wanted something to happen that it happened.

The role as Deputy Chief, for example, on the two most particular efforts that I remember, neither succeeded, but immigration and the plan on space travel for NASA [National Aeronautics and Space Administration] were critical. They were very difficult. You were dealing with every area of the government to formulate both of those, financial issues of course, the philosophy. We came to a unified position on both, though, eventually, but neither one could get implemented. You certainly had a sense of failure that you couldn't implement what obviously the group concluded was good policy and the President concluded was good policy. We'll see what happens on immigration.

You know all about how the policy councils work. We had great people who led the policy councils. They were very friendly, easy to work with, great people in my experience. I just didn't have any issue. We had an issue or two. Katrina was very difficult, as I'm sure you remember. That happened on the counsel's watch, so maybe I should move to that, unless there's some question about the Deputy Chief.

On counsel, that's a whole different—You don't travel unless you're going to the ranch for some reason, or if there were a legal issue you went. There were one or two of those, but I don't even remember what they were, so you just didn't much travel. In that role, you're again across the board in terms of responsibility to every branch. When I took over, we had five lawyers, I think, left on our staff, because that was the turnover, everybody else had left, so we had to restaff. We had all the judicial appointments, of course, which was a critical function. We had the ethics, which came into play after the Valerie Plame issues, strictly, but we had ethics issues day in and day out.

We had the clearance process for all the appointments, which took a huge amount of time. We had two great women there who worked on our clearance issues. This is a little thing, but I was very excited that we finally convinced Andy, with a great deal of effort, because he was very opposed to it at the beginning, to allow job-sharing arrangement for that position, because I was about to lose Ann [McLaughlin], who had been there a long time, who was great, but she had just had her third child and she just couldn't work full time. We finally were able to convince Andy that we could hire Ann and another woman [Rene Augustine], who also had children and wanted to work part time, phenomenal people, and let them share that job. It turned out that we got kind of full time out of both of them, which you might suspect.

Kassop: We know how that works, right?

Miers: They were great, and I think that was a good thing, but the opposition to it was based on the fact that there are so many people that want to work in the White House and they will work full time and they don't have a reason they can't work full time, so they should have the position. Our position was well, there are lots of those positions that they still can compete for, but a mother with children should have an opportunity to work in the White House too.

You had a lot of sensitive issues about the clearance. People who felt like they should be able to be an ambassador, even though there were issues in their background that disqualified them, and you had to convince them they liked not being appointed Ambassador. *[laughter]* It was a challenge to deal with ethical issues or behavior issues when they came up when they were people who were near and dear to others on the staff. If I look back and think, *You had some challenges. What were some of the greatest?* I'd have to say that was certainly one of them, because you had to take action against someone who had a lot of support from some of the other staff, or you were sympathetic. People manage to get off track sometimes and they're sympathetic, but in the White House there's no room for that, there's just no room for it, so you had to take action.

I guess things stick out in my head where I really got called up short. One experience I had I have carried around with me because I think it's just something you need to remind yourself of when you're dealing with other people and in difficult circumstances. We had this case that had been going on forever, and I had become counsel, so it was going to come to my desk. A legal advisor at the State Department had been working on it for years; various people had been working on it for years. I got the papers and they all landed on my desk and I went through them and I thought, *Well, what about this?*

I called up the legal advisor at the State Department and I was saying, "I was looking at this, and what do you think about this?" There was this pause on the other end of the phone, and the next thing I heard him saying was, "You know, this is really wonderful. We've been working on this case for X number of years and a lot of other people have been too. You've been working on it for about three days and you figured it out." I thought, *I don't think he's serious.* Even I could tell that.

It was a good lesson that you need to be careful weighing in and giving the impression that you know more than other people or that you can solve things when others can't, and so it was a great lesson. I took a lot away from that experience and I appreciated what he said. He really didn't

say it in a mean way and we went on and had more conversation that day. He was making his point: This is pretty complex, lady, and back off. Yes, sir, I'm backing off. It was a good experience.

We had the [Terri] Schiavo case, of course, which was difficult and emotional for lots of people. They were all very different positions, each having its own challenges and rewards, but each very different.

Kassop: I notice you mentioned it, but it was also brought up quite a bit in the materials. I guess I just didn't realize that, even though I guess I should have thought that you would be doing that sort of work, but you really had a strong role to play in a lot of the post-9/11 counterterrorism policy debates and the issues that came across your desk. Presumably most of that time was when you were counsel. But I guess I had never realized that you had played such a large role, and I wondered if you could talk about those.

Miers: Those kinds of things are not visible to the public. That was, in my own hindsight view, the most important thing I did. It's hard to compare sometimes because the Supreme Court appointments of [John] Roberts and [Samuel] Alito were critical also, but the security issues were probably the most important.

Kassop: Right. And one of the things also that was in the materials was that you were one of— This is actually an interesting thing to maybe draw you out a little bit on, that you were one of the voices in the administration that was highly critical of the position that the administration took on the Geneva Conventions. You were pushing for a respect for the Geneva Conventions. Is that a correct reading?

Miers: It's actually not.

Kassop: OK, then that's what we have to record.

Miers: It is actually not. I know that became the more popular view, but I obviously respect the decisions that were made and would have supported applying the law once it became the law, but I was not—I don't know where that came from.

Kassop: It's just what I read here.

Miers: No, I don't know where that came from.

Kassop: I'm not surprised, I just didn't know.

Miers: I'd have to think back why that was said. I saw that and I'll just have to try to reconstruct what I did or said. I assume that's because someone heard me say something or heard me—You know, you can say things and people sort of connect the dots a little bit differently than you would have connected them.

All of us, I think, were for humane treatment, all of us were against torture, despite what the media has said, but there were some really hard decisions that had to be made. I came into that process after it was already in place and at and during times when that had to have adjustments.

At least some of what's been described in the media came through the Staff Secretary's office, but it's not something I would have commented on as the Staff Secretary. So it was in place, the various actions that were taken.

[Russell Riley returns]

Riley: Let me, if I could—I don't know whether you got on this. We're a little bit short on time because I'm committed to giving you a break at 5:00 whether you want one or not. Did you talk about your experience on 9/11?

Perry: No, we haven't.

Riley: Maybe the way to get into this is for you to give us your account of that day, and then we can end there for the evening and then come back tomorrow and pick up with how the face of those issues appear to you as you're dealing with them in each of the positions throughout.

Miers: We were in Florida, so it was out of the White House for the night and I was along. The day couldn't have been brighter, the surroundings were beautiful, everything was happy. You had little kids and the President was reading with them. It was one of those days when things were really lovely. We were back in the area where all of the TV cameras are, the monitors, not the actual—

Perry: This was at the school.

Miers: This was at the school, yes. He had entered the classroom and was reading, and of course the monitors started flashing the news that a small plane had hit one of the towers. We all thought it was an accident at first, we just thought it was an accident, and we thought it was a small plane. That triggers a whole lot of action in the White House and on the road, because it is the White House.

We started to figure—*Oh my goodness, we're going to have to make a statement. We've got to get all the facts. Who are we going to call?* All of that so we could put the President in a position, if he needed to, of saying, "This is a very tragic incident and we're sorry and our heart goes out and we'll do whatever we need to do." That's our mindset for the next few seconds or minutes until the second plane hits and then we know this is not an accident and it's not a small plane, and the horror of it was just emerging and you're overwhelmed, really. Truth be known, you are seeing and hearing and realizing that events are occurring that are so horrific that you can't really contemplate that they would happen, like people jumping out of the sides of buildings to keep themselves from being burned to death. It was just massively awful.

The first concern was not to scare the kids, and so we had to figure out—Really, Andy, I should say, had to figure out how was he going to convey to the President as quickly as possible what was happening that he needed to know about but not react to. Have you done Andy?

Riley: Not yet, no.

Miers: Andy figured out some way and he had enough experience that he could react to that situation. The experience factor here was huge because he knew he didn't want the President

going like that, which would be on camera, and he didn't want him to have to answer anything, which would not be good. So he figured out some way to say to the President, "The nation is under attack," where he could just hear it, take it in, keep doing what he was doing, and then get finished, which he did of course, and as we know was criticized for. But he made the decision to finish, adjourn, let the kids disburse, and then make his statement. He went from the classroom into the room where he wrote out his notes about what he was going to say and got as much information as he could get and then made his remarks.

He wanted very much to go immediately back to the White House, as it's been reported. That certainly was true at every moment of the day, but they told him he couldn't. They were communicating, assembling all the staff at the White House, assembling the Congressional people, making sure everybody was where they knew they were there and not in harm's way, and they of course got Mrs. Bush and then they were tracking down the girls, the family. He made his remarks and we all got on Air Force One. The President dismissed from the plane anyone that he didn't want to put in harm's way, as I understand it. I didn't hear this. For example, Blake, who was young. He didn't think he needed to be involved in all this.

So we all got on Air Force One and headed to Barksdale, where they knew there was already a security situation there where we could land, and he started preparing his next set of remarks. Those were more expansive than the initial remarks and he was getting more information as we were flying, of course. We were getting as much information as we could get, although the information available was scanty, coming in kind of sporadically. We heard things about the State Department being bombed and all this other information that really hadn't happened. Somebody just thought they saw that. We did hear about the Pentagon, of course, which was massively significant. Secretary Mineta started landing all of the airplanes. We learned about Flight 93.

Perry: Did you hear about the White House being evacuated and the possibility that there was a flight headed toward the White House?

Miers: Yes, we did.

Perry: Were you with the President throughout this time on Air Force One?

Miers: Yes.

Perry: How was he reacting to this news?

Miers: I wasn't with him all the time, of course, but he was in fact-gathering mode, and we were in the process of trying to prepare his remarks for when he landed in Barksdale. Again, I hate to harp about the equipment, but I couldn't get his speech printed because the printer wouldn't work, so this is a bit of levity in the middle of a pretty difficult situation. As we were landing, I finally got the speech printed and literally grabbed it off the printer, went running out of the office because I knew he needed them. We were about to land. He's supposed to go give this speech.

I ran out of the office and started running down the hall to the President's office and he was coming the other direction and I almost ran into him. I didn't know what to say except hand him

the cards. I remember that very distinctly. He took them and didn't say anything, other than, "Good hustle." Then he went off to go make the speech, and I guess from there we were going to Nebraska, because there hadn't been any location where the kind of communication that needed to happen, the most significant could occur, because the security wasn't there. So we went to Nebraska, to that underground bunker where that kind of security existed, which at least I never knew before.

The behavior of the people involved on the aircraft was amazing. The military officer, I mean no one—No, there was one person that sort of lost their cool and used a curse word and was a little bit exaggerated.

Perry: In anger or upset?

Miers: No, in just sort of being official. The person didn't mean anything by it, they were just reacting to the situation that way, but everybody else—The President was calm, trying to reassure the rest of the folks. We were told not to use our cell phones because they were concerned that our cell phones could be tracked. It wasn't until we landed somewhere that we were able to call and let people know that we were OK.

The effort was just to find out who did this and how did they do it and what do we know about it and who all is still in danger, so bringing all the planes down was a huge part of just making sure there weren't any other planes that were either unaccounted for or still in the sky. But that didn't mean that they weren't going to do something else. We had no idea whether there would be a staged—If first it was the planes, then it was bombs and what. Of course they did not manifest themselves, so this turned out to be the isolated instances that it was. I know there was a great sense, at least I had it and I assume others did, of vulnerability, that you just don't think it's possible that the United States can be attacked like this, but there was a great sense of vulnerability that we can be and we have been.

Going back a little bit, the first was just the airplane going into the building, and then of course there is the meltdown of the building, which no one anticipated until it happened, so that horror and the realization of what that meant. It was just one horrible thing right after the other. I certainly never saw the President lose his temper or act out in any way. I was very impressed with the young military officer who carries "the football." He was just no-nonsense, get it done. You couldn't tell it was any other day, you know? He was very impressive in terms of coordination and getting the plane where it needed to be and all that kind of stuff.

I don't know what else about that day would be helpful to know. We finally were given clearance to go back to the White House, and he was going to make a speech again, which means we were then working on that speech. We kept having things to do.

Riley: When you're seeing these speeches, do you just have a ministerial function, or do you contribute to text if you have an idea?

Miers: I could offer ideas, and from time to time would have suggested things. That wasn't my principal role, but it was my responsibility to make sure that everything that was said was consistent with his past statements and that there wasn't anything said that didn't have a factual and identifiable basis for it being said. If it sounded like it could be misconstrued, or if you say

this, you know it might sound like you're saying *this*, do you mean *this* or is *this* the right word? Do you want to mention this? That sort of thing. Of course you had that sort of opportunity and interplay.

Riley: I think there was a White House meeting that night?

Miers: I don't remember that, Russell.

Riley: Maybe not, maybe not. Maybe the next morning?

Miers: I don't remember that either. I'm sure we had one at 7:30 in the morning, but I don't remember a special meeting. We did have a lot of trauma in the White House staff and that was definitely—There was a lot of trauma.

Perry: So when you arrive back in Washington, did you go to the White House with the President and go to your office? Were you allowed to go to your office?

Miers: Oh, yes.

Perry: And staff—Had they been allowed back in after the evacuation? Did you have your staff there?

Miers: I don't remember how much staff was there. I would have had at least an administrative person there. I don't remember whether my deputy was there or not, but I would have—When you're on Air Force One, you land at Andrews. The President took off in the helicopter, which gets him to the White House sooner, and the rest of us all went in vans. I don't know who went with the President. I'm sure Andy did, but he needed to get there sooner, so he gets there first.

Perry: Where did you watch the President's address?

Miers: I would assume I was close by, but I don't really remember.

Perry: A blur.

Miers: As I recall he did it in the Oval Office, so I was probably around the periphery somewhere.

Riley: All right. There's plenty more to do, but we've put in a full day, particularly after what two of you have endured over the last 24 hours.

Kassop: I was starting to wilt.

Miers: You are a saint for doing what you did.

Riley: We've got plenty left to do tomorrow. The only rule is tonight we can't talk about anything that needs to be on the tape or I'm going to have to get you to repeat it. This is a social event scheduled early so that we can dine and have a bit of fun together and then let people get on into bed or relax.

Miers: Excellent.

February 1, 2013

Riley: What I'd like to begin with are some questions about your knowledge of President Bush's operating style. One of the hardest things for people to understand from the outside is how the person who is President works in the office, how he likes to have his paperwork done. What are the strengths and weaknesses of this person who has taken the position, from your perspective, and what can you tell us about the way he operates? Because we don't have a window into that other than asking people. So there are some questions and we'll follow up on that.

Then what I'd like for us to do after we deal with that is to move pretty much directly into the counsel stuff, because that's the big piece of this that we haven't gotten to, particularly with Nancy here. We'll have I think ample time to deal with what we need to there. Then if we come back after the break, if there are some residual things with the counsel, we can pick that up. Otherwise, we can sort of circle back and if there's some stuff that we've omitted, we can come back to it. We never cover everything, but this would allow us to get to the major points.

Miers: Sure.

Riley: Are you satisfied with that?

Miers: Yes, that sounds great.

Riley: Perfect. Are you guys ready to get started? Terrific. I don't know that I have a question, other than what can you tell us about how George W. Bush operated as President? You were in control of his paperwork, for example, and we know that he liked it to be pristine and perfect when it comes in. Did he like option papers? Did he prefer to be briefed orally or in writing? What can you help us understand about this person who is President and how he mastered the office?

Miers: In response to that last question, he enjoyed both. Not having worked for other Presidents, I don't know whether this would be unique or not, but he clearly liked to get other people's views about things. He would ask you your opinion on something that you were not necessarily key to, but he just wanted to get a reaction. I thought that was interesting. If he had policy meetings, three or four a day, he might ask the whole crew in every meeting what they thought about a particular topic. He liked to do that.

I think from a working style, he expected the people responsible for a particular topic to be on top of what they needed to be on top of, so he really maintained a high level of expectation, and that was something I think we all appreciated. He would listen to us in our areas of expertise, but

he had his own ideas. I found him pushing the boundaries at times with his own view of well, why not this, why not that?

He was decisive, I would say. He would make up his mind about how he felt something needed to go. Sometimes you might want to make sure that he had thought of everything, which is for some people I think uncomfortable, but you really do need to keep making sure that he really has heard and understood all of the issues. He may indicate some discontent with that, but in the long run you know he appreciates it because he wants to get it right.

Riley: Sure. Can I press you on that a little bit? Would it be fair to say that he could be impatient, then, with the multiple angles that were brought to him? Are you suggesting that— You said you needed to make sure he was aware of all the information. At the same time he's decisive. The risk of being decisive is that sometimes you can decide before you've got all of the multiple points of view. Or am I overinterpreting what you're saying?

Miers: That might be a bit over, and who knows? Because you actually are one of his advisors, so you don't know whether he's heard certain things from other people or not, and so a lot of times you get, "Yes, I know that" back. I think time was extremely precious and so he wanted you to be very concise when you were trying to explain something and hit all the points. To feel like you've advised him of everything he needs to know, that sometimes takes some time.

Riley: He's a quick study?

Miers: I always found him a very quick study, and he seemed to understand what was being presented to him quickly. He came to topics with a lot of history. It wasn't like you were writing on a blank slate when you were visiting with him about topics. It would be unusual that that was the case.

Riley: Right.

Miers: He would have some idea of where he was coming from because he dealt with the issue before or he had his briefing paper. If everybody was doing their job it fully outlined what all of the considerations were. Woe be to us if that was not the case. He should have had the opportunity to know the issue, what needed to be decided, and all the points that he needed to know in the written material. There was a great sense, at least in the vast majority of instances, I can't say it was every one, but certainly the vast majority, that he'd been through his materials.

Riley: Did he like or work from decision memos? In other words, if you're teeing him up for a decision on something, would there be a one-pager with a check box at the bottom, yes-no, or something else, or was the decision-making process for the President more fluid and verbal?

Miers: This is just my recollection, and it's a ways back, but I had seen some documents where a lot of people in the past had a form or something where they'd set everything out, and then it would be a yes or a no. I recall that a lot of times you'd have a discussion or you'd have a memo that maybe had a yes or no on it, but it wouldn't get checked at that point because maybe there was follow-up or maybe he just didn't check it. So a lot of times then you would follow back up with—or he wanted to think about it.

Riley: Sure.

Miers: A lot of times you'd go back in with the actual decision document. A lot of things didn't take decisions. A lot of things were more direction.

Riley: Right.

Miers: You know, we're headed in that direction. I would say it was more informal than some of the historic processes that I saw, but there certainly needed to be, by the law, a decision document on a number of types of things, and those could happen in a meeting when he was deciding. If it were a minor kind of thing, you might just get it back in the pile of stuff that comes back. I used to marvel that if you send over, at 12:00 at night, a pile this high, and—

Riley: Six or eight inches.

Miers: Sometimes very high and six or eight inches, as you say. The next day you would get it all back, or maybe you'd get some of it back, but it was a pile of information that he needed to go through and you didn't send it to him unless you felt it was something at least he should have an opportunity to see. I felt like we were keeping him on his toes in terms of the amount of materials that he had to deal with.

Perry: Did that amount of material change in the sense that at the beginning, if you were sending six to eight inches high, a set of documents, did he ever say, "Oh, I didn't need to see that, that and that," and then you would think, *I'd better not send so much?* Or did the opposite happen, where you'd think, *Oh, I'd better send more materials,* or did it stay about the same from the moment you started until you switched positions?

Miers: I don't recall either really, where he said, "Oh, don't send me this kind of stuff." or he said, "I need to get something else." I don't have a recollection of that.

Perry: So you felt like the choices you were making from the beginning were the right ones. He wasn't responding in a negative way or saying to send more material.

Miers: No, I don't recall his doing that. Of course you were not making that judgment on your own. You were making that in conjunction with people who wanted things sent to him, so hopefully they were exercising good judgment too.

Perry: Did your materials go straight to the President, or did they have to go through Andy Card first before they went to the President?

Miers: The materials went directly to the President. They went with his schedule book, ordinarily, but that wasn't always the case. You could send over packages any time you wanted and needed to. Sometimes if it was something you had that was for a meeting earlier and you weren't going to get the whole package to him until later you did make a judgment to send things over that he could, if he wanted to, read. So the flow was common sense in many respects, just how do you keep it going the way that is best able to have him feel like he had access to whatever he needed to be ready for a meeting at any particular time. It wasn't as if the Staff

Secretary was overruling the Secretary of Commerce when they sent materials that they thought he needed to see for their policy time. That's not likely to happen.

Riley: How did the President manage the people around him? I know he's got a Chief of Staff there who's responsible officially for doing this, but if you're the guy at the top of the chain of command, you I would think feel a sense of responsibility to everybody who works for you, and I'm curious about the President's working relationships with the rest of you. Was it formal? Was it informal? Was it highly hierarchical?

Miers: I thought it was very flat in terms of he wanted to deal directly with people. Everybody wanted to go to every meeting, obviously. That's probably an overstatement, but not much. And so that decision, and I know his Deputy Chief of Staff, that was one aspect of that job, was to say if there was a policy time, who was going to be there and why.

There's a certain number of folks that could fit in the Oval Office comfortably. A certain number over that, then you had to use the Roosevelt Room, and that's different. It creates a different environment than in the Oval Office, so you tried to keep things in the Oval Office if you could. He doesn't have to move, it was more intimate and more to his style, I thought. You make those judgments and sometimes people aren't happy with you, but it's your responsibility in policy time, for example, to make that. Andy would have overruled me if he felt like at some point I was not letting in the right people or letting in too many people. I don't recall that happening.

Andy did obviously have the overall responsibility to control access to the Oval Office, but as I mentioned yesterday, the President made it very clear to Andy, I think, and to others, and I believe I've heard him say this publicly, that he wanted his advisors to feel like they could come in and see him if they felt like that was appropriate and needful. I'm relatively certain that none of us abused that in any way because we knew what would happen. He'd say, "What are you doing here?" Or it wouldn't surprise me if he'd say, "Did you really feel like you needed to come and talk to me about that?" President Bush is very, I thought and I think most people felt, informal in these aspects.

Either because of his background or just this sense of responsibility, he demanded that people respect the office, and anything that didn't show respect for the office was not something that he tolerated well, so you wouldn't show up without a coat if you were a guy. You recognized the honor it was to enter the Oval Office in the White House of the United States of America. That was something that we all cherished, actually, that there was such a high degree of respect, not just for the President himself, personally, but for who was in the office.

I remember one time feeling caught up short, because we were in a policy time and you do get tired and you get accustomed to things. There was one instance where we had come into policy time and were seated. A lot of times he's there and you come in and you're seated, to sit in for an issue, but sometimes he's not there for some reason. He came in, and as he entered the office only one person in the group had the presence of mind to stand. He didn't say anything to the rest of us; he just said, Thank you, So-and-So, and sat down. I'm sure all the rest of us went—

Riley: Slumped in your chairs.

Miers: So informal in the communication sense. He certainly would call you all the time and you'd have a conversation on the phone about something, so I thought the communication was pretty easy.

Riley: Sure.

Miers: There was always an opportunity to raise an issue if we felt it really needed to be raised, and it may not have been needed to be raised, but the fact that you raised it I think was understood.

Riley: Did you have a nickname?

Miers: If I did I don't know what it was. *[laughter]*

Kassop: It's a secret code name.

Riley: He didn't call you "pit bull"? I keep seeing "the pit bull in the size six shoes."

Miers: Well, someone told me recently that they ran into someone in Dallas who had talked to one of the younger folks on the staff, and basically that was the thing that they referred to as my nickname. I didn't ever think he considered that a nickname.

Riley: What about his sense of humor?

Miers: He has a wonderful sense of humor, and one thing that was so admirable in the young people who worked with him was in the midst of this horrific burden and some of these issues and circumstances they always maintained a banter and an opportunity to release the tension with a joke or reference, like to a nickname or something like that, and I think to some extent, the nicknames were part of that.

Riley: Right.

Miers: It's just kind of yes, I'm the President; yes, this is a serious issue; and yes, you're here and you're going to have a serious impact, but I can call you a nickname. It just takes a little bit of the tension away and people smile. The young people were hysterical, and I know that helps a lot to have the ability to banter back and forth. I don't have that talent, so it may explain the lack of a nickname.

Riley: But it's not a storytelling kind of humor, is it? The impression I get is it's kind of situational. You used the word "banter," which I think is—

Miers: It was more banter in my experience. It wasn't him telling a joke, and I think if anyone else tried to tell a story it had better be funny.

Riley: Because it's taking up time.

Miers: Exactly.

Riley: What about dissent or argument? You get the sense from [Franklin D.] Roosevelt, for example, that he liked to set people off against one another to see what happened. Was the President comfortable with dissent in his presence? Did he foster dissent within his presence? Did he prefer people settle their differences out of his line of vision and then bring a settlement to him? How did that play into his operating style?

Miers: Interesting question, and it's an interesting question because it's kind of hard to answer. He didn't mind people having different views, and he encouraged that, because for example all of us came from different standpoints, and so I may have a legal issue with something that is important to know, but it's like any client, they can accept that opinion or not. It's the rare situation where you're saying, "You can't do this," because it's usually more well, this and this, or somewhere in the middle that is the law.

There were issues where I think it was expected that he was making a decision. He needed to know the differences in opinions if in fact they were so strongly felt that they wanted them expressed, but I don't think he spent a lot of time hearing big arguments in his presence.

There were clearly opportunities to present opposing views from time to time, and people did that and felt comfortable doing it, but it wasn't like he wanted to see the sausage being made, if I can use that analogy. He wanted that work done ahead of time, and there's elaborate procedure in the White House, as nobody probably knows better than the three of you, to ensure that he doesn't hear the sausage being made unless there's an aspect that he wants more on and then certainly he would hear more. But the whole idea of the PCCs [Policy Coordinating Committee] and the deputies and the principals and all of that is to present as crystal clear as possible the issue and the factors, and what he needed to make a decision, but there certainly were times when people had different views about something that got expressed.

Riley: In your recollection, did he ever ask people to take it outside? Were there instances where people would start disagreeing in front of him where he would say, "Get this settled and then come back and let me know what you've decided?"

Miers: I don't recall that happening, Russell. Could it have happened? It may well have, but I don't recall it. I'd have to think about it. If I think of anything flying back to Dallas, I'll let you know.

Riley: You can put it in the transcript and it will enter there seamlessly. One other question about this is about Andy's operating style. Tell us about Andy Card as Chief of Staff. What are the distinguishing characteristics of his operating style as Chief of Staff?

Miers: Well, my experience with Andy was that everyone understood that he had historically such experience, that his background was immense. His selflessness and integrity were never anything but stellar, so you didn't feel like he was ever trying to use his position to be a power base or anything of that nature. My view is that Andy Card was beloved by the staff and we felt like we could go see Andy any time we wanted to and talk about whatever we wanted to. He would make the rounds sometimes to ask, "What's up, what's troubling you, do you have issues?" He was very open, and again, very accessible, very fair. He showed everyone a great

deal of respect. I talk all the time in presentations about expectations he had for us, and that was how we treated each other, how we behaved, similar to the President.

Having come from a law firm, it's fairly formal in a law firm. but we used the language that we probably shouldn't have used if our parents were present, you know? But in the White House, Andy expected us to at all times remember where we were. He expected you to be attired accordingly; he expected you to be there when you were needed. He had high expectations for a level of treatment of each other that I think was very helpful to ensure that people remembered to be respectful of each other. His attitude was a constant reminder, if we needed one, to be respectful of each other.

Riley: Interesting, because I'm not sure beloved is always the affect people have toward White House Chiefs of Staff when they work with them, anyway. The [Ronald] Reagan project, for example, there were some that didn't—Donald Regan was not, I think, beloved by people who worked for him.

Miers: Well, when he left, they had that surprise for him. I've forgotten whether it was Jared or somebody else who thought it up, because he got there so early every morning that it was going to be the best surprise we could give him for the entire staff to be there before he was there for the last day.

Riley: Oh, really?

Miers: And so there was a huge congregation to greet him his last day in the White House.

Perry: Do you remember what time it was?

Miers: It was 5:30 or something like that. Very early.

Riley: Oh, gosh, and where were you all congregated?

Miers: On West Exec Avenue.

Riley: Really? I haven't heard this story before.

Miers: It was fun. He was a very early riser, and so that set the time that the rest of us had to be there. He was a great role model and he was very thoughtful and very kind, and I have to mention Kathi [Kathleene Bryan Card], because his wife, Kathi, I think it's also fair to say, was beloved. She was an encourager like he was and a person that people could take a lot of solace from talking with.

Riley: She's a minister, right?

Miers: She was becoming an ordained minister as we were in the White House. She was in her last years of study in theology. For example, when the White House evacuation occurred, there were some young staff members who were quite frightened by that. She played a very significant role in talking through how it might be helpful to deal with that experience and how to make

resources available so if there were lasting—But that’s pretty traumatic for some of the young people we had who were evacuated in the manner that they had to be.

Riley: Since you’ve touched on the subject here, let me pose the question about religion and your own—Was this a subject of conversation between you and the President in your quiet moments between meetings, or maybe beyond that, your common faith experience?

Miers: The President was never bashful about expressing his redemption and the importance that religion had for him. He had very strong beliefs along the lines that he has so clearly articulated, but he was very respectful of other people’s beliefs. He was very careful to respect the Muslim traditions and the Jewish traditions. Of course Josh was a very religious person in his own way. I’m working now with another former colleague and he was an observant Jew, and that was always just part of the White House.

Riley: Sure.

Miers: It was a microcosm of the world. Yes, I think in his decision to run for President it was pretty clear to me that he and Andy Card both read their Bibles as part of their daily routine, and many days, if not every day—you’d have to ask them—but that became apparent. So I guess religion, I think to both gentlemen, was extremely grounding and important to them. When we went to Camp David, we didn’t have a lunch or a dinner that didn’t begin with a prayer.

Riley: And there were chapel services at Camp David also.

Miers: Oh, absolutely. They were extremely moving. I miss them.

Riley: I’ll make this the last question about this before we get on to the counsel. Tell us about Camp David. Did you talk about that?

Kassop: No, we talked about the ranch. We didn’t talk about Camp David.

Riley: Tell us about Camp David and what’s it’s like and the importance of it.

Miers: Well, I think the President and Mrs. Bush truly did enjoy going to Camp David. They’ve said that. I guess from a personal standpoint, I was able to go somewhat frequently. I noticed in some of the materials they talked about faxing materials to Camp David. Most times that’s not the way it happened, because I was there, and it had an office just like everywhere else, so you could print the materials out that you needed.

I truly believe that because the Bushes knew that I was single and was there without family, that that was a thoughtful thing to allow me to do. As Staff Secretary, of course, it wasn’t an unthinkable thing, because it’s like traveling with him, so it made sense that I was there, but I think the President and Mrs. Bush’s motivation was certainly in part driven by just the kindness of providing that opportunity to me.

It’s a very peaceful and beautiful rustic environment, so it’s not lavish but it’s a reminder of some of the world’s beauty that’s not apparent in downtown Washington. It’s a pretty wonderful place, and of course I valued greatly the opportunity to be there, because sometimes it was pretty

skinny in terms of just the President and Mrs. Bush, but that would be rare. Most frequently there were other people invited, and so I got to know people and their spouses in a way that I otherwise wouldn't. And so there was a camaraderie that was developed from that, the opportunity to discuss issues in an informal setting, one-on-one with folks that were in different buildings so I didn't have day-to-day, face-to-face contact with them, a very valuable resource.

Camp David was a resource that the President used to encourage people and to provide an atmosphere that was conducive to collegiality. I think he used it that way.

Riley: What kind of recreation activities would you do? I know he would run or bike. I haven't heard you say that you were a runner or a biker.

Miers: Well, actually, I did try to run, but there's a big, steep hill out there. *[laughter]* I was running at that time and would run sometimes. There was bowling, there were movies. The dinners were always great fun, just to, again, talk about things. What else was there? There were tennis courts.

Riley: Did you play tennis there?

Miers: Once or twice. They had a ball machine, so once or twice I used the ball machine.

Kassop: So you didn't need a partner.

Miers: So you didn't need a partner. Those are the principal things. There were other things available, but those are the ones that I recall.

Riley: If you went up there I'm sure there was work to do, but you would have a chance to decompress.

Miers: Absolutely. Sunday mornings were wonderful because it was leisurely in the sense that the service at the chapel was later in the morning, so you had time to get up and you weren't getting up at whatever time, 4:00, and then you'd have some time to read or do whatever you needed to do. There were communication offices on the premises, so many times on Sunday morning I needed to go get stuff that was classified and handle that, but the pace was certainly different from a normal day. So then you would have the service and then you would go to lunch. Many times immediately thereafter you'd go back to the White House. Most times you would immediately go back to the White House.

Riley: And did you helicopter up and back, or were you in a motorcade most of the time when you went?

Miers: It depended on the weather, of course, but most of the time it was helicopter.

Riley: And would you be in the President's helicopter?

Miers: Yes.

Kassop: Can I ask you also, you mentioned the idea that the President and the First Lady reached out to people who didn't have family locally in Washington or were by themselves. We've heard stories that Condoleezza Rice would frequently be asked—as, again, a very close friend of the family's—to Camp David. Was she there at the times that you were there?

Miers: That's an excellent point, Nancy, because that's a great example. Condi is very family oriented, so having that close relationship and going to Camp David on occasion was, I think, a wonderful opportunity for them to be together and to talk about the very critical issues that they were talking about. Condi was a frequent person. Certainly I remember the first time I went she was there, and many times she was there. I think she'll say that the first time she ever hit a golf ball seriously was Don Evans showing her how to hit a golf ball. That's the kind of thing that wouldn't happen in the White House. It was a sunny afternoon and he was showing her how to hit a ball.

Kassop: Can you think of any particular policy discussion that took place in the Camp David atmosphere where the idea of having a much more informal exchange was very vibrant and very helpful, and that you reached some sort of decision there that might have been difficult in an office atmosphere, but where people were asked to really be sort of genuine about their positions. Was there any particular policy development that occurred as a result of this kind of informal behavior at Camp David?

Miers: I have to say I don't recall anything like that. If that occurred, it would more likely have occurred in the aftermath of 9/11, because I know there were several get-togethers at the highest level involving issues surrounding the response to 9/11 that occurred there. I would rather suspect that what you're describing may have happened there at that time, if it happened. There were always discussions about issues, but did they provide the atmosphere there that wouldn't have been provided in the White House? I don't think that occurred.

I do have a memory or two of things that came up while we were there that would have come up in the White House too, but they happened to come up at Camp David. I'll see how I can describe this and feel comfortable. We went through, in the John Roberts confirmation process, the need to review all of his records in the Reagan Library. I recall that subject coming up at Camp David conversations. You have recollections like that, and did it make it easier or bring about a different result? I don't really think so. Did it help to have people know each other and be able to relate on a personal level as opposed to just a professional level? I always think that helps.

There was probably a lot of strategy involved in ensuring that people were together. That made sense, and of course the Bushes had family in the neighborhood and they had children, so sometimes the family would be there, and that was wonderful, because I wouldn't know Doro and her husband if that hadn't been the case, or Marvin, to the degree—He's very active in the library, so I know him through that, but I wouldn't have known him before that except for Camp David encounters.

Riley: All right, let's pivot here.

Miers: Did you have another question?

Riley: Oh, I'm sorry.

Kassop: I was just going to follow up, and maybe you've already really answered. Just the idea that there was a level of frankness, perhaps, that might have occurred because people sort of let their guard down being in a more informal atmosphere, as opposed to the hierarchical kinds of expectations that you have when you're in Washington. I guess did the environment itself foster a different kind of conversation than might have been true back in Washington?

Miers: I can only speak for myself, and that is, when I was talking to the President it never was informal unless it wasn't an official topic, in which case, of course, you were informal. He would ask you silly questions, as part of his relating to you, but unless it was banter, I think even at Camp David things that were official were talked about in official terms. A time or two when I was there as Deputy Chief—Sometimes you had to deliver unhappy news, and when that occurred, it was similar there. It didn't make a difference whether you were in the White House or at Camp David.

Riley: Do you remember an instance when you elaborated on heavy news?

Miers: Some military development at one point that I had to convey, and I knew it would be difficult to receive. Of course we were at Camp David, as I recall, when *Columbia* occurred, so another horrific circumstance. But I think Andy was there too when *Columbia* occurred.

Riley: Can you tell us about your elevation then, to the counsel's office, if we can dial ahead to that. Had this been something that you anticipated would eventually happen, or is it something that came to you unexpectedly?

Miers: It came to me in I would say due course. It was something that didn't seem out of the ordinary, but nobody really knew what was going to transpire. I know that others were considered, and so I was just one person who was being considered, so whether that would be the decision or not, I just didn't know. It was dependent, of course, on Al Gonzales being confirmed, which I guess people expected, but it's never a certainty. It came along as not an unusual thing to come up.

Kassop: Can I ask about the time frame? Because there was a bit of a discrepancy in the information, although I think I may have figured out why. It said that you were appointed counsel in November of 2004, but then in another place it said it was February of 2005. Is it correct, then, that the idea was being proposed to you that you would become the counsel in November, right after the 2004 elections, when he did change his team, and so when Gonzales then was nominated to be Attorney General? Did it take until February of 2005 for Gonzales to be confirmed, and that's why—Did you take office as counsel in November or in February of 2005, pending confirmation?

Miers: I can't place the decision, and I'm sure the records would show this, in terms of an announcement of my having been chosen. There was a period of time, as I say, when it was clear that Judge Gonzales was going to be nominated for Attorney General and that therefore, somebody was going to have to fill the counsel's office spot, and there were a variety of people being considered for it, and I knew I was one. Certainly before February I knew that I was going to be counsel, because I know I started preparation before that. And so whether it was as early as

November—I don't recall that it was immediately after the November election, but it was sometime in there because we started preparing, which means I started talking to everybody that I could talk to about the various aspects of the office.

Kassop: Do you recall when you moved over into that office?

Miers: It was whenever he was confirmed.

Kassop: Right. That's my guess, that probably there was that period of time that he was preparing for his confirmation, but until he was actually fully confirmed, he wouldn't have left the counsel's office.

Miers: Because there wasn't anyplace for him to go.

Kassop: Right, exactly.

Miers: And if he wasn't confirmed, he'd probably have stayed.

Kassop: Right, right. I guess Brett Kavanaugh was one of the other names that had come up as a possible contender for the counsel's position.

Miers: I had heard Brett's name, among others.

Kassop: And of course then he became Staff Secretary after you left.

Miers: He came to Staff Secretary after I left, so he would have already been Staff Secretary.

Kassop: Right.

Miers: But I guess he had not been confirmed as a judge yet, if I'm recalling correctly.

Riley: The briefing book indicates that, I think.

Miers: I think he had been nominated but not confirmed.

Riley: Had you thought that you would stay into the second term, or it wouldn't have been unusual for somebody in a position like this, working the hours that you did, to contemplate leaving?

Miers: I served at the pleasure of the President, and so it was up to him. I had what I thought was a place to go back if it was decided my services weren't needed, so that wouldn't have been the end of the world for me of course. In fact, there would have been some advantages.

Riley: Sure.

Miers: I was there to serve the President and I was going to stay. The other thing that the Deputy did talk about in terms of our office was to ensure that we had a record of what the President's policies were because when the campaign was out there saying things, you didn't want them out there saying something that was not actually his policy. We had a significant role in just ensuring

that there was consistency and an ability for them to know what our policies were. We spent quite a bit of effort to ensure that his policies were protected, that the campaign didn't get out there in areas that weren't consistent with his policies.

Perry: Were you involved at all in debate preparation in 2004 for the Presidential debates with John Kerry?

Miers: Not that I recall, in terms of the actual preparation. Let me think about that. I don't recall going and being present, if I'm recollecting correctly.

Kassop: Were you asked for policy position papers that they would then use in the debate prep?

Miers: I can't believe that there wasn't some information exchange, but I don't recall being present, for example, and I think it was Judd Gregg, right, that did Kerry, and I don't remember an instance where I was physically present when they were debating.

Perry: So in this run-up, then, to going to the counsel's office, you said you were doing some preparation in case that would happen. You mentioned yesterday that there was quite a bit of turnover in the counsel's office itself, and so I presume that you had to start thinking about replacing those people. Could you talk about other issues and then the U.S. attorney's issue as well, if you want to just fold that into, again, the run-up and what things you expected to face when you got to the counsel's office.

Miers: The counsel's office went through a litany of things that they thought they needed to brief me on. There were a number of additional national security briefings that I needed to have because I hadn't had them before. There were a number of issues, like where they were on the selection of judges, where they were on the preparation materials related to the Supreme Court. I remember meeting with the legal advisor, John Bellinger, who was going to be the legal advisor when Condi took over at State, but had been counsel. I worked with him quite a bit anyway, but we had more extensive meetings. The status of the U.S. attorneys certainly came up, and other appointments; the clearance offices and the ethics offices and all of that. Staffing was a huge issue because as I said yesterday, I think we were down to five lawyers.

Perry: And what would have been the full number of other lawyers in the counsel's office?

Miers: Well, we had a total of eight associates, and then the ethics office and the clearance office and your deputy.

Kassop: And who was your deputy?

Miers: Bill Kelly.

Kassop: Oh, that's right, yes.

Perry: So, on the U.S. attorneys, was that something that was brought to you as this list of issues of things that we typically consider in this office, especially as a President goes into a second term, or was it something that you had thought about even before you were being briefed up to go to the counsel's office?

Miers: As you might recall, there were some issues about how exactly all of that came up, but I do recall myself asking about the status of U.S. attorneys and what was the process and the procedures in terms of do you start over or replace some or whatever.

Riley: And do you remember what they told you was the procedure?

Miers: That all happened over a length of time, but the eventual general gist was that no, that would definitely wreak havoc and you wouldn't want to do that, or that was not generally done.

Riley: That being to replace them all at one time.

Miers: Correct.

Perry: But that is an option, correct, that they too serve at the pleasure of the President and a President could do that. It might not be practical, but a President could do that if he wished, correct?

Miers: All of the U.S. attorneys serve at the pleasure of the President. Yes, they can be replaced at any time for no reason or any reason that's not improper. So what I think is important to remember with respect to the U.S. attorneys is that they are a wonderful source of people who have had experience that makes them very valuable. To allow people to serve in that position is a great educational experience, so the more people who have that opportunity, the better.

Riley: I guess the historical question, you dealt with a lot of lawyers on this I know, because there are aspects of it in here where ultimately the testimony was given, which is apart from our interest.

Miers: And obviously my recollection of those things would have been better back then than they are today.

Riley: Exactly, but the consequences are much less intense now than they were before, so maybe there's a happy medium in here. We're just trying to inquire about how early a plan had developed and whether there were discussions about the likely political consequences if you were to do something on a wholesale basis at an early stage, and I guess that's what we're fishing around about.

Miers: There's some documentation in terms of what was said about any attempt to do anything that would be totally disruptive. You don't want to interfere with law enforcement, which is so critical around the country, or people who have ongoing investigations. There were a lot of considerations at stake as to what to do when and all of that, so I think that was pretty well vetted back then in terms of what took place.

Kassop: As a point of clarification, is it correct that the U.S. attorneys have a four-year term of office and the issue then became whether those who had finished out their four-year term were going to be continuing on in that office or whether they should be let go at that point?

Miers: That is one consideration, the fact that they have a term but they still serve at the pleasure of the President.

Kassop: Sure.

Miers: But the more normal course was to allow someone to complete a four-year term if that made sense.

Riley: By your own accounts earlier there were conversations with the political office, at least in some instances, about these issues. Was that a normal process, to get input from the political office about these kinds of appointments?

Miers: I would think that it would be a fair statement, Russell, that you got input from any source you could get. Sitting in the White House, for example, knowing who might be an appropriate U.S. attorney in some state to which you have never been is not something that you're really capable of coming up with, so you get information from every source you can get. Clearly, the likelihood that people have become visible in an area of the country frequently relates to the fact that they have been politically active, and U.S. attorney positions are political in most cases. That's a person who has the view of the President, and so yes, the political office was definitely one resource.

Riley: Exactly. I have to say that I liked that part of the exchange in your testimony where somebody was asking you a question about political considerations, and I think your response was these are political appointments, how can you divorce politics from a consideration about that?

Miers: I consider the U.S. attorney appointments—Excuse me, Nancy, but I was just going to say take a look around the country at how many federal judges previously served as U.S. attorneys, or how many other appointed officials distinguished themselves and have the background of having served in law enforcement, a U.S. attorney or assistant U.S. attorney position, and you see what a training ground it is for so many important positions. I considered them very important offices, and that was true in my experience when I clerked, to see the interrelation between the chief judge and the U.S. attorney in the issues that would come, that would be dealt with, between those two. Even back then, I appreciated that that office was huge.

Kassop: I was going to say, but the nine U.S. attorneys who were ultimately let go had been appointed by the Bush administration at the beginning of the first term, correct? So they were all Bush appointees in the first place.

Miers: I'd have to check, but I think that's right.

Kassop: And so the fact that then there eventually arose some displeasure with the way some of them were performing their job. These were essentially loyal political appointees in the first place, and then it was after that four-year term had ended, and again a question of whether they were considered continuing in office. It wasn't as if we're talking about Democrats here. We're talking about Republicans that were appointed in the first place because the administration had put faith in them when they first appointed them. So they were on the same political page at least initially is what I'm asking.

Miers: I am assuming so. I was not party to when they were appointed or who suggested them or who they were supported by. I'd have to go look and see if each of them was a Republican. The

President appointed prior Clinton appointments to judicial positions, and were there U.S. attorneys that were of a different party? I just don't know without going back and checking.

Riley: Let me sort of borrow Nancy's phrasing and pose the question this way. Was it the fact that there was displeasure in some of these instances, or was it more generically the case that they had their shot for four years, turnover in these positions is expected, and we need to provide opportunities for additional people to come in? It may not be an either/or, but it could be.

Miers: It's just something that would have to be looked at, each individual case in completeness and accuracy. You'd just have to look at each situation. I think the ultimate responsibility for the examination of performance of U.S. attorneys, et cetera, occurs at the Justice Department.

Kassop: Can you say something about who was involved in the conversations about how to deal with this particular issue?

Miers: I don't know that I could do that accurately without going back and reconstructing it. Certainly myself and my deputy were involved. We had Dabney Friedrich, who had a lot of responsibility in this area, and others on the staff had responsibility with respect to these, so that would be quite a number in the counsel's office in terms of the counsel side of it, and on the Attorney General side of it I think the facts, as they developed, would have indicated that Kyle Sampson had a major role, and others, but again, I'd have to go back and see all the names.

Kassop: And any other offices besides counsel and Justice Department? Wasn't Karl Rove in the political office?

Miers: Karl had some involvement, which I think was ad nauseum examined in connection with this issue, and the political office would have had input in some instances.

Riley: Let me ask a more general question.

Miers: As reflected in the transcripts, because that's the best information on that subject.

Riley: We haven't asked you about Karl's position in the constellation of offices in the White House, and you were there for a good long while. Tell us about his role, what he did and his importance to understanding the 43rd Presidency.

Miers: Well, my personal view of that is that his importance can't be underestimated. Karl was so close to the President, as his campaign leader, as his friend. Karl is brilliant. There's no question in anybody's mind about that. People try to create an aura around him that I think is totally unjustified, of course, because I know Karl and have been close to him a long time and have ultimate regard for him. He is one of those people that has the sense of humor that I don't, so you know he is just a unique person and he comes from a unique background and he has a great deal of talent.

Karl, in my view, was ever present in terms of the aspects of the White House that he had any role in, but also those that bordered on his role. Where he didn't have a lot of involvement was in national security. He's very respectful about what he did and didn't know in that area, and so he was not present in those kinds of issues.

Riley: He also had a kind of policy portfolio, excluding the national security area, but he's a policy guy as well as a political guy?

Miers: No question. He was very well read, very informed, studied, was strategic. He was very strategic in terms of what he thought about, and so he had a very significant role in the initial administration, but then he was kind of counselor/humorist/you name it. He's a terribly creative guy and he cared about a lot of the issues. When things couldn't get done, he felt very deeply about them, so yes, he was definitely—His mind would not have been limited to political polls.

Kassop: Can I ask you how, when you were counsel, your interaction with Karl would go? Would you call his office if you had a question? Would he call you if something came up? The counsel's office has often been described as being at the intersection of politics, policy, and law, and this is the law versus the politics side of it. So what would be the types of interaction you would have had with him in a formal way?

Miers: All of the above. I'd call him, he'd call me. We'd be in meetings together, policy times together.

Riley: Physically how close were you located in the West Wing?

Miers: Well, everything is pretty close in the West Wing. I think I have one claim to fame, and that is that I was the only assistant that had an office on each floor at one time. I put that in my diary. I'm joking, of course.

When I was Staff Secretary, he was upstairs as I recall. When I was Deputy Chief, he was upstairs, and then when he was Deputy Chief, he moved downstairs and I was upstairs. I ran up and down those stairs. I will say that was valuable, that I didn't have time to exercise but I ran up and down a lot of stairs, particularly as the Staff Secretary. I was running all over everywhere all the time, so I got a lot of exercise. But it was all close, and I would visit him in his office and he would come down to my office. We had differences of opinion on things from time to time. He certainly wasn't bashful about pushing his position, and neither was I bashful.

Kassop: That's one of the things, too, about the counsel's office, my own understanding of it, that makes it very different from how law is approached by an administration and the Justice Department, because in the counsel's office politics does play the role, whereas in the Justice Department, politics is presumed to be as much as possible divorced from simply applying the law. So the counsel's office is in some ways unique because the law is your master, but you're also doing it from a point of view that's trying to be as politically helpful to the President at the same time.

Miers: I would say that a little differently.

Riley: Please do.

Miers: Nancy, because I think certainly the law is the law. The law doesn't change based on politics or policy or anything else. The law is the law. But I do think the way that you can work with a desired result is there in the counsel's office, but it's there in the Justice Department. I don't know that I would draw that distinction as starkly as you did. Is the counsel's office more

aware of the big picture in terms of the administration's position? Possibly so, more so than the Attorney General, though it's hard to say. The Justice Department is different because you have that huge department.

Kassop: Sure.

Miers: Many of the employees there were career. I had such wonderful experience in my being counsel with people in the Justice Department who were just incredibly wonderful lawyers and trying to do their job as best they could. I know that the Attorney General, for example, particularly Al, when he transferred from the counsel's office to the Attorney General's office, was taking into consideration input from policy, input from political. The judge was quite interested in coming to our judicial meetings when we were considering him coming, so I think both offices, at some level, in the Justice Department at least, were involved to receive information, and of course the counsel's office wasn't the ultimate legal office.

Kassop: Right.

Miers: In the sense that we, from time to time, would have to ask legal counsel to give us an opinion on X because we need to know what you think the law is. If we didn't have something from them already, that's something we had to do, so we weren't even the final say.

Kassop: That's been a very typical kind of pattern, with the counsel going to OLC [Office of Legal Counsel] when there's a question. I guess what I was also trying to get at too, just the difference in the institutional roles between the White House counsel's office and Justice, which is a line institution, it gets its budget from the Congress, the political appointees are confirmed by Congress, whereas the counsel's office is a staff office and it serves essentially at the pleasure of the President.

The interactions between the counsel's office and going to OLC to ask for opinions—There's been an interesting historical overview of that, that sometimes the counsel's office gets frustrated because OLC tells you, "No, you can't do this," when you want them to come out on the positive side. On the other hand, there is a sense of respecting their judgments because they are so much based on precedent. Can you talk a little bit more, even perhaps to some specific examples of that interaction?

Miers: Maybe this gets at your earlier question in terms of the considerations that go into the counsel's office, because I know at least for this administration it was important to us. The subject came up when I was counsel, the subject came up when I wasn't counsel and was serving in the other roles. We had strong views about the role of the executive. The counsel's office was more likely to advance the position of the administration with respect to the Executive office and the executive role within our tripartite—the various areas of our government—more so than the legal counsel's office, for example. So they're a check and balance a bit, not technically, but they were a check and balance of is this really appropriate or not in the balance of power. They had an independence in my mind—

Kassop: Yes, as they should.

Miers: —that we in the counsel’s office didn’t have, so that was a very valuable resource in terms of what do we think is in fact the best statement of the law.

Kassop: Did you have any examples where you went to them for advice and you were hoping to get certain responses and they came back with a different response?

Miers: I’d have to think about that, because there seems like there was an instance where they came back maybe not where we wanted or thought we would be. I can’t really remember that with certainty without thinking about it. I know there were several instances where we asked them for their opinion, and we worked closely with them on a number of specific issues where we would go back and forth and have a dialogue.

Kassop: Were there national security issues that you asked them for information?

Miers: Absolutely.

Kassop: And for opinions about?

Miers: Absolutely.

Riley: And there were some reversals, right? Fairly soon after you came in; I don’t remember the chronology exactly.

Kassop: About the torture.

Riley: Yes.

Kassop: Which was withdrawn, their opinion on torture was.

Riley: Do you have recollections of your engagement with OLC on—not reversal maybe.

Miers: You’re going to pardon me if I object to the use of the term “torture.”

Riley: I didn’t use that.

Miers: Nancy did.

Kassop: I said it.

Miers: I respect people’s views on things, but I don’t think the use of the term is appropriate. I do think that there were adjustments that occurred in a variety of areas due to the circumstances as they were developing and due to additional information. So I think yes, there were, I wouldn’t necessarily say reversals, but I would say adjustments that were made, and really discussions were on an ongoing basis. It wasn’t like—It depended on what was happening. Things develop.

Riley: Right. And in your own interaction on these things are you coming new to the interrogation issue? Or is that something that’s been within your frame of knowledge earlier, as Staff Secretary, somebody who’s having to process these things? You would be knowledgeable about these things. I guess I’m trying to get a sense about whether once you come to the

counsel's office you're having to be read into a vast variety of new kinds of issue areas, particularly in the national security area, that wouldn't have been true earlier.

Miers: Let me see if I can answer that question this way. There were some materials that flowed into the Staff Secretary's office, so I would have seen them at that time. There were others that didn't.

Riley: Right.

Miers: There were a number of issues that were, as we've talked about—The highly, highly classified information did not come through the Staff Secretary's office in all instances. We dealt with certain levels of classification. Once I was transitioning to the counsel's office, there were new areas with additional information and revelation of classified materials that I would not previously have been privy to, so some of it was definitely new.

Riley: OK. Now I'll look to the two people who know the field better than I do for help with the question, but part of the conventional wisdom that's out there is that some of the changes that occur in policy, about the time of the beginning of the second term, are due to personnel changes in the Justice Department. John Yoo having left, for example.

Miers: He left way early, didn't he?

Kassop: He was only there for a year, from 2002 to 2003.

Riley: OK. So some of the operating decisions in OLC that had been retracted, this would have been done before Harriet becomes counsel.

Kassop: You can ask her. What you're referring to is the withdrawal of the memo from 2002 that justified enhanced interrogation techniques.

Riley: Right. But I was trying to remember who did that.

Kassop: It was Jack Goldsmith. Is that correct?

Miers: I'd just have to go back and research it.

Riley: Maybe if I frame the general question so that you know what I'm getting at, you can tell me whether it's even relevant, because you had said in response to Nancy's earlier question that you were getting new information. I think you had said that you were just evolving, that the policy was evolving to account for new information. I'm juxtaposing that against this sense that some of what was transpiring was occurring because of these personnel changes in OLC or in the Justice Department.

Kassop: Can I follow up on that?

Miers: Please do.

Kassop: Also, to broaden it out, because I worked some of these policy changes, not so much on just the interrogation techniques but other counterterrorism policies, a reflection of the Supreme Court decisions from June 2004, and that whole question of the military commissions. You were there during the time of Congress's response to that, but then there must have been discussions in the executive branch and in the White House about how do we respond to these Supreme Court decisions, some favorable but much unfavorable to our current policies, and we need to go back and revise those policies. So that's the broader question, building on what you were suggesting.

Riley: Yes, and I guess that's what I'm trying to get at, for historical purposes, if you're trying to properly understand this, is the extent to which it's partly a function of new people being in positions with different levels of interpretation and partly a function of an evolving political environment, including Congress and the Supreme Court acting. It's a really big topic.

Perry: And legal environment.

Miers: Yes, I was going to say I would characterize that more as a legal environment to which of course you have to respond, as Nancy very well says, but it was a great deal of components that would have brought about the need to continue at all times, to look at where you were and determine what sorts of opinions were necessary to get to those opinions. Reacting to the decisions of the Court would certainly have been something that the counsel's office had to react to and that OLC had to react to. Facts were changing in the world, and so all of that would have had to go into the mix.

Riley: Is there ever pushback from the counsel's office to OLC? In other words, if they're giving you an opinion, is it within the realm of possibility that you go back and push back or appeal to them for an altered opinion?

Miers: Yes, that would happen.

Riley: Were you successful at times in doing that?

Miers: I considered it a little more collegial. I thought we had a very good relationship with the office, and of course the Attorney General was involved in all of those discussions too. I thought it was a healthy dialogue that occurred and hopefully reached the right decisions. There were others who had input who were interested in the topic too. That would be beyond the legal issues but on the policy issues.

Riley: Let me ask you this question, and you can not answer it if you don't want to. What percentage of what we really need to know about what went on in the decision making about these very delicate national security areas do we know right now? I mean, as an informed reader and as a guy who's interviewed maybe 40 or 50 senior officials, how well informed am I? *[laughter]* Is there a lot out there that we don't know?

Miers: I don't have any way of—

Perry: Russell, you may want to restate that question.

Riley: I'm sorry.

Miers: I have no way of knowing that, except that I do think that there is a great deal of folklore and false information out there. Reasonable minds differ on these topics, no question about that. What I hope people will keep in mind is that there is a process in the United States government where, when 9/11 happened, there had to be a reaction to what was happening. The input on what needed to be the response was required of all of those people who had a role to play, like the military, the National Security Advisor, the State Department, the amazing intelligence machinery that exists in our country.

It pains me to see caricatured people who have dedicated their lives to making sure you and I can sit here. That's a very difficult thing for me to accept, but it happens, and that's freedom of speech and we love freedom of speech too. So I don't think the mechanisms that were in place can be fully known to someone who first off wasn't there at the time, so I don't know how much I don't know. Secondly, unless you are read into these programs you don't know what happened and you don't know why things happened and you don't have the information on which to form judgments about right, wrong, or indifferent.

It's very natural human nature to see some people who want to feel like they've got the right position, and it sounds like a really nice position, but if you had to deal with the issues that were confronting the country at that time, the decisions that had to be made, obviously the people who made them felt that they were operating within the law and within the law as carefully considered as it could be, shared with Congressional leaders, as the President said. That is supposed to be a check and balance.

Another issue that's very interesting and a difficult one is how far do you have to share when you're talking about Congressional sharing. Having been where I was, this is a little bit maybe far afield of your question.

Riley: No, it's very interesting and important.

Miers: There's a judgment that has to be made. Do you share it with just the leadership or do you share it further than that? There were some pretty strict decisions made about how far down the chain, like full committees or subcommittees or whatever. Obviously, that didn't occur in some of these instances, but Congressional leadership certainly had access to information, both sides of the aisle, and nobody walked out of the room or raised issues at the time. That changed a little bit as time passed, and those people needed to deal with their own situations. I didn't meet anybody, in my experience, that I felt had any interest in violating the law or doing something that they weren't authorized to do. I'm proud of this country and I'm proud of what the people did that were facing what were unknown threats in the aftermath of 9/11.

Kassop: A couple of things. A lot of things, but certainly—

Miers: I bet Nancy and I could talk for four months.

Riley: I know, and I'm watching the clock.

Miers: And you've got to police us.

Kassop: I think we definitely want to pursue, in a few minutes, the executive/Congressional relations part of it, but I want to go back a little bit to process questions within the executive branch, and so two questions. One, could you comment on your interaction with and the role of David Addington in the counsel's office in terms of the conversations that went on to these decisions. Secondly, my question is what we don't hear a lot about and I assume was certainly there, the difference of opinions within the executive branch on a lot of these counterterrorism policy issues. What I have heard is that the military lawyers were not necessarily in agreement with some of the positions coming out. Could you talk about whether—not that everybody was on the same page—there was a robust discussion of dissenting views as well.

Miers: Well, Nancy, I think you have to put all that in time. The reference to military officer differences, first off, were over in the Defense Department, and what some of these other issues deal with were not necessarily military issues, if I can draw that distinction, because they're different and they happened really later, at least in my experience. They were later events that happened. Some of them were happening early on I guess, but again, you'd have to know the whole situation, and there may be different situations.

What I have to say to be careful is that I was Staff Secretary and then I was Deputy Chief of Staff. I was on the outskirts of some things that happened, just because I was present in the office but not involved. For example, some of what later came out about events related to various authorizations and that sort of thing. So I need to be careful. I know what I saw as I became counsel, and that's a different circumstance those many years later past the events of 9/11.

Perry: Can I change subjects? We can come back if you wish at some point.

Riley: No, no. Please do, Barbara.

Perry: As you come in to the counsel's office, it's known that the Chief Justice of the United States, William Rehnquist, is suffering from thyroid cancer. Can you take us through the process that you encountered as you got to the counsel's office about the possibility that was coming sooner rather than later? Most people thought of replacing the Chief Justice, maybe have another appointment or two, and what did you discover? Were there binders that had information, not of women perhaps, but information about potential nominees? If you want to fill in with the lower federal appointments to the bench that's fine too, but I think people will specifically want to know the process that your office went through, the process of relating to the Justice Department on these questions of particularly Samuel Alito and John Roberts coming into the picture and your role in that.

Riley: Can I give you three minutes to think about that and to take a break? When we come back you can begin on this.

[BREAK]

Miers: There are a couple of follow-ups. I know we're switching over to judicial issues, but before we do, Russell, there's probably a couple of follow-up issues that I think would be helpful.

Riley: Oh, well, let's start then, and then we can go back to the judicial stuff, absolutely. We need to cover what you think is important.

Miers: It's probably stuff that everyone has thought about.

Riley: No, we can't assume that we know that.

Kassop: I just ran into Brantly Womack and he said, "I didn't realize how friendly the Miller Center was until I read the sign that's on the back of the door that comes into the lobby here. It still says 'elevator,' which is fine, but it says 'elevators' and then under it 'receptionist.'" Remember, there used to be a receptionist there. So he said, "Even the elevators have receptionists here."

Perry: Apparently, we used to have one near the elevator.

Miers: What time is it? I haven't looked.

Riley: We're doing OK.

Perry: The time is about 11:15?

Riley: A little bit later.

Miers: I guess it's 11:20. I keep thinking, because when I look at my watch—I haven't changed it, so it's central. We're really early.

Riley: Well, if we could convince your airplane to be on central time that would be beneficial.

Miers: Well, it's not my airplane. That's the problem. It's Nancy's.

Riley: All right, it's the official timekeeper.

Perry: The taskmaster.

Riley: Now, Harriet, you said there were a couple of follow-ups that you wanted to deal with before we got into the judicial piece. Can I throw that out?

Miers: Sure. Just two items to put in your head, but I'm sure people have talked about them. One is the significance and impact on the United States of Abu Ghraib. Now I, of course, wasn't counsel then, so it doesn't have anything to do with the counsel, but being part of the administration as I was then, the dramatic toll that that incident and set of incidents took cannot be underestimated in my view.

Perry: And that was, if I remember correctly, spring of '04.

Miers: Oh, no, it was earlier than that. Wasn't it earlier than that?

Riley: I'm looking.

Perry: It's on *60 Minutes* and really comes out in spring of '04.

Riley: April 28th of '04.

Perry: To the public.

Miers: I would have placed it slightly earlier, which is why you have to look at things before you—

Perry: The report comes in before that certainly.

Riley: To the White House.

Perry: To the White House, but for the public it's spring of '04.

Miers: Anyway, I think that incident took a huge toll on us and our perception and our morale and the sense that some things were going awry. I wanted to mention that.

The other thing that I wanted to mention was Nancy had asked about David Addington. I had constant contact with David Addington because he was part of the counsel's team, so that when we met every day David was present. David and I certainly came to stark words with each other from time to time, but my relationship with David was to see him as a valuable resource. He is extremely studied and he doesn't just rely on his own intellect, he goes and digs deeply into history and the law. I came to respect the effort that he put into things.

David certainly, I know, didn't always carry the day on issues, but he had, in my view, a strong influence because he was prepared and knew the law and his opinion was well based. All of that said, everybody knew that where there was room for strong opinions, David had them, and so I think his role and the way people view him is unfortunate. He suffered greatly for his service to the Vice President and to the President and to the United States, but I think like all of us he went into his role eyes open, and we all did. We weren't there to be liked, and he did what he thought in his mind and soul were the right things to do and he didn't budge. If he had a view, that was his view. Sometimes you might move him a little bit, but it wasn't very easy to move him very far.

I did want to answer that question, Nancy, because you raised it. He had a very stark view on a lot of things, including, as I think we mentioned yesterday, even the role of the Vice President in the entirety of the government.

Kassop: Can I ask an organizational question? Did the Vice President's counsel's office essentially operate separately from your office, or did your two offices work together on a very regular basis?

Miers: They were separate, but we worked together also.

Kassop: And also, then, two things. How did your office interact with John Bellinger over at the State Department, the legal advisor at the State Department, the general counsel in the Defense Department? What were the kinds of relationships that you had with the counsels in each of those departments, and additionally, could you just talk a little bit about what's referred to as the contacts memo that every counsel makes with the Justice Department regarding the counsel's office as being the central office that is responsible for any kind of interaction to reduce any impropriety essentially?

Miers: I'm not sure I remember a memo that I would call a contacts memo, but if you mean something addressing not violating the law in terms of improper contacts, is that—

Kassop: My understanding is every Attorney General and counsel, when they come in, establish sort of an ongoing document in the office. Gonzales did it when he became Attorney General, but the idea that the counsel's office is the source of any correspondence.

Miers: You don't want undue communications that are not known to the counsel's office. The relationships between the various offices I didn't see any different from the relationship with the counsel to the Vice President, which of course David left being at some point. He became Chief of Staff when [Irve] Lewis Libby departed, but I think it would be fair to say that I thought I had a good relationship with John Bellinger and with the counsel to the CIA and John Rizzo and all of those folks.

Kassop: [William J., III] Haynes in the Defense.

Miers: Haynes of course. There would be times when, depending on the issue, we would need to be together, trying to think things through, so I thought those relationships were good. David was in closer proximity, but I worked very closely all the time with Jim Haynes. The issues with John Bellinger, quite frequently, I would say, but I don't recall as frequent communication with John. There certainly was a freedom there of communication, and so all of those folks, we had interchange all the time.

Riley: OK, are we ready to go back.

Miers: OK. I just wanted to not fail to mention the impact of Abu Ghraib and what took place there and its impact.

Riley: And I do think that historically is extremely important to note.

Perry: So the question was when you arrive in the counsel's office, it starts to be clear that there will be a vacancy on the Court one thinks, in the Chief's chair, because of William Rehnquist's probably fatal diagnosis of thyroid cancer. Though he's not showing signs of leaving, people think he may leave at the end of the term in the end of June 2005. In any event, you're there before that. Can you tell us the process that's in place that you come into to begin to think about replacing him or perhaps have another appointment on the bench at the associate level?

Miers: Actually, I didn't connect the subject matter of a potential Supreme Court appointment necessarily to the Chief, because we had what I thought—and I certainly believed in it and I think it's what the prior counsel thought, but he can speak for himself. We had an evergreen

process because everybody can think—and in fact it happened. Everybody can think it's the Chief Justice and somebody could drop over unexpectedly.

Perry: Or retire unexpectedly.

Miers: Or retire unexpectedly, and so you had an evergreen process of from whom could you choose a replacement for a Supreme Court Justice. When I arrived in the counsel's office or in preparation for arriving, more likely, there were a lot of materials that had been generated to analyze potential nominees. There had been a selection of people. When it became more obvious that there might be really a need for a selection, we started this interviewing process that was quite elaborate, I'm proud to say.

Perry: Tell us about that.

Miers: I'm proud to say it was quite secretive and didn't get leaked.

Riley: It's a perfect thing for us to talk about.

Miers: There was at some point a more intense assessment of who would be the recommendation if it really came down to it and we needed to make one. When exactly all that happened, I don't know, I'd have to look, and I'd need records and five administrative assistants and research people to help.

Riley: I think Nancy would volunteer for that.

Miers: The general thought was that you created a file, notebook, on every individual that you thought could likely be considered and you would look at their opinions. If they were a sitting judge, you would look at their history. Frankly I don't recall anybody who wasn't already a judge being in that initial group of people who the prior office had looked at.

Perry: And about how many were on that list? Do you remember?

Miers: I would say maybe 10 to 12 people who had been fully researched. There might have been more, but from my impression there were 10 or 12 serious candidates.

Riley: Did you have cognizance of that list before you came over?

Miers: I don't have a recollection of having any.

Riley: OK. Because having been president of the bar association in your state—

Miers: Let me think about that, because at some point as Deputy Chief, I had some visibility into the judicial process, because the Deputy Chief is chief of policy and could sit in on the Judicial Selection Committee. That concept was in place when I came too. That was not really the group that looked at the Supreme Court; it was a more defined group. So getting familiar with what was there and then getting thoughts about other people who would be considered or could be considered as time moved along was certainly a big part of my job. This smaller group that worked really was headed by the Vice President and had other people participating; Judge

Gonzales, myself, Karl, Scooter Libby at one point, and I just have to think if there was anybody else who was participating on that.

Riley: Anybody from Congressional affairs?

Miers: No, although obviously we would have communicated with them. One of the issues I think that we looked at that had to go to OLC was whether a sitting Senator could be considered because there were several sitting Senators who probably could have been likely candidates, but they all, as I recall, had to be disqualified because they had voted on a raise for the Supreme Court and that made their consideration impractical or illegal. There were some that definitely could have been considered otherwise. What else?

Perry: It says here in the timeline that in April of '05 Vice President Cheney had interviewed Sam Alito, Judge Alito, and that you interviewed him. Was that one-to-one, do you recall?

Miers: I don't recall those facts in that manner occurring in that order.

Perry: Right. But then at some point this list of 10 to 12 must narrow down to a genuine short list or a shorter list.

Miers: A shorter list.

Perry: Of maybe what? Two to five?

Miers: I think we interviewed about five or six people as a full committee. I think I'd remember that with certainty.

Perry: Michael Luttig I think was maybe on that list, Judge [J. Harvie III] Wilkinson.

Miers: There were a number of people who were interviewed, but in the process of working up people, various people had views. They knew them or they had worked with them or they clerked for them or whatever, and it became very clear that there was kind of a historic preference to certain people, which, when you come in from the outside you have the liberty of reviewing.

Perry: Historic in what way? Historic preference? Do you mean because some people have histories with these? Or these people are genuinely historic?

Miers: Well, because of the former, because people knew about them and anticipated that they would be considered and were friends with them or whatever, so there was an expectation. I wasn't sure, Russell, what you were asking. There would have been no visibility of this list outside the White House.

Riley: Of course.

Miers: There would be certainly visibility of people who might be considered, and the press was always reporting that these people might be considered and that sort of thing.

Riley: My question was only about whether, by virtue of your own unique experience in the law, you might have been in the loop in these earlier discussions, such that you were aware, as a peripheral participant in the discussions, about who the list constituted.

Miers: I would say I would have known generally that certain people were being discussed, but beyond that not really.

Riley: OK, perfect.

Miers: Would I have been included just because of my background? No, I would not have been, because you had—What do we call them? You had lanes, and people stayed in their lanes. Sometimes you were drawn into different issues for different reasons, like Condi was drawn into the affirmative action issues. So things like that happen, but basically you had enough to tend to in your lane and you might volunteer to step out of your lane, which I did a time or two, but you pretty much kept to your lanes.

Riley: That's very helpful, because it establishes that when you come into the counsel's office, as you just suggested, that you're really fresh to the issue.

Miers: I was fresh to the formal process of a recommendation, of course, or a set of recommendations, because I think everyone knew that what we were doing was isolating the few people that the President would interview. That's where we were all headed.

Perry: When the position would come open.

Miers: Correct.

Perry: That these would be the people you would recommend to the President to interview.

Miers: To actually interview, right.

Perry: And so then again by spring, because I remember going to the last decision day in that late June of 2005, and the Chief's voice was now almost gone and there was some expectation that perhaps he would announce from the bench. He kept saying, "This is for me to know and you to find out." I think he said that to a shouted media question as he went into his house. Was there any talk in these inner circles about a strategy that if the Chief were to step down or fate would take a hand and his seat become open, of promoting someone from the current bench up to the Chief's position, as Ronald Reagan had done?

Miers: That topic came up as to whether you would promote someone on the Court and who would that be if you were doing that. At what point in time that would have been discussed, I don't have a recollection that it was anything that there was a lot of real interest in. There certainly were people that were viewed as deserving of consideration, but it wasn't something that had a groundswell of support I guess is the way I would say it, and there were reasons. You would look at the age of people, you look at the—

Perry: Health history.

Miers: All of the issues that would be at play, so that particular option just didn't get a lot of traction, but I remember that it did come up.

Perry: So what were your impressions when you spoke to Judge Alito? Did you speak to Judge Roberts as well, in an interview setting, either one-to-one or in a group?

Miers: I don't think we considered anyone as a committee that I didn't as counsel talk to first.

Perry: So you did talk one-to-one?

Miers: That is my recollection.

Perry: And do you remember your impressions of particularly both of those men, either from what you were reading about them and/or your interview?

Miers: I'm not sure I want to answer that question one way or the other, Barbara, but I would say that everybody that I interviewed had attributes that had to be admired, and from a personality standpoint, on a one-to-one basis, that's a very easy environment to be impressed. I don't recall meeting anyone where I thought differently of them when I left or when the interview was over—It's more likely that they were leaving—so I don't recall that. My personal interview really was to just make sure that I could get behind an individual.

Perry: So the 2004-05 term ends, and in that latter part of June of '05 there is no announcement from the Chief or anyone else, but do I remember correctly that you were the first one to get the word about Justice [Sandra Day] O'Connor's retirement?

Miers: I might be a little vague on exactly how the information—that there was going to be some word came to the White House, but I definitely was the first person who received the confirmation, at least, of who it was, because we did expect it to be the Chief. I had a recollection that maybe there had been an informal comment or one of these mystical comments that people make, you know, where maybe Justice O'Connor had indicated to the President that something might happen, but I think we all expected it to be the Chief Justice. It came very formally, in a messenger from the Supreme Court, and then I went and told the President that in fact it was Justice O'Connor.

Perry: And what were your thoughts then?

Miers: You never remember what you were thinking back that many years ago, but it was a bit of a surprise that it was Justice O'Connor, because she was female, had added a complexity to the issue for me particularly and I'm sure for everyone. Otherwise, I think that was kind of it.

Perry: That complication of gender, do you recall if there were any women on the broader list, or even the one that had been narrowed down to three, to five?

Miers: There was.

Perry: At that point did you think, *Maybe we'd better focus on some of the women on the list*, or was there talk with anyone in the White House circles about that?

Miers: I would think the more accurate statement is that we were still going to get whoever it was that the President wanted to nominate, but that obviously was an additional factor that was going to be considered. It wasn't going to be the driving factor. Go ahead.

Kassop: No, you finish.

Miers: Anyway, and then it just sort of all started unfolding. The President had talked to the Justice. We did all of that and it was all historic.

Kassop: Was there a frank discussion in these meetings, once you knew it was Justice O'Connor who was going to resign, of the ideological implications or the fact that you have the person who is really the swing member and now this is an opportunity to put in somebody whose views might be slightly more solid than hers?

Miers: My answer to that question would be no, and the reason was we had pretty much marching orders as to what kind of person we were going to nominate, so it didn't much matter who it was because we were going to nominate or recommend for nomination. The President was going to nominate somebody whose philosophy was consistent with his, so I don't recall that the issue was discussed in that context. I just don't recall it.

Kassop: And it seems from the materials that Alito was really more the leading candidate at that point, rather than Roberts, and then of course everything switches later. Is that a correct interpretation, or no?

Miers: No, it was not. There was a great deal of support for now Chief Justice Roberts among the people who were involved in the research and people in my office and people of the Justice Department who had worked with him or clerked for him or whatever. My own sense in terms of frontrunners was that Chief Justice Roberts was always the frontrunner. It's been reported, and I will say for once the report is true, that I had reservations about Justice Roberts. Not personal to Justice Roberts, because you never met a person that is more stellar in terms of every characteristic, but having reviewed all the materials it is true that I had great admiration for a number of the candidates. I had reservations about some of them; I would have opposed some of them being the recommendation.

I did appreciate the long written record of Justice Alito, and in reviewing his cases you didn't see any snarkiness or any effort to do anything but balance the law to write a very easy to read opinion, to deal into complexities. I just thought his writings were very impressive. It was a little unfair and I recognize that because he had been on the bench longer than Justice Roberts—Justice Roberts had just had a couple of years, really—in order to write. I did recognize that was a little bit unfair. Others were also considered who were very outstanding people.

Perry: So then the next step was to have several come to meet with the President.

Miers: Well, first you had the group meeting to get the yes, we feel comfortable passing this on as someone for the President to interview, and so that was the next step. That was done very much in private.

Perry: With just the President and the potential candidate?

Miers: No, no, this is the process under the leadership of the Vice President. We did two rounds of that and the result of the first round was maybe what created some of the indication that Justice Roberts wasn't the first leading candidate. It's fair to say that after that first set of interviews I think he would say that he probably didn't present maybe as effectively as everyone would have expected or he would have expected. Then there was a second round of interviews, and the result of that—I believe there were five who were interviewed by the President, and that was he and I and the candidate.

Perry: Your thoughts about that part of the process?

Miers: Well, I was really quiet, and so I let the President do his interview. He reports in his book, and it was really true, Justice Alito was very nervous, and he tried every way he could to put him at ease. He just was very nervous.

Perry: A nickname, he needed a nickname.

Miers: Well, bless his heart, he was very nervous, but the President proceeded. He had a lot of background, and more than once he was given information about the individuals and he knew different people's views of them, so that was the next process. That was to find a replacement for Justice O'Connor, and that resulted of course, in the nomination of Justice Roberts. Then the Chief Justice passed and the immediate shift was to make Justice Roberts the nominee for Chief Justice.

Riley: You said immediate? There was discussion, but—

Miers: I don't think there was any discussion. The general impression about Justice Roberts was once all of that process had taken place that he was an appropriate nominee for not just the Justice position but for Chief Justice also, I think.

Kassop: I was going to say even though the Chief Justice position carries other types of obligations and there are different personality qualities that are expected of a Chief Justice, who is more of a manager as opposed to an Associate Justice. Was there any discussion about— Obviously John Roberts was very highly valued for everything about his credentials, but this person—the collegiality and the running of the Court essentially, the management of the Court, which is another facet of that position that would not have been considered in thinking about him as an Associate Justice nominee.

Miers: Through the process that I've described it became very clear that Justice Roberts at the time had the qualities that you were describing that would enable him to exercise leadership. I don't think you mentioned that, but could he be a leader on the Court? Did he have the personality that would be collegial, which is so important? Would he represent the Court well on an outward basis? He had a lot of very fine qualities.

Perry: The Chief Justice passed away on that Saturday of Labor Day weekend, I think it was the 3rd of September, and by that Monday the announcement came that John Roberts would now be the nominee for the Chief's position. Can you take us through the next steps after that day, when you're back to square one, to fill Justice O'Connor's seat?

Miers: Well, we went through a laborious process, both in our judicial and U.S. attorney exercise, which we did quite routinely to fill vacancies, and in this exercise the President made very clear that he wanted a variety of options presented and that he wanted minorities, he wanted women, he wanted us to do a very thorough job of outreach.

I know at one point I did this exercise of literally reaching out to Members of Congress and to community groups and everything to try and get as vast a list as we possibly could. We had a significant number of additional interviews. I met with people one-on-one. The upshot of all of that, though, was ongoing, obviously. I guess this is in the President's book, so I can talk about it. He was very close to nominating and wanted to nominate a woman, but there were no decisions that actually had been made. I know we were very close, I thought, to making decisions, because I was making arrangements. You have to sneak them in the back. It doesn't happen overnight, so you're making preparation like that.

Perry: So this was to bring in another maybe four or five people? You were going to go through the same process as you had previously? Is that what you mean by you were making arrangements to bring people in to speak to the President?

Miers: Actually not. This was not for that purpose. This would have been for—

Perry: Speaking to the group again?

Miers: No, this was to be nominated.

Perry: Oh, so you were already that far along.

Miers: Yes.

Perry: OK. And then what happened?

Miers: Well, as time passed, there was this sense that I was under consideration, which came as quite a revelation, to say the least. The first inclination or the first thing that was said to me, I said something to Bill Kelly and Bill said something, "You're beginning to realize that you're under consideration," or something like that. I don't remember the specifics of that in terms of what had been said or happened or whatever. I remember him saying that. Then I talked to Andy, I guess, next. I made a trip home because he had asked me to review certain speeches and papers and locate all of that stuff.

I made that trip home and gathered materials and brought it back, and then obviously at some point I talked to the President. It's been said that at first I didn't think this was the direction to take.

Riley: That's accurate?

Miers: It's my recollection that I had expressed reservations, and that would have been like me. I don't have a specific conversation in mind, but it was just kind of out of the blue.

Riley: Can I ask? Reservations about whether you wanted to do this? Or reservations about the advisability of the President deciding to do this?

Miers: It would have been kind of a combination of those things. It just wasn't something I had ever contemplated. It wasn't something that was worked up. I mean I had been through the process, so you know it's just not something that was even within the realm of contemplation.

Perry: I'm thinking of some things you said yesterday about when Russell asked had you ever thought about being on the Texas Supreme Court and you said, "Well, to be honest, I just never really wanted to be a judge." You much preferred to be on the other side of the bench and be the litigator. Then when we talked about the transition between 2000 and 2001, and you're working the transition team in Washington and we were asking you did you think about positions that you might be interested in, you said, "I really wasn't thinking that much about positions," because you thought you were going to go back to Dallas probably and your family was there and you were happy to be there with your practice. But then you said when the President calls on you, you want to serve your country. You want to answer the call. So were those things entering into your mind, do you remember, at that time? And did that cause an internal tension for you?

Miers: I think the predominant thought would have been that if the President asked you to do something, that you're going to do it. If the President of the United States decided you should serve on the highest court in this land you're going to say yes, sir. So I think at that point, even though being a judge had not been my objective, if he made that decision and I had been through this process where the advisors all had to come together and if my colleagues came to that same conclusion, I think that was at that point my major consideration. If asked, you are going to serve, or in this instance, if asked, you are going to be nominated.

Perry: Right.

Miers: I certainly had to know that I was an out-of-the-box option that could cause a lot of issues to be raised.

Kassop: This is the only position for which anybody can be asked to serve that is for life, which puts it in a different cast. If you make the decision that you're going to go forward with it and if it turns out that that's successful, you know that you're going to be there for life.

Miers: Yes.

Kassop: That's not true for any other position that a President may ask you to help your country.

Miers: And it's not even true of a federal judgeship, because as we saw very quickly thereafter on the trial courts and on the appellate courts, people step down all the time, but when you resign from the Supreme Court that's a whole different dimension.

Riley: Sure.

Miers: So yes, the commitment would be to do that for the rest of your life, and I had friends who knew me very well who said, "Are you going to really be happy doing that?" And the

answer was, “This is not about my happiness. This is about doing what you’re asked to do and that people conclude you should do.”

Perry: What went through your mind when you stood there? It was, I believe, in the Oval Office that the President made the announcement that he was nominating you?

Miers: I don’t know that I can do it justice, but it happened so fast, with so many wrinkles, that I was supposed to write remarks. I had a very short period of time to do that. There was other stuff going on that needed attention also, and so I don’t have a lot of recollection of exactly what was going through my head except you have an immense sense of responsibility and gratitude to the people who have participated in your being where you were. When you think about it, you know your family and the people that are dear to you have done a lot to support you down through the years, but you’re the one standing there. It was a momentous occasion to say the least.

Perry: And then tell us about the next few weeks, what that was like.

Miers: Almost immediately we started meeting to figure out who I was supposed to go see. I have read a lot of material, some of which is quite disturbing to read because I see the events a little differently.

Perry: Tell us about that, because that’s what will be most useful to historians.

Miers: I am sure it would be, but I have thought a lot about this and I’m not prepared to get into a “Who shot John,” what he said and what I said or what she said and what I said and all of this. I know that I strongly disagree with some of what’s been written. I am surprised that Senators would meet privately with you and then divulge the contents of those communications. I haven’t done that and wouldn’t do it and I didn’t think they should do it.

Up to now, I’ve felt that it was best to not stir the pot, because there is no positive that comes out of that. What positive comes out of that? It means that I have to grin and bear certain things, but that’s really OK. I said earlier you go into all this stuff with your eyes open. I certainly went into this eyes open and I knew it was going to be rough. I had been a lawyer long enough to know that and the President’s guidance for me was to be content with your own behavior and that’s all that mattered. I took that to heart and was quite content with what took place. Gravely disappointed in certain people, both back in Dallas and locally.

The circumstance that I experienced at the time—This is the aftermath—was filled with wonderful experiences. Some of the Senators were absolutely wonderful and I’m deeply indebted to them, but I can’t say who they are without identifying the others. The upshot of all of that is that it is what it is. I don’t think anyone anticipated the complexity of trying to explain a life like mine.

If you think about it, and actually, I haven’t done the math, but you all can, to figure out when these people were nominated and when their confirmation hearing occurred and when they were confirmed. Mine was going to be compacted into a very short period of time, which meant we were doing everything or trying to do everything at the same time, which you couldn’t do. You couldn’t work on the questionnaire and prepare, you were just jammed into this time frame, and I had 30 years of practice to research and answer under oath. I don’t think that was fully

appreciated, and looking back, it's probably something that if I had been thinking, I would have raised, and it would have been a good reason why I should not have been chosen, because it's one thing to look back at 10 cases that a judge had decided. It's another to re-create the practice of someone for more than 30 years.

Perry: And the speeded-up process, of course they wanted to have someone in Justice O'Connor's place, but she, somewhat unusually I think, had not left the bench. She was still there because she said she would serve until she was replaced, so her retirement in the summer wasn't that she was gone. Was there talk in the White House to say, "But we know she is leaving and so we might as well go as quickly as possible"? Was there anything else pushing this rapid process that you've described so well that was so difficult?

Miers: You're going to have to ask those who made those decisions, because once the process focused on me, then I was out of it. I wish I could have been out of body. *[laughter]*

Riley: A clone. You needed two of you.

Miers: I wish I could have been out of body and participated in some of that, but I don't know that the result would have been any different. So whoever made the decision that we're going to do it on this time frame and whatever, maybe there was a decision that that would be the most effective. That could have been too, maybe you know this is clear. The President had a word from Senator [Harry] Reid that this was something he supported. Maybe they thought being rapid was the right thing. Who knows?

Riley: You yourself indicated that this was an out-of-the-box choice. The President liked making out-of-the-box decisions sometimes, didn't he?

Miers: Well, he didn't feel confined by what maybe people would anticipate that he would do, certainly that was true. He sort of started at ground zero to decide what made sense to him in a process, but I think what I meant was there very clearly were people who had service, educational records, philosophically driven views, service in the judiciary. There were definitely people who were much more natural choices and people who had fans. You know they had fans.

Riley: They had support networks.

Miers: So to pick someone who didn't have a judicial record, who had this—As I was talking yesterday, Nancy, you may have missed a lot of it—It came out I had given to Al Gore. There was a lot in my history that was not—I wasn't in the Reagan White House writing memos of how to be conservative, you know? So I was out of box, and for that reason, and I should say this, for that reason it is understandable to me that in looking back, that people took issue with it, because I may have, had I been in their place, done exactly the same thing. There I was questioning John Roberts's bona fides, and so was it unreasonable for them to question mine? For that reason, I sort of feel—I knew my own views, so I was comfortable with how the President characterized me.

Riley: Right.

Miers: I understood why others might have reservations. They had waited decades to have a selection that would be clear and not like certain other choices had turned out, and so I understood that and I understand it now. Initially people who knew me the best didn't have those reservations. I mean the day I was nominated, this scathing piece comes out, and then the day afterward more, and all of that. I don't think I expected that, and I don't think others expected it.

Riley: One of the interesting features of your nomination is the way that the Court has evolved, such that the people who go on the Court now don't have—It's often said there's nobody that has any political experience, and that's why, listening to you talk yesterday about your experience as an elected official, both within the bar association and the city council, really helps illuminate a different perception of who you were as a public figure by the time you came to Washington.

It's kind of striking that this is something that President Bush takes as important, I think, in his own sense about the future direction of the Court. You had a set of attributes that not only was out of the box, but that many dispassionate observers on the outside would say is exactly what the Court needs now, somebody who's got elective experience, who's not just coming out of the routine channels of expectations that we've developed. Am I misreading the President on this? Is this a factor in his deciding that Harriet Miers is what this Supreme Court needs?

Miers: I never speak for the President, and I wouldn't on that. I try to let him speak for himself, and he seems to do pretty well.

Riley: Well, if I can talk to him, I'll ask him.

Miers: I will say this, that I've had incredible numbers of people all over the country where I've been come up and say, "We thought you were the perfect choice for the Court," that kind of thing. Maybe they were trying to make me feel better, and I certainly recognize that that may be the predominant purpose in their saying that, but I will say that it would be an interesting experiment to have someone on the Court who does not come from an academic, highly—

There was some conversation around my nomination that, "Well, you don't know any constitutional law." First off, I take issue with that, based on my experience, but constitutional law isn't supposed to be any different from any other law in the sense that you study it and you try to do the best you can, and you listen to the facts and the briefing at the time it's occurring and you work really hard. So I think it will be some day, I hope, an interesting experiment to see if someone on the Court is not from the traditional model. Maybe that's not wise, and maybe there will never be a President who thinks it is wise, and they're probably a lot wiser than I am.

Kassop: That's interesting that you say that too about bringing on potential nominees who have not had perhaps prior judicial experience but have more political experience. You talked about the fact that there were Senators on that original list, and as it turns out they then became sitting Senators who were disqualified because they were sitting Senators. But somebody who comes from the political world, as we know some past Justices certainly have.

My other question goes more to process and also strategy. Did it come up in the conversations when you knew you were being considered and trying to prepare for your nomination hearings? You would not have been the first who had faced the issue of having been a White House staff member and then going before a Senate confirmation committee and being asked about your

experience and your decisions in the White House and feeling constrained that you could not speak or answer those questions.

Condoleezza Rice had the same issue, as well as Al Gonzales, and for that matter, Jacob Lew and John Brennan are going to have the same issue next week. So were there considerations, knowing that was going to be a difficulty and that you were going to have to somehow have an answer that would be responsive to those questions, but knowing you were probably not going to be willing to divulge your record and what you discussed and decided in the White House?

Miers: I'm sure we must have thought about that, but I don't recall a discussion of it, Nancy. I really don't. Surely with Andy Card sitting there and the Vice President and those people, that had to be have been thought about, and I know in my own mind I would have thought, *No, you're not going to be talking about things that are privileged*, so I think it must have come up.

Kassop: But it would have also set the tone in the hearings. That would have been frustrating because Senators would ask questions and you would then answer, "I'm not able to talk about that."

Miers: I don't think that was zeroed in on as what they were going to be asking me about the most. I don't recall that that was what we felt, initially at least. The issue that would be almost immediately discussed was, "What does she know about constitutional law?" So that loomed large.

Perry: You had said yesterday that the President liked a compelling story, and this was in reference to Judge Gonzales. I always thought you had a compelling story, and after yesterday I think it's even more compelling because of your pioneering status. Do you think that entered into the President's decision?

Miers: As I mentioned yesterday, I don't think the President knows much about my personal experience other than that I've done the things that I've done. You do hate to see your career boiled down by some into nothing, you know, which occurred, and I'd be not telling the truth if I didn't say that hurt, to take your entire career, which has been important to you, at least, boiled down with people saying, "Oh, she was just the bar President," or "Oh, she was just the firm manager," as if I didn't practice law at the same time. That kind of stuff hurts, and yet, as I said, you go into it knowing that they're going to say every, in some instances, vile thing that they can think to say if that's going to accomplish the purpose. It happened to me in the city council race. There were all these things said and just totally manufactured, so it's not as if I hadn't experienced that before.

But when I talk about out of the box, and you zeroed in on political, Russell, you've kind of focused on political a lot in this day and a half, and I'll have to say that's not what I meant. What I meant is somebody who had gotten people out of jail, who had experienced what it's like to have someone in jail and to need a lawyer and be a youngster or somebody else in the middle of the night sitting in a drunk tank with people reaching out and touching them, you know? Or somebody who's handled immigration matters or handled some of the things that really touch people's lives, as opposed to things that are pretty removed from individuals.

I represented businesses whose entire wherewithal was at stake in class actions, and I know what that's all about. Class actions sometimes have a very valuable role to play when they're used in the manner that they should be used, but they can be quite foreboding just by their nature. That's on the business side. I've taken a child away from its mother. These are things that are experiences that I doubt many of the Justices have had to deal with; maybe they have. But I think that's more what I meant, as opposed to political experience or political awareness.

Riley: Right.

Miers: Because I would say everybody who gets to the Supreme Court just about, it's the very rare person, I couldn't name one, who's ever gotten to the Supreme Court who wasn't political.

Riley: Right. That's a very valuable correction. Thank you. Because the emphasis remains on an unconventional life experience, where the conventions have developed so that basically you're elevating law professors or people who come from a very narrow segment of society who don't have what you're talking about. The people who study the history of the Court understand that there have been very historically important Justices who come out of something much closer to what you're talking about than this kind of rarified law school background that seems to be almost a necessity now. That was the predicate for the question, but I appreciate your—

Miers: And I don't mean to say that the sitting Justices or others in the past haven't had real life experiences, because I'm sure they have, but I think that some people's background—It's just a different kind of background than I have.

Riley: Exactly.

Miers: And either that's a good or a bad thing for you. For the voices that counted in this instance, it was definitely a bad thing for this nomination and a good thing for people who had the other background.

Perry: Do you want to say then just a few closing words about the endpoint of this process, the dénouement, I guess?

Riley: If I can interrupt with one question before you get to that. The thing that I would suspect would have been particularly painful in going through this process is that much of the criticism is coming from people that you would have expected to have been your natural allies ideologically, I guess. The conservatives seemed to be where the problem area was, even as you had said before, Harry Reid for example had approved or voiced approval, or maybe even raised the issue with the President at one point. How do you deal with that kind of opposition coming up, when I suspect, based on our conversations with you and what I've read, that when it comes right down to it, ideologically, these are not people you disagreed with, and yet they don't seem to comprehend that you would be the kind of Justice that they would want you to be? Or am I misreading the situation?

Miers: I faced meetings almost immediately on the Hill, where the reaction and attitude of a Senator was not what I expected it to be, to almost a shocking degree. However, I just had to think, *What's going on? What's happening?* And I came pretty quickly to my own thoughts about this person is reacting to this, or whatever, and I could be right and I could be wrong. It

was very apparent to me very early that certain people, as you said, that I expected to be embracing were anything but that, to the point where I just thought *OK*. I probably had even stronger thoughts than that at the time. So yes, I had a lot of—And then I had ones that I anticipated would not be that friendly. What sustains one in part through all of this is that I had these wonderful people who had just the opposite reaction, so I took heart in those people.

I think we passed by what was driving the President. The President—and this is just my own opinion—had come to the conclusion that he wanted to nominate a woman but he wanted to nominate someone who he had confidence would not disappoint him in their service on the Court, and I wound up his choice. I think a painful part of the way this all unfolded for me, of course, was to have disappointed him and the others that supported me. That is disappointing in yourself that you didn't see their wish come true. However, I took comfort in that there was no doubt in my mind at any time that were I not going to be the nominee, that we would have someone who would serve with distinction, and that's what mattered.

Riley: Well, Harriet, there's an alternative reading here, which is that you didn't disappoint the President, but the operation surrounding you disappointed you. You're the one that had to go through this on a more personal basis.

Miers: I never felt that way, Russell. In the eyes-open category I knew that there were people who had this vision of who they wanted. I think some of them even had a person they wanted and I was, as I said, out of the box. Even at one point maybe people tried to say to me, "Well, this is all because of this or this, so don't worry," and I just don't feel like those are answers to at least my own sense that we didn't get where it was headed, but we had a plan B and plan B worked really well.

Riley: Right.

Miers: I know I didn't perform perfectly in every one of these meetings, but some expectations there and some behavior was just more than I could deal with.

Riley: What sustains you through something like this?

Miers: Well, I think what the President indicated in part. This wasn't a goal I set for myself, so it wasn't disappointing in terms of I didn't live my entire life to be on the Supreme Court, so if I did and I wasn't, then you could expect me to have disappointment.

Riley: I see.

Miers: There are a lot of people that shoot for that sort of goal and don't make it. It wasn't in my playbook whatsoever, so it wasn't a foiled goal for me. I'm a person of faith and I'm content with whatever happened. You always feel like you don't measure up yourself if things don't go the way they're supposed to, and there's plenty of evidence of that.

I've said repeatedly to people who ask the same or a similar question that you can't imagine how many *nice* things were being said and how many *nice* things were being done and how many people were—And being at the eye of the storm, I had no idea that friends were flying up to Washington and doing all this stuff that I didn't learn about. I had a friend in Dallas who carried

press people around to see where I grew up and all that kind of stuff. You think back, *How wonderful*. So is there a lot of good in all of this? Yes, there is a lot of good in it.

I read some of this stuff and shudder at what some of the people said that I think I know didn't happen, and some of it you find it hard that people would be willing to say. Just objectively, to take somebody's career and try to demolish it is a mean thing. It's just a mean thing, but we live in a mean society sometimes, and these particular activities are as mean as they get sometimes, so again, you have eyes open. I can't complain.

Kassop: Were you surprised at some of the support from Democratic Senators?

Miers: No, I wasn't. I didn't know whether to think it was good or bad, because you hear a lot that sometimes that support is designed to create hostility on the other side, so you have to balance all of that. I've always had people on both sides of the aisle who were good friends. Harry Reid was very appropriate in his relationship to me, and I hope he was sincere when he suggested to the President that I be considered.

The bottom line, I guess you've got to think—You've been nominated by the President for the highest court of the land, so what's bad about that? Even though you're going to read about yourself in novels for the rest of time, it is not a bad thing that the President of the United States thought you could serve and that people surrounding him thought you could serve. There were instances, I know, that not everybody around him did support me. I wasn't part of that.

Riley: Now to Barbara's question about at what point did it become clear that you couldn't proceed?

Miers: I think he's done this before. He keeps us all on track. [*laughter*]

Perry: Oh, Russell is excellent at that.

Riley: I keep watching the clock and I know we've got 17 minutes for Nancy.

Miers: Oh, wow.

Riley: But seriously, am I interrupting the flow of where you were going?

Miers: No, no, no.

Riley: Because that's not what I want to do.

Miers: This is similar to the other topic.

Riley: We could talk for three weeks easily.

Miers: Yes, for four months. The hostility continued. Obviously, the design was going to be to keep the process going, it seemed to me, as long as they could, because they were having a field day. They were not advancing the ball, but they were continuing to ask for documents. We had the questionnaire screwup, where the question that was asked was really—For a practicing

lawyer like myself, you have to tell your whole story. The actual application that was used was the one that said just the last 10, so all of that had happened.

The document question came up, “OK, now give us all the documents that relate to—” And maybe there should have been a better assessment of the impact of this. The fact that you could seriously consider asking for the kinds of records that a White House counsel sees and deals with and opines on I don’t think was fully appreciated. So it just got to the point where it was pretty clear that the right thing to do was to step down so we could get on to plan B. I had knowledge that if I withdrew I was going to continue on as counsel, so I decided and did.

I called the President and told him I felt like it was time to step down. I have a particular regret about that because of the timing, I have two, but the one that I will say is that I had been given a lecture by someone who was one of those people you would have thought would have been supportive, and maybe someday I’ll have the ability to tell him to his face that he had no impact on my decision, but I wonder if he thinks he did.

I did what I did when I thought it was the right thing to do, and one of the things that Andy Card had taught us, if we needed to be taught it, was that at that level of our government everything is done with dignity, and having a continuation of the focus on me and my nomination rather than the other functions that were so vital was just not tolerable to me.

Riley: Now, did the President have the backup decision made at the time that you—

Miers: I don’t think he did.

Riley: And I’m assuming that you’re not asked, as you normally would be as counsel, about recommendations for the next person in line, or am I mistaken?

Miers: At that juncture everything was prepared. He knew what his options were. It’s kind of like once he’s talked to someone, he’s not going to call them back in and talk to them again.

Riley: I see, so he knew.

Miers: He’s got a panoply of people, and it’s not like you were going to start that process over, Russell. He had available to him all the information that he needed to go the direction that he went.

Kassop: But you don’t think in his mind that plan B all along would have been, if they needed to get to a plan B, that it was going to be Alito?

Miers: I would not have had confidence in saying that, but that would have been my hope, because that I think was a very secure decision. There were others, though, who were quite outstanding and could have easily been made, and there were reasons to support them. I can think of at least two if not more of others who were viable options. He did not tell me ahead of time, “I’ve decided who the next person is going to be,” but clearly the table was laid so that he had the information to make a decision among a variety of people.

Riley: Did you ever think that your preference would have been to have left immediately after the ordeal that you had just been through? You said that you were aware that the job would be open to you if you wanted to go back into it, but the flipside of the question is, having been seared by this experience, do you really want to stay in the White House or do you want to go back to Texas and reestablish your professional life and identity there?

Miers: I wanted to stay.

Riley: You wanted to stay? This was a decision for your well-being or for the President's well-being at the time?

Perry: Or both.

Miers: It was a decision that I thought worked best for everyone. It just worked well for everybody, I think.

Riley: Sure.

Miers: I was not a victim at all. I had the ability to function in that job. I had all of the background. I know the President received unjust criticism by some for having "subjected me" to the nomination. That's ridiculous. It's totally ridiculous. It worked well for everybody that I stayed, and I hope that that's the truth. I hope to high heaven.

Kassop: Was there still unfinished business back at the counsel's office that you thought you wanted to see through? And presumably you enjoyed the work of being counsel and thought that it was valuable both for you as well as for the country and the President.

Miers: Absolutely. So I was appreciative of that continued opportunity.

Riley: And your working relationships with your colleagues at the assistant-to-the-President level were undamaged as a result of this experience?

Miers: If anything, improved, because people were very sympathetic for what had happened, but no, it was not at all impaired, but the contrary, if anything. It kind of seemed the same.

Riley: Sure. You've got five minutes or you actually have a full seven minutes, so let me stand back and see if you've got anything.

Kassop: You proceed in terms of what you want to discuss, and if things come up—

Riley: I guess the other thing that we haven't talked about that presumably is a normal part of your responsibilities is lower-court appointments. I'd like to get you to reflect a little bit on your experience in the process of making those lower-court appointments and how it differs from what you're doing at the Supreme Court.

Miers: It's funny that we haven't touched on that, because that's I think incredibly important. That was both, I would say, a rewarding or pleasant experience and a hugely frustrating experience at the same time. I spent a huge amount of time trying to convince Senators to

support people that we knew to be qualified but for one reason or another were not acceptable to them. The politics of that was appalling at times, but again, that's the way it is. The effort there again, was—I know the President was very anxious to see some diversity in our nominations. You're always dealing, though, with the specifics of a particular situation, so that's not as easy as it sounds. If you're going to also look for certain qualities and make the best choice that is available to you for a particular slot, I think some people were treated very unfairly at the Court of Appeals level, and that was something I didn't like to have to witness.

Riley: Treated unfairly by—

Miers: By not being allowed to be considered. I don't know what else specific. They went through huge amounts of research and they were interviewed by both the Justice Department and the counsel's office. They were not interviewed by the President, of course, at that level. I don't know what else would be interesting to hear about it.

Riley: Well, to us, all of it. We could go on for four weeks talking about minor court appointments.

Miers: They were not minor in any respect, and we failed to get some people seated that we had wished to and we were successful in a number. Sometimes you had to appoint people that you were not for because that was the way it had to be, because others were. The Senators do have immense say over district courts. They have less but still substantial input on the courts of appeals.

Perry: You mentioned the President's interest in diversity. How did you attempt to reach that goal that he had?

Miers: Well, you would try to research in the communities, additional people, if you didn't have a diverse pool, if that was an option. Frequently that would be a high priority.

Kassop: So did the names come to you from sitting Senators who were trying to promote people in their own states?

Miers: They came a variety of ways, Nancy. Some came from the Senatorial offices, some came not from the Senatorial offices. That was certainly one source. All of them were discussed, and then they had to go through the clearance process. I have to say it's kind of shocking to do the clearance on people that on the surface you would not anticipate an issue and you find an issue, then people would be disqualified.

Perry: Did you work closely with Legislative Affairs on this?

Miers: Absolutely.

Perry: How did that process go?

Miers: Well, we worked with Legislative Affairs where it could be helpful. The clearance people worked directly with the Senatorial offices and we went down and visited the Senators ourselves about the potential candidates, particularly on the Court of Appeals. Legislative Affairs was a

resource and they could help whenever we needed them and they were very helpful. Sometimes they could give us circumstance, personality. They dealt with the offices all the time, so they knew the chiefs of staff. You could hear, “Well, Senator X wants this person,” and “It’s really not Senator X; it’s his chief of staff, you know?” You have to ferret that kind of stuff out, so the legislative offices were very helpful.

Riley: I was going to ask—It’s a complaint across administrations about the Senate being broken. Is there a way to fix the process in your mind?

Perry: First of all, do you agree with the premise?

Miers: It’s a set of human beings, so it’s going to be broken. Personally, I think there are pluses and minuses to the process, but sometimes I suspect it’s good. It’s kind of like the ABA process and the selection of judges, which as you probably know I was for, and sorry we did what we did in the first term.

Riley: No, I hadn’t heard that.

Miers: There’s no perfect answer. The Presidents need to be checked sometimes, I think. I just think that’s necessary sometimes, and sometimes it’s necessary for Senators to be checked. The blue-slip process has its pluses, but it has its minuses. I don’t know that anyone has designed a perfect way to do this and come up with a better solution. It’s checks and balances, and we of course had to deal with several instances where the two Senators were from the Democratic party, so those were always difficult because you had to work with—You went to your Congressional delegation then. If you didn’t have a Senator, you went to your Congressional delegation and they gave you some recommendations, but then to get a recommendation through the Senators it was very difficult. I wish I had a solution to it. I don’t.

Riley: We need a break and we’re going to say goodbye to Nancy.

Kassop: Sadly. I wish I didn’t have to.

Riley: We’ve done a terrific job. We’ll come back after lunch for a little while and just maybe pick up.

[BREAK]

Riley: Let’s finish up then. You come back into the counsel’s office after the unpleasantness. Did we finish the piece about the lower judges, or is there more to ask there? I’m asking my judicial selection person.

Perry: I did have one question, and that was the role of interest groups. I think you were making veiled references to all of the conversations that were going on about the Supreme Court appointments, but I wonder did that filter up or down to you all in the counsel’s office, or were

you aware of that through Legislative Affairs? Because that's one thing that people who study this process say, that that's the other thing that has changed so drastically. Probably the watershed was the [Robert] Bork appointment, that suddenly you get these interest groups that are really impinging and they're on the left and on the right, and then whole interest groups develop that do nothing but look at judicial appointments. So were you aware of that or was that coming to you?

Miers: Oh, yes, and we met with some of those groups. So yes, we were very aware of some of them, and of course some of them wouldn't be talking to us because of their mindset, but they were definitely out there.

Perry: How did you find that? Was it useful? Was it just part of the process and you had to do it?

Miers: Extremely useful if they were for you. Seriously. They are grassroots or grass tops, whichever. That's a very useful tool.

Perry: Did you find them useful in suggesting names, or by the time they would come to you were the names already well known and they were just—Did they plan strategy with you or tell you their strategy for getting certain people on the bench?

Miers: I don't recall that they were that active at all on the lower levels. They were really interested in the Supreme Court, maybe the Court of Appeals, particularly the D.C.—

Perry: The big circuits.

Miers: The D.C. Circuit. I don't remember the interest groups other than that you could go to different groups that you might want to ask in a local community, "What is your thinking?" to get names or to vet people. There is a vetting process that the offices help us with, but I don't remember the groups really being that involved.

Perry: You made reference to the ABA, and again, for historical purposes, could you just explain your thoughts about the ABA's role in judicial appointments and then the Bush administration's reaction to that process and the change, their change, in dealing with the ABA?

Miers: I have for a long time been very active in the ABA. I certainly didn't agree with the ABA on everything, but I see it as a very valuable organization. The last time I heard, it's 400,000 lawyers, so it's a pretty important group, but they have the federal judiciary committee [Standing Committee on the Federal Judiciary] that is a nonpartisan group that does a research project in depth on all the federal appointments.

They have committee members who are responsible for different areas of the country, and it's a lot of work. Chairing the committee is a full-time job, pretty much. They do a great service, I think, in analyzing the qualifications of judges and reaching out to judges and lawyers in the local communities and assembling that information and coming up with their ranking. I just think it's incredibly valuable, and the reason it's so valuable is that they are a private organization and so their records are not subject to the FBI [Federal Bureau of Investigation] records accessibility.

You can really tell them what you think and not expect it to be provided to the person that just took over this judgeship. Everybody tends to be very careful when you talk to an FBI agent. “Yes, he’s a fine gentleman.” And so it’s the only real candid input I think you can get, except from a few people who are brave enough to feel that they don’t care if the candidate hears what they have to say, so that is a very great advantage. I’ve seen it work and it works well and it really is helpful.

I was not for excising it out of the process, and I guess what happened under the regime—I haven’t thought about this in a while, but I guess they didn’t tell the ABA any sooner than they nominated the person or something like that. Well, that’s not good, and so when that was suggested, I was Staff Secretary and learned about it and said I would talk to the President about it, because I thought that was a mistake. I was wildly persuasive and they went right on and did what they would do.

Riley: Do you know who the prime mover was on that issue, convincing the President to change?

Miers: I don’t really know who the prime mover was, but I know Judge Gonzales was very supportive of it, and I’m sure Vice President Cheney and others were supportive of it. The ABA has developed a very liberal reputation and they are in fact very liberal, because the political fact of life is that the people who have interests tend to gravitate to the organization to persuade it to do things that further their agenda, so the natural impetus is to—First, lawyers, a lot of them, tend to be liberal in the first place, if you can use that word and whatever it means, but generalizing grossly as I shouldn’t do. The mindset is open and therefore accommodating, and so you start with that and then I’m sure that there’s a view among a lot of people that it is much too liberal.

Perry: That makes me think of the Federalist Society. Was that a particular organization that was helpful in bringing names up, and/or once names were given, particularly at the Supreme Court level, out making the case for them, for the nominees?

Miers: They were very active. They tried to be very constructive in lots of ways. I didn’t have a problem with the Federalist Society, despite what I testified to back when I was running for council or on the council. I’ve forgotten what I said. What did I say? I said something like I’ve never belonged to an organization like that.

Riley: Something like that, but it was an ideological—

Miers: Which would have been true back at that point in time, since we were nonpartisan. So yes, they are very conservative. They are very active in both promoting certain candidates and not promoting others.

Perry: I think that’s all on federal judgeships.

Riley: There were some things that I had flagged in the timeline to ask you about, particularly in light of the fact that there were several instances that we had talked about where you had told us that the published accounts had it wrong. Now I can’t find where I was—

Perry: While you're looking at that, Russell, it occurred to me that when we were talking before lunch and around the time we had the break in the morning you had mentioned Abu Ghraib. We just sort of accepted what you said, which was fascinating, which was that it really had such an impact, but I don't think we dove into that, and I wanted just to know if you had anything more that you wanted to say about what that impact was, as I think that will kind of be left hanging there if someone reads this 50 years from now and it says, "There was an impact from the Abu Ghraib revelations," but for some reason we were mute and we didn't follow up on that.

Miers: It was an out-of-context comment, but it dawned on me when I left the room for a moment that that was something we hadn't talked about, because it truly did embody despicable behavior of people who found themselves in a position to inflict on other human beings the kind of behavior that was epitomized there, and I think there were other instances of that kind of behavior. So when Nancy mentioned torture, I don't know for sure what she was talking about, but it made me think to come back and mention Abu Ghraib, because I do feel that there was an impact on the war effort based on the sense that it had gone amuck, based on what had happened, which of course was an isolated involvement of a handful of people who truly were despicable.

Of course that video and pictures and all were used to instigate hostility around the world against us, and all of our enemies could just say, "You want to see an American, what they do to people? Look at this." That instigated a lot of hatred and hostility to our country and to our troops, and so you take it to the base. If somebody has been given that propaganda, it reduces the inhibition of people to kill Americans. You can carry this as far as you want to. I mean it just had horrific reputational and morale issues that took place the way that it did. I'm still a little surprised at the time, because I had it in my head that it came in a little bit earlier than you were saying it actually did. It just shows you how your mind plays tricks on you.

Perry: Right, right. Well, again, I do remember when it came out in the spring of '04, and I think I remember reading in preparation for these interviews that that was just the public's learning of it, but that it had come maybe early in 2004?

Riley: My recollection is around January.

Perry: Like in January of 2004, and you thought it was even maybe earlier than that.

Miers: I kind of thought it was in '03, so I just had it happen sooner. I'm not sure it necessarily matters, but it just cast such an awful—

Perry: What impact did you feel it had on you as an individual and your thoughts about the war effort in Iraq, just generally, plus the fact that you did have to—Certainly when you went to the counsel's office, you had to be thinking about these memos that involved behavior of our prison guards and our troops. Did it not only cause you to be afraid of what that kind of propaganda could do in the hands of the wrong people, did it cause you to rethink any of your thoughts or feelings or legal opinions on issues of interrogation, that kind of thing?

Miers: Not Abu Ghraib, because it had nothing to do with any of that. It had to do with mean-spirited, evil people that were willing to do what they did in the middle of the night and thought it was funny. It's just despicable in every which way you can think about it, and it didn't have any—You were gravely saddened by it because you realized it increased the hostility to our

soldiers, who by and large had nothing to do with anything like that. So it worried you and you wanted them brought to justice and you wanted people to be discouraged and it to be reemphasized with the leadership that proper supervision is essential. There clearly wasn't proper supervision in that situation. It had some ramifications of that nature, but otherwise it just was an example of people run amuck.

I do remember thinking, *Do they realize, just like we have the heroes that fly the shuttle, and how much good all that does, how much instant damage they did to so many people and to their nation?* I just wonder if that had ever crossed their mind. I'm sure it didn't as they were doing it. And it reminds you that of course there is an element of humanity that has that capability and it has to be protected against, and that's where the supervision comes in. You shouldn't have the conditions where that could happen and go unreported, because you would hope that someone involved would have reported it.

Perry: Right.

Miers: And you feel sorry for the victims. I know they were captives, but they didn't deserve that kind of treatment.

Riley: There were just a couple of things that I had flagged on the timeline. By the way, I never could find a reference to the Geneva Conventions. It must be in one of the articles and maybe I took too quick a look at the timeline.

Perry: I don't think it's in the timeline.

Riley: There were two items on page six of the timeline that I was going to ask you about.

Miers: I'll tell you where that is. It's on page three of the timeline, about almost to the middle part, and it says that Miers suggests that the U.S. tie its legal policy to specific international standards. At some point that was true, obviously, because that's what the Supreme Court ruled. I'm going to go read that article or book and see what they were getting at.

Riley: Have a look at it, and if you want to place an amendment, if you want to address that in your transcript, you should feel free if you want to attach an appendix to it just addressing that. We'd be happy to include that.

Perry: And the question had mentioned the Geneva Conventions, but that's what I meant, that reference isn't specifically here.

Riley: That was what I was looking for.

Perry: Right.

Riley: On page six there's a reference to the Valerie Plame leak and the investigation, and we don't have enough time to dig into that. It probably wouldn't be fruitful anyway, but I did want to ask a more general question about the effect of that investigation and the consequences of it on morale in the White House and the operating style of the White House. Did it have an effect on your operating style or morale?

Miers: I would say the operating style. I would say we felt for Karl. I felt for Karl because I knew what he was going through in terms of repeatedly having to appear. He would come and ask questions from time to time, and my ability to answer those questions of course related to anything that had some impact on the administration, but he had private attorneys and he was smart enough to know that certain questions needed to be directed to them. Dan Bartlett had some issues, so it was more time and just feeling that it was too bad that somebody had to deal with this and particularly for so long. It was very expensive, but we all knew that.

With respect to Scooter Libby, from my own point of view I didn't really know what was going on then with respect to Scooter. We knew that there were allegations and then he got prosecuted. You hate to see anyone in difficulty, but I don't know that that impacted the White House. It certainly impacted the Vice President's office. I guess I don't know other impacts that that whole—Everybody of course was told early on to be fully cooperative. I was interviewed by the U.S. attorney and that was fine.

When it came out that they knew who it was that had actually done the leak and that they had kept everybody in the dark about that, I think there was hostility generated by that, but that's really it.

Riley: Did the fact of Karl's distraction through this period impair the good functioning of the White House in any way? You've talked about how central he was to the administration and to the President's own activities. One could imagine that if you divert some significant energies from that gyroscope in the White House that it could have a destabilizing effect on the operation of the place.

Miers: I didn't notice that. I've seen that suggested somewhere, not recently, but it's bound to have been some distraction to be under investigation.

Riley: Right, OK.

Miers: But I don't recall that. He's the Energizer bunny, so maybe he lost an hour or two.

Riley: The next item on the timeline is about the so-called "torture tapes," and you've already commented on the use of the word. It appears in quote marks here but it says that you were livid upon discovering that Jose Rodriguez had allowed the destruction of those interrogation tapes at the CIA.

Miers: I have seen my reaction characterized as that. I don't relate to that adjective. I need to take your question apart because it has a lot of stuff in it that we didn't know. There had been an effort to explore earlier whether the tapes—I think I can say this—should be destroyed, and both Attorney General Gonzales, when he was counsel, and I had said that they could not destroy the tapes. Then it came to pass after some period of time that I was informed that for reasons that are not what you described, the tape had been destroyed. I was very disappointed that that had happened, but there wasn't anything you could do about it. It was gone.

Riley: Well, I guess you could have taken a personnel action.

Miers: You might think that, but if you knew the circumstances a bit more you wouldn't say that. And I don't mean *you* you.

Perry: One.

Riley: Right, one might. That was within the realm of possibility, and if it didn't happen then—

Miers: It didn't happen quite the way that it turned out now, looking back, that we all know. That's something that was, I think, thoroughly investigated.

Riley: Fine. It's very clear from our discussions that there are a lot of things that we are just not able to get into, and that's just a fact of life here. I'm going to have to take off in a minute and we're going to have to close. Your own sense looking back, about what is it that you are proudest of about the accomplishments of the administration through the time that you were there? What do you look back on and recall most fondly?

Miers: Well, I'd have to say just the opportunity to serve and to learn about our government and what it does overseas, and how much good—I don't think the American people come anywhere close to knowing fully how much good the United States does, so to be able to see that from a vantage point that few have the opportunity was a wonderful blessing.

This is going to sound kind of silly, I guess, but as a young person coming up, the idea of serving in the military never crossed my mind, and in fact, you just never thought about serving in the military. But being able to come and serve on the White House staff was an opportunity not to be in the military but to learn about the military, to learn about the intelligence people, who are very much in harm's way just like the military, that nobody talks about, and also the diplomatic corps, which I wouldn't have had such an incredible example but for the so sad events that have recently occurred, but our diplomatic corps is in harm's way doing great things all the time too.

So to see all of what gets done in a very selfless manner, without any recognition, in fact to the contrary, desired anonymity, you just are taken aback by how inspirational both the country is, despite its faults, and the individuals who give so much. And then you see people who obviously give their lives and hear the stories. I had the remarkable privilege of visiting Walter Reed and the wounded soldiers, men and women.

Perry: Did you go with the President, or this was on your own?

Miers: Actually, I did go with the President, but I also went on my own later. I went with Jim Haynes, and that was so remarkable. I know you don't have time, but one trip we met this young man who was clearly someone who historically would probably have been a casualty on the battlefield, but they were able to save him. He lost both legs and a hip and had innumerable internal injuries and underwent operation after operation after operation.

This young man was far from recovered when we first encountered him, and the expression on his face, I'll never forget to the day I die, of just joy that he was able to serve. He was on a mat and the officer who was helping him looked up at us and said, "Don't worry, he's going to walk out of here." And in fact he did, obviously on not his own legs. He then came out of the hospital, after he healed. You cannot imagine the kind of pain that he went through, the loss that he went

through, but he came out and went to Harvard Law School. I don't even think he was planning to go to law school. His name is Andrew Kinard and someday you'll read about him.

Perry: Do you still keep in touch with him?

Miers: Every once in a while, and Jim does.

Perry: And he's now through?

Miers: I think he's through now.

Perry: Do you know what he's doing?

Miers: I don't. I don't know whether Jim mentioned to me what he was going to do. I need to catch up with him more recently, but I'm pretty sure he's through. Last year was his third year. But just an amazing young man, and of course he goes around the country with his personal testimony also, and there are other examples of people whose unmitigated courage didn't always turn out with a happy ending, but the stories of people's lives, you just feel really, I'm worthless, you know?

It really is amazing what people have done. Countless times, you hear this all the time, and it's really true. I've heard it over and over and over again. They're not saying, "I'm feeling bad, I lost my leg, I lost my arm, I'm in this hospital bed." They're not saying that, but they could be. Their concern is they are not back with their comrades and not able to be back, and they want to go back and all of that. You go through that with some folks and it really opens your eyes to what's important in life.

Riley: Well, you have done us an enormous service by coming and spending this time, in addition to the hardships in getting here and back.

Miers: Could I draw your attention to one thing?

Riley: Yes, please.

Miers: I just was running through here and I appreciate your kind remarks. Some of this we talked about, that I didn't really investigate the so-called vandalism, which I think was totally overblown. We talked about the other matter on page three and I think on page four, where we say, "Rehnquist dies. Miers already has reportedly met with the administrative officials to discuss a possible Rehnquist replacement." Again, that was a broader purpose. It was in case anyone needed to be replaced.

This is a picky point, but there's one in here on page seven, and it's the one that starts the March entry. I just didn't recognize.

Riley: Page, I'm sorry, seven?

Miers: Seven, March, on the second, "amid growing concerns by Members of Congress."

Riley: Right.

Miers: I'm going to go look at that. I don't have any recollection and I don't quite think that's true. I'm just going to have to research that, that it doesn't sound true that at least I would have said that. I don't know what Al said. I'll take a look at that, but I wanted to note that.

Perry: You can let us know any of the changes that you would like to be made on that to reflect the accurate record. That's what we really are committed to and that's what we want, and then that can be changed.

Miers: Is the timeline part of the report?

Riley: The briefing book will be filed with the transcript, so anybody who reads the transcript would have available, a link or two away on the website, an opportunity to look at this. We normally don't go back in and alter the timelines as long as there is reference in the interview to the fact that there is an error in the timeline. Occasionally we go back and modify it and just identify that it's a modified timeline. Anybody reading the transcript then would go back and see where the corrections were made.

Miers: Well, I will take another look at it with that in mind.

Riley: OK. That would be helpful, and then you could just send it back to us or include it later. I've got to run and get my boy.

Miers: I know.

Riley: I can't tell you how much we appreciate this and how illuminating it has been to get to know you and to know what the President saw in you when he invited you to Washington and nominated you to the Supreme Court. We now have a full appreciation of and we're grateful for your effort and for your service, and we hope you'll come back some time and we can show you a little more of Charlottesville.

Perry: We'll take you to lunch when you come back the next time.

Miers: I appreciate the privilege of being part of the history and certainly the efforts that you are obviously so diligent to get right, so I appreciate that too. It's been a joy meeting you.

Riley: Thank you so much, Harriet.