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United States Senate

COMMITTEE ON FINANCE

WASHINGTON, DC 20510-6200

October 12, 2005

KOLAN DAVIS, STAFF DIRECTOR AND CHIEF COUNSEL
RUSSELL SULLIVAN, DEMOCRATIC STAFF DIRECTOR

Ms. Harriet Miers
Counsel to the President
The White House
Washington, DC 20500

Dear Ms. Miers:

Thank you for your letter dated September 23, 2005, responding to my request that nominees to the Supreme Court of the United States provide copies of their Federal income tax returns. Your letter correctly recites the current level of information provided by the Administration. I am, however, not satisfied that the process you describe adequately considers whether a nominee has complied with our nation's tax laws at a level beyond reproach and commensurate with the high position of responsibility and honor of a Supreme Court Justice.

Those nominated have a duty and responsibility to assure the American public that they are complying with our tax laws and paying their fair share of the Nation's revenue needs. Information currently provided by the Administration regarding a nominee's tax status does not include a thorough review of recently filed tax returns. Accordingly, I am requesting that you provide copies of your Federal income tax returns for the past three years. These tax returns will be made available to appropriate tax law experts on the Committee on Finance and the nonpartisan Joint Committee on Taxation for review. The tax returns will not be made available for public inspection.

What taxpayers do on their tax returns is a window into what they would do in private and is a good barometer of their integrity, character, and suitability for office. That is why every nominee that is referred to the Committee on Finance provides copies of their Federal income tax returns. It is important to the Constitutional process of advice and consent for the Senate to have access to this information and not rely solely on the Executive Branch to provide oversight.

Your prompt attention to this request is appreciated.

Sincerely yours,



Max Baucus
Ranking Member