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President Trump taps conservative Neil Gorsuch for Supreme Court

Setting up a contentious battle with Senate Democrats, Trump picked a judge who could restore a conservative tilt to the nation's highest court.

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President Trump's Supreme Court nominee may be the heir to Antonin Scalia that conservatives have been waiting for.

On Tuesday, Mr. Trump used his first presidential prime-time address from the White House to announce his pick for the Supreme Court seat left vacant since the death of Justice Scalia. He tapped conservative Neil Gorsuch, a graduate of Harvard Law who sits on the Denver-based 10th Circuit Court of Appeals. Judge Gorsuch is known for his support of religious rights and limiting the power of government agencies to interpret laws.

The choice delighted legal conservatives, but immediately drew criticism from Democrats concerned about Gorsuch's record and frustrated that President Obama's nominee, Merrick Garland, was never considered. Trump, too, may ultimately be dissatisfied with the choice of Gorsuch, some experts have suggested.

Nominating a judge to the nation's highest court is a coveted political prize, giving an incumbent president the opportunity to shape the country's legal direction for years, if not decades, to come. As a result, the confirmation process can be heated, with the most recent effort to fill Scalia's seat one of the most politically divisive in history.

After Scalia's death in February 2016, President Obama nominated Judge Garland, the chief justice of the DC Circuit Court of Appeals, to fill the seat. In an unprecedented move, the Republican-controlled Senate refused to consider Mr. Obama's nominee, saying that confirming the next Supreme Court justice would have to wait until the election in November. This delay has now given Trump the opportunity to select a nominee, allowing him to influence the balance of the court from the beginning of his term.

During the campaign, Trump promised to look for judges in the mold of Scalia, thus cementing the conservative bent of the Roberts Court. And Gorsuch "may be the closest thing the new generation of conservative judges has to Antonin Scalia," University of Michigan law professor Richard Primus told the Associated Press.

In his speech following Trump's announcement, Gorsuch lavished praise on Scalia, calling him "a lion of the law."

Like Scalia, Gorsuch believes in interpreting the constitution as it was intended when written, making him a favorite of legal conservatives.

Democrats, however, have been frustrated with a Roberts Court that considered campaign donations free speech, among other issues, and they're concerned about the justice's history and attitudes. Soon after the announcement, Senate minority leader Chuck Schumer expressed "serious doubts" about Gorsuch's ability to stand up to Trump, while former Democratic presidential candidate Sen. Bernie Sanders (I) of Vermont tweeted, "Judge Gorsuch must explain his hostility to women's rights, support of corporations over workers and opposition to campaign finance reform."

At the end of the day, Gorsuch is likely to be confirmed, experts suggest.

"There's not really that much [for Democrats] to grab onto," Ilya Shapiro, a senior fellow at the libertarian Cato institute, told The Christian Science Monitor's Henry Gass, suggesting that they are unlikely to be able to hold up the confirmation by reference to his previous rulings or personal background.

But Democrats, Republicans, and the president may all ultimately be dissatisfied with the nominee. Conservatives have historically found their Supreme Court appointments to be too moderate: Sandra Day O'Connor was the court's swing vote for many years, while Chief Justice John Roberts supported Obamacare's individual mandate. Experts also suggest that Gorsuch may prove too independent for Trump.

"I'm worried if [Trump] finds judges ruling ways he doesn't like, he'll simply stop listening to his advisers and start appointing his cronies," Josh Blackman, a law professor at the University of South Texas, told Politico.

The political tug-of-war over Supreme Court nominees has led some to suggest that the court needs an institutional overhaul. Writing in the LA Times, Jonathan Turley, a constitutional law professor at George Washington University in Washington, DC., suggested that increasing the size of the court would improve the quality of justices and make each appointment less contentious.

"A large court might even reduce our continual confirmation spasms whenever one of the few positions becomes vacant," he wrote. "And with more seats to fill, the quality of the jurists might rise."