

The New York Times

Trump Names Supreme Court Candidates for a Nonexistent Vacancy

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November 17, 2017

No sitting justice on the Supreme Court has indicated plans to leave any time soon.

But tell that to President Trump, who announced on Friday his latest slate of judicial candidates to fill a vacancy that — as far as anyone knows — does not exist.

As a presidential hopeful, Mr. Trump released a list of 21 names of judges (and one politician) and promised not to stray from it should he win the election and be in a position to replace Justice Antonin Scalia, who died in 2016. After taking office, Mr. Trump named Neil M. Gorsuch, a federal appellate judge who had been on his original list, to fill the vacant Supreme Court seat.

On Friday afternoon, with little explanation, Mr. Trump added five names to the list.

If he again gets the chance to fill a vacancy on the nation's highest court, Mr. Trump said that he would now consider two additional state judges, two newly minted federal appeals court judges and a veteran federal judge thought by many to be a leading contender despite being left off the president's original list.

Judge Brett M. Kavanaugh of the United States Court of Appeals for the District of Columbia Circuit was a striking omission from the president's original list. One administration official has said in the past that Judge Kavanaugh would be a leading candidate should Justice Anthony M. Kennedy, 81, decide to step down. Judge Kavanaugh is now officially on the list.

Others added on Friday were Justice Britt C. Grant of the Georgia Supreme Court; Judge Amy Coney Barrett of the United States Court of Appeals for the Seventh Circuit; Justice Patrick R. Wyrick of the Oklahoma Supreme Court; and Judge Kevin C. Newsom of the United States Court of Appeals for the 11th Circuit.

Mr. Trump's new candidates add to a roster of committed judicial conservatives compiled by Donald F. McGahn II, Mr. Trump's longtime election lawyer and now the White House counsel, with help from two leading conservative policy groups: the Heritage Foundation and the Federalist Society.

“If you’re going to be committed to picking from a list, it’s really important that the list remain current and complete,” said Leonard Leo, a top executive at the Federalist Society and an influential conservative who has closely advised Mr. Trump on judicial appointments.

White House officials said the addition of the names was routine and was simply an effort to “refresh” a list that had not changed in more than a year. Even so, the announcement was a reminder of the advanced age of Justice Kennedy and Justice Ruth Bader Ginsburg, 84. If either one — or another justice — leaves the bench in the next three years, Mr. Trump will be in a position to pick a replacement.

“These additions, like those on the original list released more than a year ago, were selected with input from respected conservative leaders,” the White House said in a statement.

The Federalist Society was holding its National Lawyers Convention this week in Washington, and the announcement from the president provided a bit of conservative legal buzz among the attendees.

Mr. McGahn addressed the group on Friday evening, and he named the five new candidates, saying they were committed conservative judges in the mold of Justice Scalia. Judge Kavanaugh received the most sustained applause.

That may have been part of the motivation for releasing the list on Friday. Several conservative groups issued statements praising the expanded roster of court prospects.

“These are stellar additions to the existing list of Supreme Court potentials,” said Ilya Shapiro, a senior fellow at the Cato Institute, a leading libertarian think tank.