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The Hotline

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Mmmmm, Sandwiches**LENGTH:** 649 words

Pres. Obama "has sandwiched final interviews" for a new SCOTUS justice in between meetings on the emergencies in NYC and the Gulf of Mexico, and he "is poised to announce his decision any day." Although, "next week appears to be likelier than this week" because the WH "is sure to want" VP Biden around "as the drama unfolds," and he left 5/5 for Spain and Belgium. He "is scheduled to return early next week."

Also 5/5, Obama "met in the Oval Office with" GOP Sens. Jon Kyl (AZ) and Orrin Hatch (UT) (Shear/Barnes, Washington Post, 5/6).

Following the WH meeting, Hatch "immediately attacked the president in a speech about qualities that presidents should seek in such nominees." Obama, in a speech tot he **Cato Institute**: "He (Obama) wants them to use values that are not within the Constitution to strike down legislation that he does not like, but wants them to ignore values that are in our written Constitution to uphold legislation that he does like."

Hatch "worried aloud" that Obama "will shop for a justice who will 'rubber stamp his political agenda,'" especially the Dem health insurance reform law that he recently signed. Hatch "said in his speech that he still hopes a mutually agreeable nominee can be found, but laid out what seemed to be a plan of battle against the soon-to-be-named nominee. Hatch said the Constitution should control judges, but worries that Obama's nominees so far believe that judges should control the Constitution" (Davidson, Deseret News, 5/6).

Hatch, on meeting with Obama about possible SCOTUS nominees: "First of all, I was honored to have him invite me down. And he did go over a number of names. But I think I should keep that confidential until the time comes when he makes a choice. ... It was one-on-one. There was nobody else in there. ... We discussed a number of things, but the Supreme Court was the main focus" ("On the Record," FNC, 5/5).

Sen. John Cornyn (R-TX), another member of Judiciary, declined Obama's invitation to weigh in on his SCOTUS decision. Cornyn: "I said, 'Well, thank you for the call, I really appreciate it, but you know, this is your job to make the choice. I respect that and I hope you make a mainstream choice.'" More Coryn: "I don't think he was going to rush out and nominate who I named. As a matter of fact, it might have been the kiss of death if I had suggested anything" (Rushing, "Blog Briefing Room," The Hill, 5/5).

Meanwhile, WH sr. adviser David Axelrod said Obama is seeking someone with retiring Justice John Paul Stevens' "spark and leadership." Axelrod: "You can't replace someone's 34 years on the court, but you are mindful of the fact that he was a leader on the court, and you want someone who can provide that kind of spark and leadership - if not immediately, then over time. He senses that responsibility."

Axelrod, on whether Obama is considering gender in his decision: "I don't think he's approaching it as an arithmetic exercise. I think he's going to choose the person who he thinks, at this time in history, will be the best nominee. And I wouldn't look for clues based on gender" (Feller, AP, 5/6).

No One's Doubting Thomas

New York Times' Schwartz profiles federal appeals court Judge Sidney Thomas, who "is, by most accounts, a long shot on the short list." But "supporters say he represents the values the president has said he wants: 'a keen understanding of how the law affects the daily lives of the American people.'" Thomas "is seen as something of a bridge builder who can get along with conservatives and liberals alike."

The Ninth Circuit, on which he serves, "is an ideologically divided court, with strong factions of liberals and conservatives, and Judge Thomas is respected by both sides, said the court's chief judge, Alex Kozinski. Kozinski: "People really like him, really trust him." Also, "his work habits are legendary among his clerks, as is his attention to detail" (5/6).

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