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Obama, Hatch talk about Supreme Court choices in private chat

Politics » Utah senator claims president still looking for 'empathy' under a different name.

By **Matt Canham**
The Salt Lake Tribune

Updated: 05/05/2010 05:33:58 PM MDT

Washington » President Barack Obama invited Sen. Orrin Hatch into the Oval Office for a private discussion Wednesday about his impending Supreme Court pick -- and then Hatch immediately drove downtown to the Cato Institute where he ripped the president's approach to nominating judges.

The back-to-back events show that the White House believes Hatch may be persuaded to ultimately support the president's pick, but gaining that support may not be easy.

Obama is expected to announce his nominee to replace retiring Justice John Paul Stevens any day, leading to confirmation hearings this summer.

The White House refused to release any information on Obama's meeting with Hatch, though Hatch's office said they talked about judicial philosophy, namely picking someone who would follow the law even when it challenged personal beliefs.

"After the highly contentious health care debate, it is more important than ever that the president choose someone who will get overwhelming support from the American people and the United States Senate," Hatch said.

At a Cato event billed as a speech on health care, Hatch said Obama has clearly looked for qualifications that go beyond a strict adherence to the Constitution.

"Last summer, President Obama talked often about how judges should be guided by their empathy. This year, the buzz phrase seems to be core constitutional values," Hatch said. "This is the same old thing, just another cloaking device for judges who seek to control the Constitution."

Shortly after Stevens announced that he would retire this summer, Obama said he would pick someone who had qualities similar to the court's leading liberal -- "an independent mind, a record of excellence and integrity, a fierce dedication to the rule of law and a keen understanding of how the law affects the daily lives of the American people."

Before Obama picked Justice Sonia Sotomayor last year, he said he wanted a nominee who had "empathy," a word Republicans, such as Hatch, pounced on.

Hatch voted against Sotomayor -- though that didn't stop her confirmation -- marking the first time he opposed a president's Supreme Court pick in his 34-year Senate career.

The president consulted with Hatch and every other member of the Judiciary Committee last year. He has placed calls to most, if not all of them, this time as well.

Obama also met with committee member Sen. Jon Kyl, R-Ariz., on Wednesday, immediately before his sit-down with Hatch.

These meetings with key senators are a clear indication the president is nearing a decision. In recent days he has interviewed a handful of potential nominees including Solicitor General Elena Kagan and Appeals court judges Merrick Garland and Diane Wood among others. Hatch supported all three in earlier confirmation votes.

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