

Cato scholar on SCOTUS appointments

by Jason Pye

Ilya Shapiro from the Cato Institute [dives into the names of possible replacements](#) for Justice David Souter:

[Obama] is under great pressure to appoint a woman, and the three leading female candidates are new Solicitor General Elena Kagan, Second Circuit Judge Sonia Sotomayor, and Seventh Circuit Judge Diane Wood. Kagan would be an almost-certain pick a year from now, but having been just confirmed to be the so-called Tenth Justice, she might be seen as too green for elevation. Sotomayor — because she is Hispanic and despite a mixed judicial record — was the odds-on favorite until the Court took up the employment discrimination case of *Ricci v. DeStefano* (argued just last week), an appeal of a bizarre opinion Sotomayor joined that denied the claims of firefighters who had been passed over for promotion because of their race. That leaves Wood, a renowned authority on antitrust, international trade, and federal civil procedure, whose age (58) suggests that this is likely the last vacancy for which she will be considered. Wood offers a seriousness of purpose and no ideological ax to grind, and is thus the best nominee supporters of constitutionalism and the rule of law can hope for at this time.

The Huffington Post has the [shortlist of possible nominees, including Leah Ward Sears](#) (who is from my home state of Georgia).

I guess it's too much to ask for [Janice Rogers Brown](#).