



White House

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Political tensions could lead to court fight

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The White House is sounding confident that President Obama's eventual Supreme Court nominee will be seated by the October term, but the nation's souring political mood could complicate the confirmation process.

The low-key, cordial atmosphere surrounding preliminary discussions over the nomination may disguise a gathering battle that will play out over the summer.

"My sense is this will be more problematic than [Sonia] Sotomayor because the climate has changed over the past year and not in the direction of the White House," said Roger Pilon, an expert on constitutional law at the libertarian Cato Institute.

Obama last week invited a bipartisan group of Senate leaders to the White House to discuss the process, and he has been reaching out to other members by telephone.

Sotomayor, Obama's first Supreme Court pick and now a justice, was nominated in May 2009. Her confirmation hearings started in July and she was confirmed in August -- by all measures, a smooth process.

"My hope is we can do the exact same thing this time," Obama said. "We hope maybe we can accelerate it a little bit so that we have some additional time."

After initially floating a list of potential nominees, the administration last week added two black judges, Ann Claire Williams, an appellate court judge in Chicago, and Leah Ward Sears, a former Georgia Supreme Court chief justice, to the no-longer-short list.

Prior to that, names in circulation included white females such as Solicitor General Elena Kagan and Appeals Court Judge Diane Wood, Michigan Gov. Jennifer Granholm and Homeland Security Secretary Janet Napolitano, among others.

The late additions underscore the hidden forces at work in assembling a list of nominees. Much like with the Academy Awards, simply garnering a nomination can burnish a resume, and the list must be diverse enough to satisfy every important constituency.

Also looming on the periphery is the chance that Republicans, if they feel Obama's pick is too liberal, could make good on a filibuster threat and push the nomination past the high court's opening session.

To that end, the president has been reaching out to Senate Republicans, including Sen. John Cornyn of Texas, a member of the Senate Judiciary Committee who voted against Sotomayor's confirmation.

"Senator Cornyn told him the hearings would be dignified and civil, and that is important to him as a former Texas Supreme Court Justice," said Cornyn spokesman Kevin McLaughlin. "The president said he felt the Sotomayor hearings were a good example of a civil hearing process."

So far, all sides are playing nice and being careful. But the acrid, anti-government sentiments of voters this election year appear likely to surface in the debate.

A recent Quinnipiac University poll found 53 percent believe Obama will make the right choice, to 46 percent who said they are not confident he will do so.

At the same time, 48 percent to 41 percent said they would like to see the Senate filibuster the choice if they don't agree with the nominee on key issues -- in other words, a lot of Americans are ready for a fight.

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The unofficial White House short list of potential Supreme Court nominees includes:

- * Elena Kagan, solicitor general and former Harvard Law School dean
- * Merrick Garland, Washington, D.C., federal appeals court judge
- * Diane Wood, federal appeals court judge in Chicago
- * Jennifer Granholm, governor of Michigan
- * Janet Napolitano, secretary of homeland security
- * Sidney Thomas, federal appeals court judge in Montana
- * Deval Patrick, governor of Massachusetts
- * Leah Ward Sears, former Georgia Supreme Court chief justice
- * Ann Claire Williams, Chicago federal appeals court judge
- * Martha Minow, Harvard Law School dean
- * Carlos Moreno, California Supreme Court justice

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