

Trump closes in on Supreme Court nod

Conservatives eager to shape highest court

By CATHERINE LUCEY, KEN THOMAS and LISA MASCARO
Associated Press

WASHINGTON — President Donald Trump is closing in on his next Supreme Court nominee, with three federal judges leading the competition to replace retiring Justice Anthony Kennedy.

Trump's top contenders for the vacancy at this time are federal appeals judges Amy Coney Barrett, Brett Kavanaugh and Raymond Kethledge, said a person familiar with Trump's thinking who was not authorized to speak publicly.

Working closely with a White House team and consulting with lawmakers and outside advisers, Trump has spent the week deliberating on the choice. He conducted interviews on Monday and Tuesday. He has not yet publicly indicated that he has narrowed the list and could still consider others in the mix.

With customary fanfare, Trump plans to announce his selection Monday night, kicking off a contentious nomination process as Republicans seek to shift the court to the right and Democrats strive to block the effort.

Vice President Mike Pence has also met with some of the contenders for the Supreme Court vacancy created by Justice Anthony Kennedy's retirement. The Associated Press has learned.

The meetings took place in recent days, according to a person familiar with the search process. The person did not specify which can-

didates Pence met with and spoke on condition of anonymity to describe the private search process.

Trump is choosing his nominee from a list of 25 candidates vetted by conservative groups. Earlier in the week, he spoke with seven people on the list. Other contenders that have received serious interest include federal appeals judges Amul Thapar, Thomas Hardiman and Joan Larsen.

The president also spoke by phone with Republican U.S. Sen. Mike Lee of Utah on Monday. He's the only lawmaker on Trump's list. That call was not characterized by the White House as an interview and Lee is not viewed as a top prospect, though he has some support on Capitol Hill.

U.S. Sen. Ted Cruz, R-Texas, advocated for Lee in a Fox News op-ed, warning Trump not to repeat "mistakes" of past Republican presidents by picking a Supreme Court nominee who turns out to be insufficiently conservative.

Cruz said Lee would be a "sure thing." He cited former justices William Brennan, John Paul Stevens and Harry Blackmun, who authored the Roe v. Wade decision that established a woman's right to abortion. All three were nominated by Republican presidents.

Trump's choice to replace Kennedy — a swing vote on the nine-member court — has the potential to remake the court for a generation as part of precedent-shattering decisions on abortion, health care, gay marriage and other issues. Recognizing the stakes, many Democrats have lined up in opposition to any Trump pick, and Republican lawmakers and activists are seeking to influence the president's decision.

Who are Trump's top Supreme Court picks?

By ANNE FLAHERTY
Associated Press

WASHINGTON — President Donald Trump's Supreme Court nomination is expected on Monday, with three federal judges leading the pack. Here's a look at who they are (plus three more who haven't been completely counted out just yet):

AMY CONEY BARRETT

Barrett, 46, was a former law clerk to Justice Antonin Scalia and a longtime Notre Dame Law School professor who became a federal judge last fall.

If nominated and confirmed, she would become the fourth female justice on the nine-member court and its youngest member (Justice Neil Gorsuch is now the youngest, turning 51 this August.)

Barrett is considered Trump's most divisive choice, both because of her sparse record on the bench and because of her conservative religious views.

At a U.S. Senate hearing last year on her nomination to the Chicago-based 7th U.S. Circuit Court of Appeals, Democrats peppered Barrett on whether her Roman Catholic faith would interfere with her work. Democrats cited a 1998 paper in which she argued that Catholic judges might need to recuse themselves in death penalty cases.

Democratic U.S. Sen. Dianne Feinstein of California told Barrett that dogma and law are two different things and she was concerned "that the dogma lives loudly within you." Barrett was eventually confirmed after telling senators that her views had since broadened. She said it was never permissible for a judge to "follow their personal convictions in the decision of a case, rather than what the law requires."

A White House questionnaire last year cited Barrett as once writing abortion is "always immoral" and asked if that was still her view. She didn't answer the question directly but said: "If I am confirmed, my views on this or any other question will have no bearing on the discharge of my duties as a judge."

During her 2017 confirmation hearing, Barrett described each of her seven children, noting that two were adopted from Haiti.

BRETT KAVANAUGH

Kavanaugh, 53, is a Yale-educated appellate court judge for the U.S. Court of Appeals District of Columbia Circuit who clerked for retiring Justice Anthony Kennedy and is probably best known for his ties to President George W. Bush.

Kavanaugh also was key member of independent counsel Kenneth Starr's team that produced the report that served as the basis for President Bill Clinton's impeachment.

But he's attracting the most attention for his view that presidents shouldn't be bothered with legal inquiries. In a 2009 article in The Minnesota Law Review, Kavanaugh wrote that presidents are under such extraordinary pressure they "should be excused from some of the burdens of ordinary citizenship while serving in office."

Congress, he wrote, should pass a law that would temporarily protect the president from both civil suits and criminal prosecution. Clinton, for example, "could have focused on Osama bin Laden without being distracted by the Paula Jones sexual harassment case and his criminal investigation offshoots,"



Amy Coney Barrett



Raymond Kethledge



Brett Kavanaugh

Kavanaugh wrote.

"If the president does something dastardly, the impeachment process is available," Kavanaugh wrote.

That kind of thinking could prove helpful to Trump, who has been dogged by accusations of sexual harassment, as well as possible obstruction of justice in the Russia probe now being led by special counsel Robert Mueller.

But Kavanaugh's ties to Washington (he was born in D.C.) and the GOP establishment could hurt his chances too, as Trump's populist supporters clamor for an outsider and Democrats pan him as a political operative. (When he was confirmed to the federal appeals court in D.C. in 2006, Bush took the unusual step of hosting a Rose Garden swearing-in ceremony with 120 guests to celebrate.)

His judicial biography includes his times in two Boston Marathons, his coaching experience for his two daughters' basketball teams and his regular participation in services at a Catholic church in Washington.

RAYMOND KETHLEDGE

Kethledge, 51, is a former Kennedy law clerk and appeals court judge who graduated from the University of Michigan and its law school. He serves as a judge on the U.S. Court of Appeals for the 6th Circuit in Cincinnati.

He co-authored a book with Army veteran Mike Erwin of The Positivity Project published last year called "Lead Yourself First: Inspiring Leadership Through Solitude," in which he describes himself as an introvert. In an interview with the legal news site "Above the Law," Kethledge said "I love to write" and prefers working from his barn office in northern Michigan overlooking Lake Huron without an internet connection.

He was at that office when his wife called to tell him she had seen on television that he was on Trump's short list of nominees to replace Scalia, a job that eventually went to Justice Neil Gorsuch.

In the 1990s, Kethledge was counsel to Republi-

can U.S. Sen. Spencer Abraham of Michigan, who became Bush's energy secretary. Kethledge eventually founded a boutique litigation firm with two partners in Troy, Michigan. He was nominated to the 6th Circuit Court of Appeals in 2006 and confirmed in 2008.

Kethledge's judicial opinions have occasionally made news. In 2013, he ruled against unions and upheld a Michigan law that bars school districts from collecting membership dues from teachers and other employees, leaving unions to collect the dues themselves.

In 2014, he ruled against the federal Equal Employment Opportunity Commission in a case it brought against a for-profit education company over its credit checks on potential employees, noting the EEOC performed the same checks. And in 2016 he wrote that police didn't need a warrant to look at records that reveal where a cellphone user has been, a decision the Supreme Court overturned in a 5-4 ruling earlier this year.

Justice Ginsburg bemoans partisan divide in Congress

By ARON HELLER
Associated Press

JERUSALEM — U.S. Supreme Court Justice Ruth Bader Ginsburg said Thursday she hoped the traditional "bipartisan spirit" of congressional hearings for judges will once again prevail in Washington, D.C., rather than the votes of recent years that have mostly divided along party lines.

Speaking at a Jerusalem cinema after the screening of "RBG," the breakout hit documentary about her life and career, Ginsburg said she would not address past or present personnel changes on the court, in apparent reference to Justice Anthony Kennedy's upcoming retirement. But the liberal icon did bemoan how partisan the process of picking a justice has become.

"I was considered by some a controversial person because of my affiliation with the American Civil Liberties Union," she said about her 1993 confirmation hearings. "There wasn't a single question asked of me during the hearings about my ACLU connections. The vote was 96-3."

"When Justice (Stephen) Breyer was nominated the next year the vote for him was also in the 90s. Since then the Senate has tended to divide along party lines and I think that's unfortunate," she continued. "During my confirmation hearings, perhaps my biggest supporter was Orrin Hatch, the Republican senator from Utah. I hope someday we will get back to the bipartisan spirit prevailing with respect to the confirmation of judges."

Ginsburg is in Israel to receive a lifetime achievement award from the Genesis Prize Foundation, a prominent Jewish organization.

The 85-year-old Ginsburg was just the second female Supreme Court justice and often cites her Jewish heritage as a source for her love of learning and sensitivity to the plight of minorities.

"RBG" has added to her unlikely status as pop culture icon, first created by the 2015 book, "Notorious RBG: The Life and Times of Ruth Bader Ginsburg." The documentary traces her legal work advancing rights for women leading up to her 1993 elevation to the top court, and her role as a justice since — and

also touches on the cultural phenomenon that has ensued, including bobblehead dolls, tattoos, T-shirts and coffee mugs bearing her likeness that have become hipster staples. A Hollywood biopic is also slated for release later this year.

As the court's senior liberal justice, Ginsburg spoke warily about a Donald Trump presidency before the 2016 election. "I don't want to think about that possibility, but if it should be, then everything is up for grabs," she said.

She later also apologized for calling Trump a "faker."

In Jerusalem, she steered clear of any such references, focusing instead on how the court could bring even ideological opposites together. She spoke about her unlikely friendship with the late Justice Antonin Scalia, a conservative stalwart.

"I miss him very much," she said.

Ginsburg appeared in her trademark glasses and ponytail, a blue-and-white shawl draped over her shoulders. With three retired Israeli Supreme Court judges in the audience, she spoke about how much progress women have made in her lifetime and how her own Judaism has inspired her sense of justice.



Ruth Bader Ginsburg

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