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POLITICS

Trump's Supreme Court Nomination Strategy Steered by White House Counsel, Others

Federalist Society, other conservatives are influential; Pat Cipollone is key adviser



Leonard Leo, the co-chairman of the Federalist Society, played a central role in the push to decide President Trump's first two nominees.

PHOTO: THE WASHINGTON POST VIA GETTY IMAGES

By [Andrew Restuccia](#) and [Michael C. Bender](#)

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WASHINGTON—As President Trump prepares to nominate a third justice to the Supreme Court, he is being advised by the White House's top lawyer, his chief of staff, senior Senate Republicans and a network of conservative activists who have worked behind the scenes for years to shape the makeup of the high court.

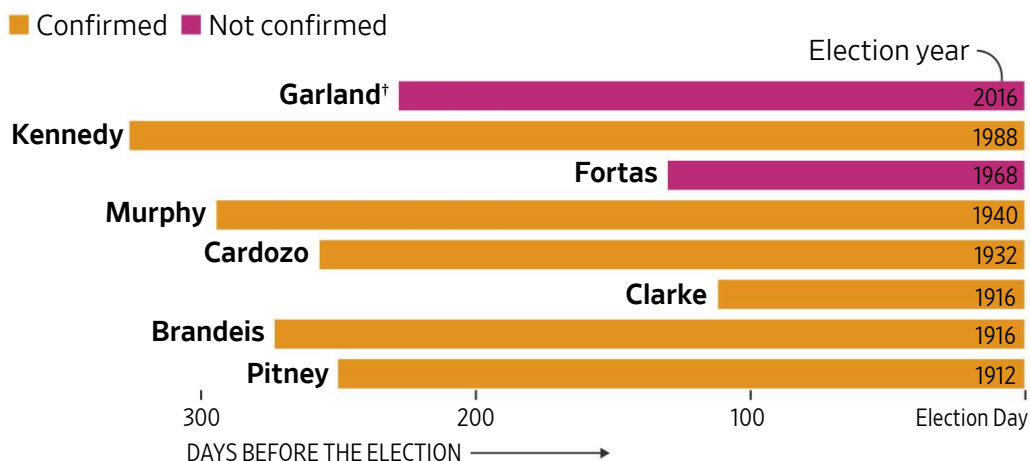
The Trump administration's internal discussions about the nomination are being led by White House counsel Pat Cipollone and chief of staff Mark Meadows,

according to people familiar with the matter. Vice President Mike Pence and other senior advisers to the president, including White House Presidential Personnel Office director John McEntee, have also been closely involved in the discussions, the people said.

Mr. Trump has said he will pick his next nominee, who will succeed Justice Ruth Bader Ginsburg, who died Friday, from a list of more than 40 people. The list first took shape during Mr. Trump's 2016 presidential campaign in an effort to reassure Republicans who might otherwise be uncomfortable with his unorthodox candidacy. It has been updated and expanded three times in subsequent years; the president released the latest additions to the list earlier this month.

President Trump is expected to nominate a replacement for Justice Ruth Bader Ginsburg just weeks before Election Day. Rarely has a Supreme Court vacancy emerged so close to a presidential contest.

Days between nomination and Election Day*



*It includes cases of candidates nominated during the election cycle [†]President Obama nominated Merrick Garland on March 16, 2016. Republicans declined to act, saying the winner of the fall presidential election should make the choice. His nomination sat for 293 days without action.

Source: Federal Judicial Center

Already, that list has been narrowed to three top candidates, all of them federal appellate judges, according to some of the people familiar with the matter: Judge Amy Coney Barrett, who sits on the Seventh Circuit; Judge Barbara Lagoa, from the 11th Circuit; and Judge Amul Thapar of the Sixth Circuit.

As he weighs which candidate to choose, the president is expected to consult with Senate Majority Leader Mitch McConnell and other Senate Republicans close to the White House, as well as prominent conservative activists.

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Few names end up on the shortlist without feedback from Leonard Leo, the co-chairman of the Federalist Society, a powerful organization of conservative lawyers. Mr. Leo, who advises the president in his personal capacity, has played a central role in the push to decide the president's first two nominees, Neil Gorsuch and Brett Kavanaugh, as well as the two justices nominated by George W. Bush, Samuel Alito and John Roberts. He declined to

comment on his role in the internal discussions.

The internal wrangling over the nomination will likely prove to be a major test for Mr. Cipollone, who previously led Mr. Trump's impeachment defense. His predecessor as White House counsel, Don McGahn, oversaw the nominations of both Messrs. Gorsuch and Kavanaugh.

Mr. Cipollone's chief deputy on the judicial nomination process has been Kate Todd, who is expected to continue to play a key role. Ms. Todd was a senior attorney in the U.S. Chamber of Commerce's litigation center and previously worked in the counsel's office under then-President George W. Bush. Earlier this month her own name was included on Mr. Trump's expanded list of potential Supreme Court nominees.

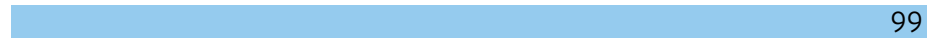


The internal wrangling over the nomination will likely prove to be a major test for Pat Cipollone.

PHOTO: STEFANI REYNOLDS/ZUMA PRESS

Attorney General William Barr has also been involved in some of the discussions, an administration official said, including advocating for the inclusion of Steve Engel, the head of the Justice Department's Office of Legal Counsel, as well as Paul Clement, the former solicitor general under George W. Bush, on the most recent list.

White House officials have been quietly preparing for the possibility of another Supreme Court vacancy for months. Early this summer, with Justice Ginsburg's health uncertain, the White House began internal discussions about adding new names to its Supreme Court list, which hadn't been updated since November 2017. Mr. Trump has said his list of potential nominees was a useful tool during his 2016 presidential race, and wanted to update it for his re-election campaign.

Number of days to confirm recent justices**Clarence Thomas****Brett Kavanaugh****Elena Kagan****Antonin Scalia****Samuel Alito Jr.****Sonia Sotomayor****Neil Gorsuch****Ruth Bader Ginsburg****John Roberts Jr.**

Note: Chief Justice Roberts was initially nominated to be associate justice before being withdrawn and resubmitted for chief justice.

Source: U.S. Senate

Before Justice Ginsburg's death, the White House sought feedback on possible choices from conservatives. Senior leaders at the Federalist Society, Heritage Foundation, Susan B. Anthony List and the First Liberty Institute have been in contact with the White House about the roster, the people said.

Mr. Trump is expected to move quickly to announce his Supreme Court nominee, people familiar with the discussions said. Those under serious contention for the job received initial vetting before being added to the list and ahead of their confirmation hearings for lower court jobs Mr. Trump nominated them for.

The president's advisers in the White House and on the Trump campaign recommended he should nominate a replacement soon, people familiar with the discussions said.

Some advisers considered whether to push hard for a quick confirmation, or aim to turn the election into a referendum on his Supreme Court nominee in hopes that it would drive more Republicans to the polls.

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But the consensus among the president's allies was to push as hard as possible for a quick confirmation. A confirmation would give Mr. Trump an accomplishment to boast about on the campaign trail and another conservative justice would likely be important if the Supreme Court has to weigh in on a contested election, the president's allies said.

—*Sadie Gurman contributed to this article.*

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