

**From:** "Kavanaugh, Brett M."  
**To:** "Gottesman, Blake", [REDACTED] b(6)  
**Subject:** RE: WSJ - White House Considering Female Successor to O'Connor  
**Sent:** Tue, 19 Jul 2005 06:04:27 -0500

[REDACTED] b(6)

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**From:** Gottesman, Blake  
**Sent:** Tuesday, July 19, 2005 7:04 AM  
**To:** Kavanaugh, Brett M.; Ashley Kavanaugh [REDACTED] b(6)  
**Subject:** FW: WSJ - White House Considering Female Successor to O'Connor

[berenson ...](#)

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**From:** White House News Update [mailto:News.Update@WhiteHouse.Gov]  
**Sent:** Tuesday, July 19, 2005 6:58 AM  
**To:** Gottesman, Blake  
**Subject:** WSJ - White House Considering Female Successor to O'Connor

## White House Considering Female Successor to O'Connor

By JEANNE CUMMINGS and JESS BRAVIN, THE WALL STREET JOURNAL

President Bush began conducting final interviews with potential Supreme Court candidates as White House advisers take another "serious look" at women to succeed Justice Sandra Day O'Connor, according to people familiar with the process.

Mr. Bush said he already knows many of the finalists on his list, but he did plan to meet with candidates "who I have not known already."

"They're running through every Republican-appointed woman on the federal courts of appeals," says Bradford Berenson, a former associate counsel to President Bush who is now in private practice. "For the O'Connor seat, there's a heavy thumb on the scale in favor of a 'diverse' candidate."

Some White House advisers are urging the president to expedite his announcement to deflect attention from a growing scandal over the role of senior administration officials -- including political adviser Karl Rove -- in leaking a Central Intelligence Agency agent's identity to the news media in an effort to discredit critics of the White House's prewar Iraq intelligence.

"The Rove situation has accelerated it," said a Republican lawyer who consults the White House on judicial issues. "They would like to get something that will knock it off the front page."

Mr. Bush, at a news conference with the prime minister of India, said he hoped to have a new justice confirmed by Oct. 1.

Justice O'Connor was appointed by President Reagan as the first woman ever to serve on the high court. Women's groups haven't applied serious pressure on the White House to appoint another woman, but first lady Laura Bush recently suggested just that.

The list of female finalists hasn't received the same kind of public attention as some of the male contenders, and some were so recently approved for appellate courts that many observers disqualified them from the Supreme Court sweepstakes.

For instance, Judge Priscilla Owen of the Fifth Circuit Court of Appeals in New Orleans, and Judge Janice Rogers Brown of the District of Columbia Court of Appeals both were seated last month after a longstanding stalemate in the Senate over judicial filibusters. Now, they are under consideration for possible elevation.

The nomination of either, however, would likely dredge up old wounds in the Senate, where Judge Owen and Judge Brown were bitterly fought by Democrats for years.

The other female finalists are Judge Edith H. Jones and Judge Edith Brown Clement, both of the Fifth Circuit. Judge Jones is an outspoken critic of the *Roe v. Wade* decision legalizing abortion. Judge Clement, a former business lawyer first appointed to the court by the president's father, hasn't left a paper trail detailing her own thinking about that watershed case, which could make her the more difficult target for liberals.

Judge Karen Williams, of the Fourth Circuit Court of Appeals in Richmond, Va., is also being reviewed. She is best known for a 1999 opinion that held *Miranda* warnings aren't required under the Constitution, which was overruled in a 7-2 Supreme Court opinion written by Chief Justice William Rehnquist. The court's two hardline conservatives, Justices Antonin Scalia and Clarence Thomas, both agreed with Judge Williams.

The Judicial Confirmation Network, a conservative group working to promote Mr. Bush's nominee, released the second in a series of seven Internet advertisements aimed at persuading the public that a conservative appointment is needed on the court, said Gary Marx, the group's co-founder.

The ad highlights recent rulings that were based in part on international and foreign law and quotes Justice Scalia's charge that "foreign approval has no place" in the opinions of the court.

Mr. Bush's spokesman, Scott McClellan, said the administration has sought counsel from 60 senators on the nomination, including more than 30 Democrats. Mr. Bush made it clear, however, that he planned to make his own decision.

—Christopher Cooper contributed to this article.

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