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TO: Senate Judiciary Committee – Democratic Counsel
FROM: Nan Aron
RE: Consensus Nominee Names for Supreme Court
DATE: December 20, 2004

In order to counter the charge that we are “obstructionists” who will block any Bush nominee to the Supreme Court, we thought it may be helpful to pro-actively put forward a list of Republican-appointed judges who would be acceptable consensus nominees to fill a Supreme Court vacancy. This list should serve two purposes – 1) to counter the obstructionist message of the Republicans and 2) to put forth criteria for what a qualified nominee would look like.

The attached list of judges has been through an initial vetting and fit into the criteria that we believe should be the standard for any Supreme Court justice. If you would like more information about these judges’ records, please feel free to let us know and we can get that to you.

We have not released this list but would be happy to work with you to determine the best way to get this message out.

Thank you.

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**CONSENSUS NOMINEES FOR THE SUPREME COURT
MUST BE CONSIDERED**

[The President of the United States] shall nominate, and by and with the Advice and Consent of the Senate, shall appoint...Judges of the supreme Court, and all other Officers of the United States”

- The United States Constitution

“although he might prevail in the end, he should consider whether he wanted a tough, political battle over his first appointment to the Court.”

- Senator Hatch, in his book Square Peg, recounting what he told President Clinton

"I was the one who recommended Breyer and Ginsburg to the president."

- Senator Hatch, C-SPAN Interview

CONSENSUS NOMINEE	EXEMPLARY RECORD IN THE LAW	OPEN-MINDED APPROACH TO THE LAW	COMMITMENT TO EQUAL JUSTICE FOR ALL AMERICANS	COMMITMENT TO PROGRESS ON CIVIL RIGHTS, WOMEN'S RIGHTS, WORKERS' RIGHTS, AND CONSUMER AND ENVIRONMENTAL PROTECTION
Morris Arnold (8 th Circuit)	Nominated by President Reagan and elevated by George H.W. Bush	√	√	√
Ron George (California Supreme Court)	Nominated by Governor Pete Wilson	√	√	√
Stanley Marcus (11 th Circuit)	Nominated by President Reagan and elevated by President Clinton	√	√	√
Michael Mukaskey	Nominated by President	√	√	√

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(S.D.N.Y.)	Reagan			
Barrington Parker (2 nd Circuit)	Nominated by President George W. Bush	√	√	√
Edward Prado (5 th Circuit)	Nominated by President Reagan and elevated by President George W. Bush	√	√	√
Ilana Rovner (7 th Circuit)	Nominated by President Reagan and elevated by President George H.W. Bush	√	√	√
Tony Scirica (3 rd Circuit)	Nominated and elevated by President Reagan	√	√	√
Sonia Sotomayor (2 nd Circuit)	Nominated by President George H.W. Bush and elevated by President Clinton	√	√	√
Ann Williams (7 th Circuit)	Nominated by President Reagan and elevated by President Clinton	√	√	√