

Conservative, popular judge named for court: Roberts reputed to be brilliant litigator

News in the [August 9, 2005](#) issue

President Bush nominated a strong conservative, federal appellate judge John Roberts, to replace retiring moderate justice Sandra Day O'Connor on the Supreme Court.

After the announcement July 19, activists on both sides of the nation's cultural debates agreed that the move signaled Bush's intent to shift the ideological balance on the nation's highest court further to the right—possibly for decades.

Roberts, 50, a Catholic, has been a member of the U.S. Court of Appeals for the District of Columbia Circuit—generally thought of as the second most important federal court—since 2003. Previously, he served in private law practice in Washington, as well as stints in the administrations of Bush's father and President Ronald Reagan.

Introducing Roberts to the nation in a prime-time address from the White House, President Bush said Roberts “has profound respect for the rule of law and for the liberties guaranteed to every citizen” and that, as a justice, Roberts would “strictly apply the Constitution and laws, not legislate from the bench.”

Roberts, in response, noted that he had often argued cases before the high court in his career as an attorney. “That experience left me with a profound appreciation for the role of the court in our constitutional democracy and a deep regard for the court as an institution,” he said.

Roberts's nomination moves to the Senate, which has been torn by ideological and partisan debates over some of Bush's picks for lower federal courts. Bush has said his goal is to have the new justice in place by the time the Supreme Court begins its 2005-2006 term on October 3, but Democrats have signaled that they won't be

bound by Bush's timeline.

Republican senators offered mostly high praise for Roberts, who holds sufficiently conservative credentials. Democrats were generally cautious at first, not wanting to appear as if they were immediately attacking Bush's choice. But interest groups concerned with social issues offered stronger language.

"With the Roberts nomination, the right to privacy and the future of a fair-minded court are in grave danger," said Joe Solmonese, executive director of the gay-rights group Human Rights Campaign, in a statement issued about 20 minutes before Roberts's nomination even became official.

But conservative religious groups offered praise for the pick. Christian Coalition president Roberta Combs issued a statement saying she believed "that President Bush kept his campaign promise today when he nominated John Roberts to the Supreme Court. We are trusting that Judge Roberts is in the mold of Supreme Court justices who President Bush promised to appoint to the Supreme Court: such as Justices Antonin Scalia and Clarence Thomas."

On two issues critical to many voters—church-state relations and abortion rights—his previous writings indicate that he may turn the court's rulings sharply to the right.

A report from the liberal group People for the American Way notes that, as deputy solicitor general under the elder President Bush, Roberts authored or signed onto court papers that said *Roe v. Wade* had been "wrongly decided and should be overruled" and argued that prayers at public-school graduation ceremonies did not violate the First Amendment.

However, when asked about *Roe v. Wade* during the 2003 confirmation hearing for his nomination to the appeals court, Roberts cautioned against reading too much into his past writings.

"*Roe v. Wade* is the settled law of the land," Roberts told the Senate Judiciary Committee. "The Supreme Court's decision in *Roe* is binding precedent, and if I were to be confirmed as a circuit judge, I would be bound to follow it, regardless of any personal views. Nothing in my personal views would prevent me from doing so."

Roberts is reportedly well-known and well-liked in Washington circles, including among Democrats. He developed a strong reputation as a private attorney, and in the Reagan and Bush administrations, as a brilliant litigator.

He is a graduate of Harvard University and Harvard Law School, where he was an editor on the *Harvard Law Review*. –*Associated Baptist Press*