



## PRESIDENT BUSH NOMINATES ROBERTS TO BE SUPREME COURT CHIEF JUSTICE

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*President Bush has nominated John Roberts to be the next chief justice of the U.S. Supreme Court as the successor to William Rehnquist, who passed away Saturday after over 30 years on the high court.*

Roberts had been Mr. Bush's nominee to fill the spot vacated by Associate Justice Sandra Day O'Connor.

The fate of the court now lies with the Senate. The Senate Judiciary Committee will question Roberts in confirmation hearings set to begin Monday.

### **What the chief justice promotion means**

While Roberts is expected to have a relatively smooth confirmation hearing, leading Democrats vowed to take an extra critical look at the nominee's judicial record. Democratic Senator Harry Reid from Nevada stated that "the stakes are higher." But what responsibilities does a chief justice have over an associate justice?

The most important duties of the chief justice involve overseeing the day-to-day tasks of the court.

When a case goes before the nine justices, they listen to the opposing arguments and discuss the legal issues surrounding the case. This discussion, and the vote which follows, is moderated by the chief justice.

The court then issues a "majority opinion," describing in legal terms why the justices on the winning side voted as they did. The court also provides a "dissenting opinion" which provides the losing justices an opportunity to explain why they disagree with their colleagues.

Supreme Court opinions serve as the basis for many other lower court decisions and are therefore heavily scrutinized by lawyers and judges across the country.

When the chief justice is a part of the majority, he or she has the opportunity to either write the opinion or delegate the task to another justice. Much of the power of the chief justice stems from this responsibility. Chief Justice Charles Evans Hughes (1930-1941) described this power as "a special opportunity for leadership."

The other significant duty assigned to the chief justice is to head the Judicial Conference, an organization which helps oversee the U.S. court system.

Yet, in spite of the responsibilities of the chief justice, his or her vote is still equal to the associate justices.

### **What does Roberts believe?**

Because Roberts spent most of his career as a lawyer hired to argue clients' cases, not much is known about his personal legal beliefs.

Most of the evidence of Roberts' legal philosophy is contained in documents from the 1980s when he worked for President Reagan.

The documents from when he served as a legal adviser to the Reagan administration included a reference to abortion as a "tragedy," opposition to a federal court decision that aimed to insure equal pay for women and support for prayer in public schools. He wrote that a Supreme Court decision barring a certain case of school prayer "seems indefensible."

In 1995, Roberts supported the argument of a white businessman challenging a government affirmative action contracts program.

"The government has to act on the basis of who people are, not what they are. And that's a very powerful principle. It's the principle of equal protection," he said in a NewsHour interview.

While liberal advocacy groups object to Roberts' conservative leanings, legal analysts believe they do not have much of a chance to raise enough opposition in the Senate to block his confirmation.

### **Senators consider Roberts nomination**

The 18 senators on the Judiciary Committee will ask Roberts questions and then vote on whether to report the nomination to the full Senate. A majority vote of the Senate is required to confirm a nominee.

The committee chairman, 75-year-old Republican Arlen Specter of Pennsylvania, will control the hearings. Specter, who recently lost his hair due to treatment for cancer, has said Roberts will likely be confirmed, but added that there will be questions about recent Supreme Court rulings overturning laws created by Congress.

"[Supreme Court justices] have taken over a great deal of Congress' authority in striking down very important legislation which we enact," he said.

"They have challenged our method of reasoning, and I do not believe they have any stature to say that our reasoning is deficient to theirs so that when we select people for the Supreme Court,

I think that the Senate is under a very heavy responsibility to do our best to have a proper allocation of power among the branches of government."

His Democratic counterpart, Patrick Leahy of Vermont, says some of Roberts' writings suggest a radical legal philosophy "intent on reversing decades of policies on civil rights, voting rights, women's rights, privacy and access to justice."

"I wanted to make sure he understands there's a lot of discrimination in the United States today. We have laws that try to redress that and is he going to be open to the application of those laws?"

The hearings are expected to last several days.

*--Compiled by Brian Wolly for NewsHour Extra*

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