

Supreme horror: Judge Roberts

THE MAJORITY (51%) of Americans, according to a CNN/USA Today Gallup poll, approve of George W. Bush's nomination of John Roberts to the Supreme Court. Only 34% disapprove. Over three quarters of respondents, however, admitted that they didn't really know anything about Roberts' views. Perhaps they liked his tie. This is the fundamental problem with American politics – ignorance.

I've also been getting emails from friends who write that Roberts seems mainstream. But they also write that they don't know anything about him. The mainstream media, Quisling as it's been for the past five years, has nothing negative to say. So Roberts can't be so bad. And we went to war because Saddam had weapons of mass destruction. In any event, a quick bio-sketch on Roberts seems in order.

Abortion, of course, is the biggie. The abortion issue has been the golden lure that helped the Bush administration get the backing of the so-called "pro-life" community in spite of its anti-life stances on the environment, the death penalty, health and education funding and of course, the war. For them, Roberts is the payoff for ignoring the greater evils of the Bush team.

Roberts, in his position as Deputy Solicitor General filed a brief supporting the radical anti-abortion group Operation Rescue when they were being sued for physically blocking entry to women's health clinics and harassing patients. Operation Rescue returned the favor by recently endorsing the selection of Roberts to the Supreme Court, explaining that his record demonstrates that he will certainly vote to overturn the *Row vs. Wade* decision guaranteeing a woman's right to an abortion. This is a pretty safe bet on their part, since

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Roberts has already argued before the Supreme Court calling for overturning Roe Vs. Wade.

As a federal judge, Roberts was a member of the three-judge panel that recently ruled that the Geneva Conventions do not apply to prisoners being held at the U.S. Navy facility at Guantanamo Bay who have no human rights protections and may be subject to military tribunals as opposed to proper jury trials. In other words, their guilt or innocence will never be properly established. He also supported a Reagan administration attack against the Voting Rights Act, which was established to protect the rights of minority voters.

As Solicitor General, he argued that private citizens do not have the right to sue the federal government when the government violates environmental regulations. Specifically, he argues that the National Wildlife Federation could not sue the Bush administration when it decided to override environmental laws and allow mining corporations to pillage public lands. Roberts argued that the National Wildlife Federation could not sue since they could not prove that the destruction of wildlife habitat would specifically hurt them as individuals. This argument cripples efforts by environmental groups to force the federal government to follow its own environmental laws, weak as they may be.

Roberts also argued against provisions of the Endangered Species Act. In his species-for-malls argument [my term], he claimed that the act interfered with interstate commerce when it forced private landowners to make provisions to protect the habitats of animal species facing extinction. Roberts argued, in effect, that interstate commerce is a sacred right. If an environmental regulation interferes with that commerce, it in effect is an illegal government infringement on the rights of businesses to engage in interstate commerce. Get it?

On the Church and State front, Roberts wrote a brief for the Bush administration supporting sectarian religious ceremonies at public school graduations. This argument, if accepted by the Supreme Court, would allow majorities to impose their religious beliefs at publicly funded school events. The court rejected it by a 5-4 margin. With Roberts on the court, similar arguments will likely be approved by a 5-4 margin, ending an American tradition supporting the separation of church and state.

In 2004, Roberts ruled that a police search of a vehicle, without any due cause or warrant, was in fact legal, opening the door to all sorts of random police searches. In short, Roberts, with only two years on the bench, has already distinguished himself as being an opponent of constitutional protections. There are all sorts of other questions concerning Roberts' history. He also served as a corporate attorney representing the notorious Peabody Coal Company as well as the Japanese auto giant, Toyota. He once served as a law clerk for Supreme Court Justice William Rehnquist and has since seemed

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to follow in his mentor's footsteps. Roberts also appears to be a former member of The Federalist Society, although he claims not to remember being a member or being on the organization's advisory board, although Society records, according to The Washington Post, indicate that he was. The Federalist Society is an organization of reactionary lawyers who have taken radical stands against environmental protection laws, against a woman's right to reproductive choice, in support of combining church (their church) and state, and in favor of deregulating corporate behavior. He's not a mainstream candidate. Make no mistake about it – he's an activist with an agenda.