

## ***Judge John G. Roberts:***

### ***A Sugar-Coated Poison Pill***

**A Blog Posting in [CommentsFromLeftField.com](http://CommentsFromLeftField.com),**

**With Passage Quoted by BBC News World Edition**

July 21, 2005

There's no denying it: John G. Roberts is no Robert Bork. Bork was too bitter a pill for the Senate to swallow; Roberts is much sweeter. But **no amount of sugar coating can make the policies he has promoted any less poisonous to the body politic.**

Although the "conventional wisdom" is that he's a "conservative, not an ideologue"—with a big intellect and a short paper trail (of opinions as an appeals court judge, for just a couple years, by which we might intelligently judge the judge)—just consider his record in the Reagan and first Bush administrations. Although he was confirmed unanimously, by consent, for the appeals court (a different job, not as profoundly affecting the rest of the country as the position to which the second Bush has now nominated him), even then [Roberts was opposed by](#) the Alliance for Justice, Americans for Democratic Action, Feminist Majority, Leadership Conference on Civil Rights, NARAL Pro-Choice America, National Family Planning and Reproductive Health Association, National Council of Jewish Women, National Organization for Women, and the NOW Legal Defense and Education Fund.

And what piqued the opposition of these leading progressive groups? Well, [according to the well-documented \(and oft-cited\) report by the Alliance for Justice](#), released in opposition to his elevation to the appeals court (where he could do less damage than from the Supreme Court bench ... for perhaps the next 40 years):

"John G. Roberts ... has a record of hostility to the rights of women and minorities. He has also taken controversial positions in favor of weakening the separation of church and state and limiting the role of federal courts in protecting the environment.

"While working under Presidents Reagan and Bush, Mr. Roberts supported a hard-line, anti-civil rights policy that opposed affirmative action, would have made it nearly impossible for minorities to prove a violation of the Voting Rights Act and would have 'reseggregated' America's public schools. He also took strongly anti-choice positions in two Supreme Court cases, one that severely restricted the ability of poor women to gain information about abortion services, and another that took away a key means for women and clinics to combat anti-abortion zealots.

"He is a member of both the Republican National Lawyers' Association and the National Legal Center for the Public Interest. He serves on the Legal Advisory Council of the latter group, which states as its mission the promotion of 'free enterprise, private ownership of property, balanced use of private and public resources, limited government, and a fair and efficient judiciary,' euphemisms for hostility toward environmental and worker protections and a commitment to an ultra-conservative, anti-government legal agenda, including the confirmation of President Bush's pro-corporate judges. In addition, Mr. Roberts states in his Senate Judiciary Committee questionnaire that he 'regularly participate[s] in press briefings sponsored by the ... Washington Legal Foundation,' a rigidly right-wing legal organization that litigates on behalf of corporate interests and wealthy property owners challenging environmental and other regulations."

To be more specific, [as cited in the website of the National Organization for Women](#):

"As Deputy Solicitor General, Roberts argued in a brief before the Supreme Court that 'we continue to believe that Roe was wrongly decided and should be overruled. The Court's conclusion in Roe that there is a fundamental right to an abortion ... finds no support in the text, structure, or history of the Constitution.'

"As Deputy Solicitor General, Roberts filed an amicus curiae brief in NOW's case against Operation Rescue—in support of Operation Rescue, of course and in support of named

individuals who routinely blocked access to clinics. ... The brief argued that the protestors' behavior did not discriminate against women and that blockades and clinic protests were protected speech under the First Amendment. The case helped us push congressional passage of the Freedom of Access to Clinic Entrances (FACE) Act.

"[Roberts was] Lead counsel for Toyota Motor Manufacturing, KY, Inc. v. Williams. The case involved a woman who was fired after asking Toyota for accommodations to do her job after being diagnosed with carpal tunnel syndrome. The court ruled that while this condition impaired her ability to work, it did not impair her ability to perform major life activities. Disability rights groups fear that this decision may erode the Americans with Disabilities Act.

"Filed an amicus brief ... supporting a challenge to federal affirmative action programs. He also argued against Title IX as applied to the NCAA."

For more up-to-date information on Judge Roberts, you might want to read [this profile in Slate](#).

And of course, all of us await the Senate hearings, to get a better sense of the person behind all these opinions.

Bush chose well by choosing a nominee as affable and intellectual as John G. Roberts.

But no matter how well-packaged, these are the positions he has upheld in his professional life.

Unless we are willing to endorse those positions—and give them the Supreme Court seal of approval for perhaps generations to come—we must expose and repudiate them in every public forum, particularly in the upcoming Senate hearings.

Now is the time for Democrats—and all progressive-minded people—to stand up and be counted.