



FRIDAY, JULY 22, 2005

Reading Tea Leaves On Supreme Court Nominee

by Michael in New York on 7/22/2005 12:56:00 PM

The NYT looks at the brief judicial career of Judge Roberts. The verdict? He ain't no Sandra Day O'Connor.

In some ways, said Richard H. Pildes, a law professor at New York University, Judge Roberts's approach most resembles that of Justice Antonin Scalia.

"Like Scalia," Professor Pildes said, "he appears to be committed to a strong priority to the texts of statutes. And that might extend to the texts of the Constitution.'

One theme that emerges from Judge Roberts's decisions is wide deference to executive power, at least where Congress has authorized it.

But this comment from Sen. Specter in an article about the need for Roberts to be forthcoming is what struck me.

As he makes the rounds of senators who will decide his fate, Judge John G. Roberts has been noncommittal about the kinds of questions he will answer during his confirmation hearings, but has said that if confirmed to the Supreme Court, he will place a high emphasis on "modesty" and "stability."

"I considered his comments on modesty and stability to be highly significant," Senator Arlen Specter, Republican of Pennsylvania and the chairman of the Senate Judiciary Committee, said Thursday, recounting a one-hour session Wednesday that ranged across the legal landscape, including whether Supreme Court hearings should be televised and how much leeway the courts should take in interpreting acts of Congress.

Isn't this a little ridiculous? We're deciding whether to give someone a lifetime appointment to the Supreme Court and senators are trying to decipher gnomic utterances of the nominee? Is it too much to hope that a nominee could be honest and straightforward about his judicial philosophy, speak cogently about landmark Supreme Court decisions and the sort of judge he'd like to be? Why should we be analyzing his every utterance like Kreminologists who studied photos to see who was in and out in Moscow? It's absurd, frankly.

















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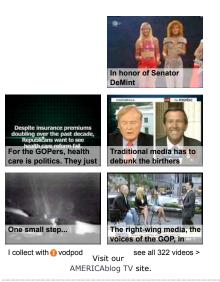
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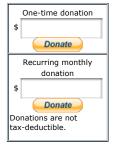


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