



FRIDAY, JULY 29, 2005

## Supreme Court Stealth Nominee Roberts: An Update

by Michael in New York on [7/29/2005 02:00:00 PM](#)

Loads to discuss about John Roberts.

USA Today says quite simply that Roberts was working for the American people, not the President, and that **the records should be made available**.

The White House appears far too eager to keep Roberts' record shrouded at precisely the moment when the veil should be rising.

The Dems -- led by Sen. Kennedy -- get serious and **make a formal request for documents on 20 issues that Roberts dealt with** in the first Bush administration. Kennedy also points out that the more we learn about Roberts, the more extreme his record reveals itself to be.

Sen. **Chuck Schumer gets a profile** as he girds himself for the questioning of Roberts, probably the most important task he'll face this year. Schumer and Kennedy were two who showed no confidence in Roberts when he last came before the Senate for confirmation.

Here's an article on **the questionnaire sent to Roberts**. Pretty fascinating what was put in and what left out. In: have you been arrested or convicted of a crime? Out: have you ever hired a clerk who was a woman or a minority?

And the most important article **details his views based on the files that have already been released**. It doesn't look good for people opposed to sex discrimination, supportive of immigrants' rights, the separation of church-state, etc. And I was really annoyed by this comment on Affirmative Action.

Mr. Roberts held that **affirmative action programs were bound to fail because they required "the recruiting of inadequately prepared candidates."**

"Under our view of the law," he wrote in 1981, "it is not enough to say that blacks and women have been historically discriminated against as groups and are therefore entitled to special preferences."

Actually, only a racist or misogynist should think that women and blacks were denied jobs throughout our country's history because they were "inadequately prepared." Certainly no program encouraging the employment of women or blacks or other groups denied a fair chance to succeed would depend on scrounging up the unqualified. Affirmative action was about ending that discrimination and making sure that the people who WERE qualified got a chance. People who were never allowed to walk in the door and therefore could never gain the experience to move up even higher based on their skills got placed on an equal footing with everyone else. Does Roberts think the symbolically affirmative action hiring of Sandra Day O'Connor was wrong or simply that she was the first woman in the history of this country who was qualified to be a Supreme Court justice?

It's not about helping people with shortcomings -- it's about ending the prejudice that held down people who could have performed just as well or better as everyone else. It's about giving them the chance to prove themselves and succeed on merit rather than be held back because of the color of their skin or their gender. It's not a "racial

JOHN'S PHOTOS



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