



THURSDAY, JULY 21, 2005

Senate Gang of 14: Fillibuster On Roberts Unlikely

by Michael in New York on [7/21/2005 03:30:00 PM](#)

The NYT quotes some Dems saying that Supreme Court nominee John Roberts isn't extremist enough to justify a fillibuster. So say hello to your new Supreme Court Justice.

Some thoughts: the NYT also has a very lengthy profile that paints Roberts as a life-long conservative, but perhaps a pragmatic one. No one from his childhood or college days sees him as particularly extremist or firebrand-ish -- I haven't made up my mind but it's all food for thought and certainly better than hearing he is a wacko.

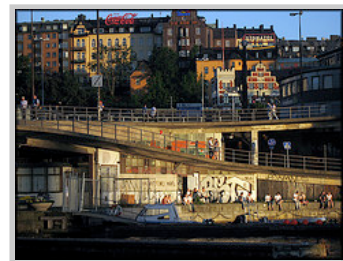
Lots of people keep mentioning the fact that more than 150 Republican and Democratic lawyers supported his confirmation as an appellate judge -- implying that if you supported him then you have to support him now. No way. If you think someone would make a solid Congressman or Senator, does that mean you HAVE to believe they'd make a good President? Of course not. The Presidency is a whole new ball of wax and so is the Supreme Court.

And why is it so outrageous to ask a nominees opinions on some of the landmark cases that have come before the Court in the past 100 years? Any first year law student can talk about them intelligently and at length, point to ones they disagree with, explain which arguments on which side appealed to them and so on. Shouldn't a Supreme Court Justice be able to do the same?

This is not about future cases that might come before them. This is about LANDMARK cases that serve as the bedrock of our country's laws -- Roe V Wade, Brown V Board of education, the overturning of Texas's sodomy laws. Don't people have the right to know if a nominee believes states can legally deny women the right to vote or segregate bathrooms for blacks and whites or throw ten percent of the population in jail because they're gay? Don't people have the right to know if nominees believe past rulings that said the government could pass laws protecting the environment were wrong and they would have not ruled the same? None of this has to do with future cases -- it has to do with the past.

Clarence Thomas made the absurd claim that he had no opinion on Roe V Wade. I say anyone who claims they have no opinion on any major (or even minor) case decided by the Supreme Court is either lying because their beliefs are radical and extremist or they are so utterly incurious about the law and the Supreme Court that no one in their right mind would want such a person on the court.

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