



## Supreme Court Nominee John Roberts' Record is Troubling

*As a top legal strategist in the Reagan Administration, John Roberts was a key advocate in efforts to dismantle policies that protected women, minorities, people with disabilities, and older Americans, and integral to pushing a hard-right agenda in the Justice Department and the White House. The few public documents from his time as the political deputy to Solicitor General Ken Starr in the Bush I Administration and his short record as a federal judge suggest that his views have remained consistent.*

**Turning back the clock on civil rights and civil liberties progress.** Roberts supported regulatory changes that would have permitted the federal funding of discrimination against women, minorities, people with disabilities, and older Americans. He helped lead the administration's unsuccessful charge against a Voting Rights Act provision that helped protect against voting practices that have discriminatory effects. Roberts argued that Congress should strip the Supreme Court of its authority to rule on cases regarding abortion, school prayer, and certain school desegregation remedies. And he argued that affirmative action programs were bound to fail because they required "the recruiting of inadequately prepared candidates." (*Reagan Administration*)

**Depriving immigrant children of an education.** Roberts criticized a Supreme Court ruling forbidding school districts to exclude the children of undocumented immigrants and suggested the Court might have ruled differently if the Department of Justice had gotten involved in the case. (*Reagan Administration*)

**Tearing down the wall separating church and state.** Roberts tried to convince the Supreme Court to reverse precedent protecting religious liberty and to approve government-sponsored prayer at public school graduation ceremonies. (*Bush I Administration*)

**Sanctioning discrimination against women.** Roberts argued to narrow the reach of Title IX, the law that prohibits sex discrimination in federally funded education programs. Roberts argued that the Justice Department should not intervene on behalf of female prisoners who were discriminated against in a job-training program, contradicting even the views of extremely conservative Reagan lieutenant Wm. Bradford Reynolds. (*Reagan Administration*)

**Undermining protections for Americans with disabilities.** Roberts criticized as "judicial activism" a court's order requiring a sign-language interpreter for a hearing-impaired public school student. (*Reagan Administration*)

**Taking away the right of privacy and reproductive freedom.** Roberts criticized the right to privacy as "an amorphous right...not to be found in the Constitution." He urged the Supreme Court to overturn *Roe v. Wade*, the landmark decision granting women the right to choose. (*Reagan Administration, Bush I Administration*)

**Eliminating environmental protections.** As a judge, Roberts authored a dissent arguing that certain Endangered Species Act protections may be unconstitutional. Worse, his dissent indicated that he may subscribe to the radical view that a much broader array of laws, including not only

environmental protections but also things like child labor protections and food safety standards, are unconstitutional. (*DC Circuit Court of Appeals*)

**And this is just the tip of the iceberg. Most documents from Roberts' past are still secret.** The White House must stop stonewalling and allow the Senate to access relevant documents from Roberts' record. Americans have a right to know.

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*Sources: 07/27/05 Washington Post: "Documents Show Roberts Influence in Reagan Era"; 07/27/05 New York Times: "Files from 80s Lay Out Stances Of Bush Nominee"; 07/28/05 New York Times: "An Advocate for the Right"; PFAW Report: "The Record of John Roberts: A Preliminary Report" available at [savethecourt.org](http://savethecourt.org).*