

Sitting in judgment

In 1803, the United States Supreme Court handed down the landmark decision in the Marbury v. Madison case that elevated the Supreme Court to the third equal branch of government.

Later that century, Abraham Lincoln noted the benefits of an equal Judicial Branch; logic and reason will defend the Constitution, not political posturing or preconceived interpretation of the facts.

Unfortunately, the foundation of this "rule of law" is currently being assailed by a few left-wing members of the Senate confirmation hearings of Judge John G. Roberts.

This past week, Sen. Richard Lugar introduced fellow Hoosier John Roberts, President Bush's choice to replace Chief Justice William Rehnquist, during the commencement of the Senate confirmation hearings.

Sen. Lugar aptly defined the core characteristics of Roberts. "Growing up in Indiana, one learns early on that talent and accomplishments count — but honesty and integrity count more."

Roberts has displayed the honesty and integrity during these hearings that Hoosiers understand and Sen. Lugar explained as "Midwestern values (which are) not a cliché but a way of life, passed on by word and living example from one generation to the next."

Our senior senator appropriately defined the character of the current nominee as a steadfast defender of the Constitution of the United States.

During his testimony, Roberts demonstrated the self-control in which he believes the court should be grounded. He continually denounced the practice of judicial activism or legislating from the bench and repeatedly identified himself as one who believes in judicial restraint.



LUKE
MESSER

the big guy's going to win, because my obligation is to the Constitution."

Unfortunately, a few members of the Senate confirmation panel are attempting to twist Roberts' words to suit their left-wing agenda. Democrats on the Commission, such as Sens. Ted Kennedy (Mass.) and Joe Biden (Del.) have railed against Roberts for "not describing his views."

However, these Democrats ignored the nominee's truthful response: "My personal views are not relevant."

It is interesting to note that the liberal left agreed with Roberts' approach toward the confirmation process just a few short years ago. In 1993, President Bill Clinton nominated Ruth Bader Ginsburg to replace Justice Byron White on the Supreme Court.

Throughout her confirmation hearings, Ginsburg, a former leader of the ACLU and world renowned liberal activist, refused to answer questions regarding her personal views on 54 separate occasions, saying her personal views were irrelevant to the rulings she would issue as a justice.

During those hearings, Sen. Joe Biden, the current leader of the Roberts inquisition, and other Democratic senators on the hearing panel continually supported Ginsburg in her

refusal to answer these pointed questions.

In 1993, conservatives could not have disagreed with Ginsburg's ideology more fervently. She had been a longtime advocate for the ACLU, arguing liberal positions on divisive issues such as gay marriage and abortion.

But in the end, 96 Senators voted in favor of Ginsburg's nomination, despite her refusal to answer questions and their ideological disagreements, because they knew that she was qualified to serve.

When Bill Clinton was president, Republicans did not expect him to nominate justices they agreed with. The power of nomination lies with the president, and he alone has the right to make that choice.

Nor did they expect him to replace a conservative with a conservative, or a moderate with a moderate. No president has ever felt so constrained.

They did expect competent, capable jurists, and when they got them, they voted for them.

In nominating John Roberts to the U.S. Supreme Court, President Bush has selected someone with the keen intellect, impartial temperament, sound legal judgment and highest integrity necessary in a Supreme Court justice.

Roberts is highly qualified for the job, and he should be confirmed.

One interesting side note: Hoosiers must now watch our other Indiana Senator, Evan Bayh, closely as this process moves forward. Will Bayh support this qualified and common-sense Hoosier, or will he cave in to the liberal elite and buck his home state to jump-start his presidential campaign?

Messer is executive director of the Indiana Republican Party and represents District 57, including most of Shelby County, in the Indiana House.