

# With Roberts a shoo-in, groups look to next nominee

By Hazel Trice Edney  
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WASHINGTON (NNPA) - Civil rights activists opposed to Judge John Roberts' nomination as chief justice of the U. S. Supreme court, say they will continue fighting his nomination while gearing up for an even more bitter fight over Bush's second nominee to replace retiring Justice Sandra Day O'Connor.

"We don't know who the next nominee is, but, when we do, we're going to equally and thoroughly review their record to see where they stand on issues that are most important to us just as we have Roberts," said Hilary Shelton, director of the Washington Bureau of the NAACP.

"We'll be looking for someone who is very clearly wedded to the concept of a constitution that protects all of the American people."

Initially, Bush had nominated Roberts to replace retiring Justice Sandra Day O'Connor, the court's most consistent swing voter. But following the death of Chief Justice William H. Rehnquist, Bush re-nominated the D.C. Court of Appeals judge to succeed Rehnquist, who died of thyroid cancer. He hopes the Senate will confirm Roberts by Oct. 3, the beginning of the Supreme Court session.

Meanwhile, the president, who has expressed his admiration for ultra conservatives Antonin Scalia and Clarence Thomas, is preparing to appoint another justice to succeed O'Connor. Bush met this week with Senate leaders discussing O'Connor's replacement.

While Senate Democratic leader Harry Reid of Nevada issued a statement asking Bush to nominate another justice like O'Connor, whom he described as having "a voice of reason and moderation," some rights leaders are doubtful that will happen.

"This is the first time in 11 years that we've had a Supreme Court vacancy, the longest time since 1823," said Ralph Neas, president of the People for the American Way. He said while PFAW has adamantly opposed Roberts and many federal judges over the past decade, the organization's researchers have constantly been on the offensive, stockpiling a database of judicial records of judges that Bush may nominate in order to be ready to educate and mobilize the

public.

While civil rights leaders have asked Reid to hold Democrats together the best he can, Neas said Democrats should also use the filibuster if necessary. "The filibuster is still alive. I think they're reserving that right."

After a group of 14 Democrats cut a deal with Republicans to allow three far-right judges to be confirmed for federal courts last spring, Mary Frances Berry, former chair of the U.S. Commission on Civil Rights,

said the Democrats have given up their chance to filibuster by allowing ultra-conservatives to be confirmed unchallenged.

"When they caved in on the filibuster, they lost the opportunity to stop Roberts or to stop anybody, because no matter how bad any nominee is, some of the Democrats who were in that filibuster deal said they didn't think where a nominee stood on the issue should be a reason to filibuster," said Berry, a constitutional scholar. "If

they are not willing to filibuster, then they've lost their first line of defense. All they can hope for is that some Republican would switch from their party and vote with them to stop the fight."

That's not likely to happen. Conservatives applauded the Roberts nomination. Therefore, Berry said, the only strategy left is for civil rights leaders and Democrats to clearly state the weaknesses of the nominees so when they make decisions adverse to civil rights, "Then

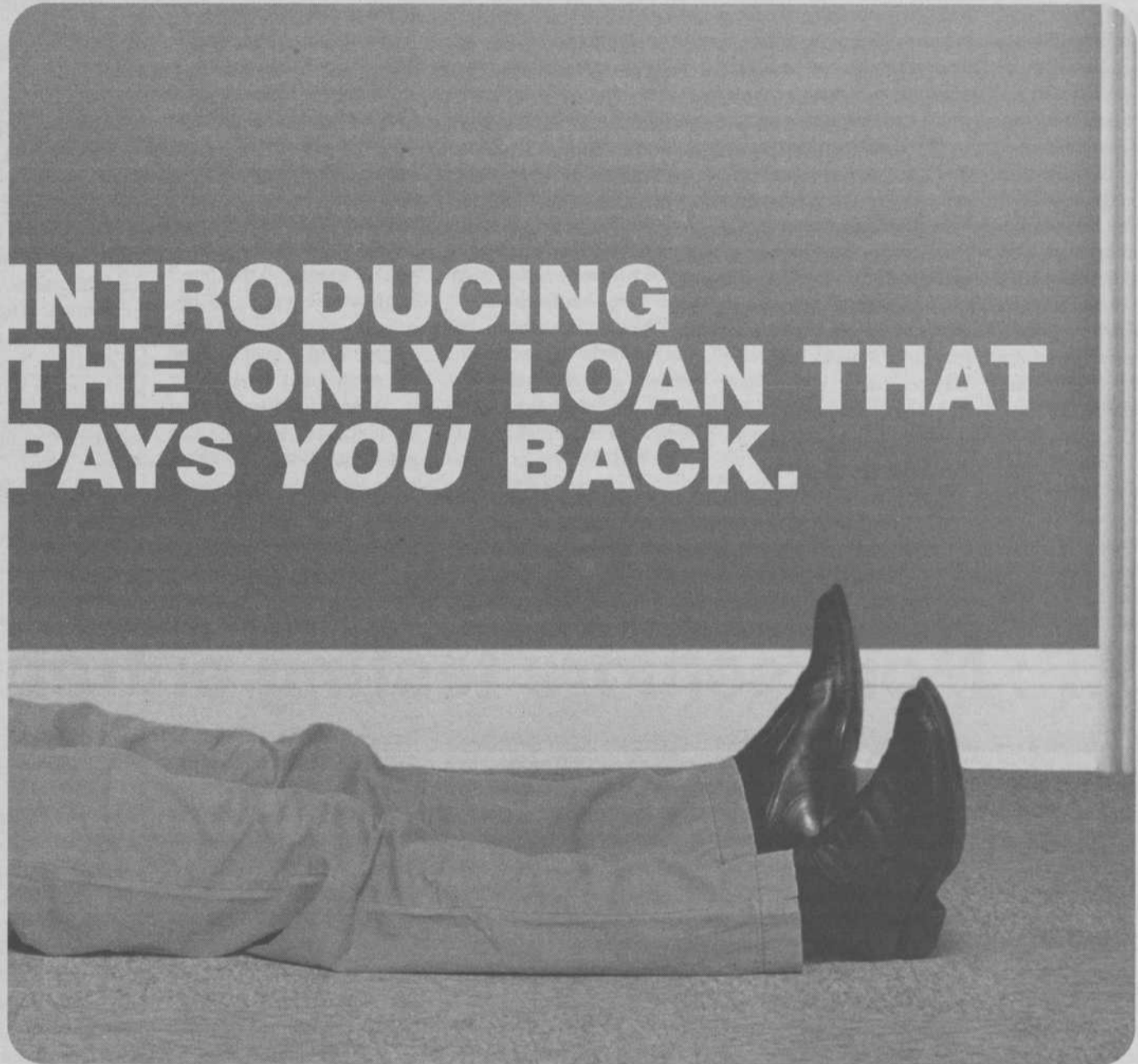
we can say at least the civil rights community tried to alert you."

Setting a standard for fair judges before they are nominated is a strategy in and of itself, said Ted Shaw, director-counsel of the NAACP Legal Defense and Educational Fund (LDF). "We are not saying just because someone is conservative, we will oppose them. We are against people who are anti-civil rights, who are closed-minded and mission driven. There are people who are in-

tellectually or distinctively conservative, but who are open-minded and who will review the facts and the law and will make determinations based upon the merits," Shaw said.

But Shaw insists that civil rights leaders must not relax their opposition to Roberts while waiting on the next nominee no matter how sure the Roberts confirmation seems.

"We don't know who is the next nominee for the seat (See Roberts, Page 12)



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