



With News & Classifieds From: **THE PLAIN DEALER**

GET STARTED TODAY!

Each Office Independently Owned And Operated.



[NEWSPAPER SEARCH](#)

[GO](#)

[FIND A BUSINESS](#)

[GO](#)

- [Home](#)
- [News](#)
- [Local](#)
- [Sports](#)
- [Business](#)
- [Forums](#)
- [Living & Travel](#)
- [Entertainment](#)

THE PLAIN DEALER

[More](#) | [Subscribe](#) | [14-Day Archives \(Free\)](#) | [Long-Term Archives \(Paid\)](#)

Roberts' decisions tend to favor police and president

Opinions sparse but seem to fit conservative mold

Saturday, July 23, 2005

Gina Holland
Associated Press

Washington- In decisions about traffic stops, wartime prosecutions and even toads, John Roberts the appeals court judge has given a glimpse into how John Roberts the Supreme Court justice might act: deferential to police and the president, wary about government overreaching.

Roberts is a member of the Washington-based appeals court that sometimes is called the second most important court in the country because of the major issues it handles. But during his two years, Roberts has dealt mainly with less-than-glamorous subjects like fraud, regulatory disputes and law enforcement skirmishes.

President Bush's pick to re place retiring Sandra Day O'Connor would immediately confront meaty issues on the highest court, although he will be questioned first about his record on the appeals court and as an attorney in the Reagan and George H.W. Bush administrations.

Advertisement

[CONTINUE STORY](#)

INSIDE Politics

- » The Plain Dealer
- » Election
- » Election Results
- » Arts & Economy
- » In-Depth Reports
- » News

Site Tools

- E-mail This
- Print This
- Search Site
- Newsletters

Speak Up!

- Politics Forum
- Chatterbox Forum
- Log On to **ChatXtra!**

CLASSIFIEDS

Get The Best Local...
[Jobs](#) | [Autos](#) | [Real Estate](#)
[All Classifieds](#) | [Place An Ad](#)

SHOP CLEVELAND

» [A Complete Shopping Section](#)
» [MaxValues Coupons & More](#)

» [Win Tickets for The Merry Wives of Windsor AND You Can't Take It With You!](#)

YOU'RE NOT JUST \$50 RICHER WHEN YOU GET FREE CHECKING.

YOU'RE A MILLION MILES FROM WORRY.



- » [Property Search](#)
- » [Open Houses](#)
- » [Luxury Homes](#)
- » [New Construction](#)

Start your search **now.**



c21ohio.com

FROM OUR ADVERTISERS

- >> [Saved over \\$20,000-Sold Home with NextHome](#)
- >> [View CENTURY 21's Home Listings.](#)
- >> [We can SAVE you thousands of \\$\\$\\$\\$ and time](#)

• [Advertise With Us](#)

OUR AFFILIATES



Roberts' appeals court material is sparse, with about 40 majority opinions over two years. The two most recently appointed Supreme Court justices - Stephen Breyer and Ruth Bader Ginsburg - had been on appeals courts more than a

decade each and had written hundreds of decisions.

"He's not revealing any agenda in his court of appeals opinions," said Orin Kerr, a George Washington University law professor and former Supreme Court clerk.

There are some themes, however.

Roberts repeatedly has come down on the side of police, as when he ruled against a 12-year-old girl who had been arrested for eating a french fry on Washington's subway system, and in several cases involving car stops and searches.

He was in dissent in a search case decided Friday on a 2-1 vote. Over his objections, a panel found that U.S. Park Police did not have grounds to search a car trunk during a traffic stop though there was reason to believe the vehicle might be stolen.

As a Supreme Court justice he would deal repeatedly with questions about how far police can go without violating the Fourth Amendment ban on unreasonable searches or seizures.

He has handled several cases brought by the Bush administration and has backed presidential authority.

Last week he was part of a unanimous three-judge panel that cleared the way for the Pentagon to resume military trials for foreign detainees held in Cuba. A year ago, he voted to throw out a judgment for U.S. prisoners of war during the 1991 Gulf War, as the Bush administration wanted.

The Roberts dissent that has been dissected most closely involved the power of the federal government to protect the environment. Roberts questioned whether the Endangered Species Act applied to a dispute over a California development and rare toads that are found only in that state.

Roberts did not endorse striking down the species act, but he questioned whether the Constitution's commerce clause justified using it in a matter apparently limited to just one state.

Stephen Wermiel, an American University law professor, said Roberts "fits the conservative mold of judges who have concerns about how criminal procedure rulings may handicap law enforcement."

On Friday, Roberts picked up fresh compliments from Senate Republicans - and advice from Democratic Sen. Dick Durbin of Illinois, who voted against him previously, to be more forthright in answering lawmakers' questions.

Anti-abortion groups reaffirmed their support for Roberts despite the lack of any statement of his personal views on the subject. Said Tony Newman, president of Operation Rescue: "We don't know what's going to happen in the future, but no constructionist judge is going to believe that it's OK to murder babies."

No dates have been set for Judiciary Committee hearings on Bush's pick to fill the first vacancy on the high court in 11 years. The hearings are expected to be held in late August or early September.



Print This



E-mail This

MORE POLITICS

- Bush radio speech begins 5-day push to defend war
- Other governors who got into trouble
- Pentagon officials make final appeal for base closings

• [More Stories](#)

© 2005 The Plain Dealer. Used with permission.

[The Best Local Classifieds](#): [Jobs](#) | [Autos](#) | [Real Estate](#) | [Place An Ad](#)

THE PLAIN DEALER Receive 2 weeks FREE delivery of The Plain Dealer!
MISS A DAY. MISS A LOT. [Sign up now!](#)

[About Us](#) | [Help/Feedback](#) | [Advertise With Us](#)

Use of this site constitutes acceptance of our [User Agreement](#). Please read our [Privacy Policy](#).
©2005 [cleveland.com](#). All Rights Reserved.

