

Published: 09.12.2005

Hearings for Roberts open today; Here's Q&A

By Jesse J. Holland
THE ASSOCIATED PRESS

WASHINGTON - It has been 11 years since a chairman of the Senate Judiciary Committee banged his gavel to open hearings on a president's nominee to the Supreme Court.

Today, Sen. Arlen Specter, R-Pa., convenes several days of hearings on President Bush's nomination of John Roberts to become the 109th justice on the high court and the 17th chief justice.

Some questions and answers about how the process is expected to unfold:

What has Roberts been doing since Bush nominated him?

Roberts has met with Senate leaders, members of the committee and other senators. He also has brushed up on constitutional and legal issues that may come up at the hearing. He has reviewed committee members' pet issues and his own record as a lawyer and federal appeals court judge.

Roberts was nominated on July 19 to replace retiring Justice Sandra Day O'Connor. After Chief Justice William H. Rehnquist died on Sept. 3, Bush decided that Roberts should lead the court, renominating him on Sept. 5.

What would be the difference between Roberts serving as chief justice instead of associate justice?

As chief justice, Roberts would be the court's leader and spokesman. He would decide who writes the court's opinion if he is on the majority side of the decision. He would run the meetings in which the justices discuss and vote on cases, and he would preside over presidential impeachment in the Senate.

The chief justice also presides over the Judicial Conference of the United States, the judiciary's administrative governing board, and chooses the director and deputy director of the Administrative Office of the U.S. Courts, which supports the federal courts' daily operations.

Who is on the Senate committee?

Ten Republicans and eight Democrats. There are more Republicans because they control Congress. In addition to Specter, the other GOP senators are Orrin Hatch of Utah, Charles Grassley of Iowa, Jon Kyl of Arizona, Mike DeWine of Ohio, Jeff Sessions of Alabama, Lindsey Graham of South Carolina, John Cornyn of Texas, Sam Brownback of Kansas and Tom Coburn of Oklahoma.

The senior Democrat is Patrick Leahy of Vermont. The other Democrats are Edward M. Kennedy of Massachusetts, Joe Biden of Delaware, Herb Kohl of Wisconsin, Dianne Feinstein of California, Russ Feingold of Wisconsin, Charles Schumer of New York and Dick Durbin of Illinois.

What happens on the first day?

Senators will deliver opening statements, scheduled to last as long as 10 minutes each, for up to three hours total. Specter and Leahy will go first, with the parties alternating after that. When they are done, Roberts will be introduced in five-minute speeches by Sens. Evan Bayh, D-Ind., Richard Lugar, R-Ind., and John Warner, R-Va. Roberts then will deliver his opening statement. Questioning begins on the second day.

Will Roberts be under oath?

Yes, as is the case with all judicial nominees who speak before the committee.

Who will question Roberts? How long will the questioning last?

Every senator on the committee will get an opportunity to question Roberts. He will face about an hour of questioning from each senator: 30 minutes in a first round, 20 minutes in a second round and possibly a third round if senators want it.

Is Roberts required to answer any of the questions?

No. Supreme Court nominees did not testify before the committee until 1925; the first was Harlan Fisk Stone of New York. Former Sen. Sherman Minton of Indiana, whom President Harry S. Truman nominated for the court in 1949, refused to appear. He was confirmed anyway.

What happens when Roberts finishes his testimony?

There are 30 slots for witnesses to speak for or against Roberts - 15 chosen by Republicans and 15 chosen by Democrats. The American Bar Association also will testify about the "well qualified" rating it gave Roberts.

What happens after all the testimony?

Specter has said he may call a vote on Roberts' nomination as early as Sept. 20, if the hearings run smoothly. The committee can vote a nomination out favorably, unfavorably or without recommendation.

Can a committee vote against Roberts stop the full Senate from voting on his confirmation?

No. Supreme Court confirmations are traditionally decided by the full Senate. A "no" vote by the committee would only mean that Roberts' nomination would advance to the Senate with a negative recommendation or without a recommendation.

When does the Supreme Court begin its next term?

The court's new term begins on Oct. 3. O'Connor has said she will remain on the nine-member court until her replacement is confirmed.

All content copyright © 1999-2005 AzStarNet, Arizona Daily Star and its wire services and suppliers and may not be republished without permission. All rights reserved. Any copying, redistribution, or retransmission of any of the contents of this service without the expressed written consent of Arizona Daily Star or AzStarNet is prohibited.