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Title: Resolution calling upon the United States Senate to reject the nomination of John G. Roberts, Jr. as an Associate Justice to the Supreme Court of the United States.

Sponsors: David Yassky, Christine C. Quinn, Charles Barron, Gale A. Brewer, Helen D. Foster, Letitia James, Larry B. Seabrook

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Res. No. 1127

Resolution calling upon the United States Senate to reject the nomination of John G. Roberts, Jr. as an Associate Justice to the Supreme Court of the United States.

By Council Members Yassky, Quinn, Barron, Brewer, Foster, James and Seabrook

Whereas, On July 1, 2005, Sandra Day O'Connor announced her retirement as an Associate Justice of the Supreme Court of the United States after 24 terms of service; and

Whereas, On July 19, 2005, President George W. Bush announced that he had selected U.S. Circuit Judge John G. Roberts, Jr. to replace Justice O'Connor on the Supreme Court; and

Whereas, During his live nationally televised announcement to introduce Judge Roberts as his Supreme Court nominee, President Bush stated that the selection of a nominee to the nation's highest court was "one of the most consequential decisions a president makes;" and

Whereas, President Bush's nomination of Judge Roberts to the Supreme Court raises significant concerns; and

Whereas, Judge Roberts has only served on the U.S. Court of Appeals for the District of Columbia since 2003, and as such, has had limited experience on the bench, making it difficult in a number of instances to ascertain his judicial philosophy on vital issues; and

Whereas, The Leadership Conference on Civil Rights, the nations oldest, largest and most diverse civil and human rights coalition, has expressed serious concerns with Judge Roberts nomination, stating that “his approach to issues of protecting the rights and freedoms of individual Americans are, at best, unclear and, in some instances deeply troubling;” and

Whereas, According to the People for the American Way, Judge Roberts is hostile to reproductive freedom and has taken positions in religious liberty and free speech cases that were detrimental to those fundamental rights, and his short tenure as judge raises serious concerns about his ideology and judicial philosophy; and

Whereas, According to the National Abortion and Reproductive Rights Action League (NARAL), if confirmed to the Supreme Court, Judge Roberts would work to undermine a woman’s right to choose because as Principal Deputy Solicitor General during the Presidency of George H.W. Bush, he co-authored a brief for the government in *Rust v. Sullivan* (1991), which stated that “*Roe [v. Wade]* was wrongly decided and should be overruled;” and

Whereas, Since Judge Roberts already has a history of disputing the fundamental right to privacy laid out in *Roe v. Wade*, the Human Rights Campaign has stated that with his nomination to the Supreme Court, “the rights and freedoms of millions of Americans are at stake;” and

Whereas, According to the Coalition for a Fair and Independent Judiciary, there are concerns that as a Supreme Court Justice, Judge Roberts would erode the nation’s wall of separation between church and state, since he co-authored an amicus brief filed by the United States in *Lee v. Weisman* (1992) that argued that it was constitutional for a public school to sponsor prayers at graduation ceremonies and urged the Supreme Court to scrap the long-standing test the Court has used to decide whether laws and practices violate the Establishment

Clause; and

Whereas, Under Article II, Section 2 of the United States Constitution, the President appoints Supreme Court Justices “by and with the advice and consent” of the Senate; and

Whereas, The Bush Administration refuses to release documents and files that Judge Roberts worked on during his tenure as Principal Deputy Solicitor General from 1989 to 1993, a move that prevents the United States Senate from entirely fulfilling its constitutional role of giving “advice and consent” with respect to the nomination of Supreme Court Justices; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Senate to reject the nomination of John G. Roberts, Jr. as an Associate Justice to the Supreme Court of the United States.

LS#3293

RA

8/10/2005

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