

COURTS: Roberts hearings begin today with opening statements **By Alex Kaplun**

When confirmation hearings start today, Senate Democrats are expected to grill Supreme Court Chief Justice nominee John Roberts on a slew of legal issues -- including environmental policies - - but no single issue has emerged as the focal point of the nomination.

Democrats and their allies off Capitol Hill maintain they still know little about the judicial philosophy of the man President Bush has chosen to replace Chief Justice William Rehnquist and several said they intend to use the hearings to intensely question the nominee. While some liberal groups have come out in opposition to Roberts, specific opposition within the Senate has yet to crystallize around a single issue and most Democrats have not yet taken a position on the nomination.

While lawmakers have been generally unwilling to delve into specifics on what questions they will ask Roberts, several have indicated that issues such as women's and civil rights, presidential authority and the Commerce Clause are likely to be among the key topics in this week's hearings.

Senate Judiciary Committee Chairman Arlen Specter (R-Pa.) has made it clear in recent weeks that he intends to question Roberts on his position on interpreting the Commerce Clause -- a key issue with environmentalists. The constitution's Commerce Clause, which grants the federal government the authority to regulate interstate commerce, has been used by Congress as the basis of most key environmental laws as well as numerous other federal regulations.

Conservative groups have increasingly argued lately that Congress has overreached in its use of the clause -- at times citing Endangered Species Act regulations that do not extend beyond the borders of one state -- and have pressed the courts to scale back congressional authority on this front.

In a letter to the Judiciary Committee sent Friday, 10 major environmental groups again expressed their concern over the Roberts nomination, citing specifically such issues as his position on congressional authority under the Commerce Clause to implement national environmental laws and his view on the rights of citizens to bring environmental cases before federal courts. The groups -- which include the Sierra Club, League of Conservation Voters and Earthjustice -- have repeatedly expressed concern over the nomination but have not come out in formal opposition.

The environmentalists called on the committee to specifically consider the effect that Roberts can have on the courts as chief justice rather than the post of associate justice for which he was first nominated by Bush.

"It is sometimes asserted that because the chief justice of the United States has 'just one vote' in court rulings, this position is not significantly more important than the eight associate justice positions on the Supreme Court," stated the letter. "Such claims understate the importance of the

chief justice's role in the presiding over court arguments and conferences, and his ability to dictate who writes most of the court's opinions."

Specifically, environmentalists said that as chief justice, Roberts would have the power to determine who writes some of the court's most important opinions and will have a powerful platform from which to advance his views on federalism and access to courts.

Senators on both sides of the aisle said last week that while they expect the questioning be somewhat more vigorous in light of Robert's promotion to chief justice nominee, they do not expect the tone of the hearing to be dramatically different from one for an associate position.

Hearing expected to take up most of the week

The Roberts hearing will begin at noon today in the Senate Caucus Room, which has been the site of such historic hearings as Watergate, Iran-Contra and the Teapot Dome scandal. Today's hearing will consist only of opening comments from members of the Judiciary Committee, Roberts and several individuals who are introducing the nominee.

Questioning of the nominee will begin tomorrow in the Hart Senate Office Building and will probably last about two days. Each senator will have 30 minutes to question Roberts during the first round of questions and 20 minutes during the second round. If any senators wish to continue questioning Roberts after the first two rounds, Specter and ranking member Pat Leahy (D-Vt.) are expected to reach a time agreement.

After the committee concludes questioning of Roberts, it will move to hearing from about 30 witnesses -- evenly divided between two parties. Among those witnesses is Clinton White House EPA Administrator Carol Browner, who is likely to be critical of Robert's environmental positions.

Senate aides say that all told the hearings could take about four or five days, though there is the possibility that the timeline could change if unexpected events occur during the course of the hearings.

The committee is then scheduled to vote on the nomination on either Sept. 20 or Sept. 22, to be taken up on the Senate floor soon thereafter. Senate Majority Leader Bill Frist (R-Tenn.) has said he intends to schedule a vote for Roberts no later than Sept. 30 to ensure he takes his place on the court by the start of the court's term Oct. 3.

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