

JOHN ROBERTS AND BIG GOVERNMENT

The special interests will begin lining up for and against John Roberts based upon issues like abortion and school prayer. The truth about John Roberts will be discussed little in the press. Roberts, who currently resides in the United States Court of Appeals for the District of Columbia, is the quintessential G-man. Roberts spent the bulk of his career working for Presidents Regan and the first George Bush promoting the interests of an ever larger and more dominant federal government. If John Roberts' past is any indication, the government is never wrong.

Whether one is a liberal, conservative or a raging moderate, we should all be concerned about whether those appointed to the federal court will maintain the balance between the government's insatiable desire to control our lives and the need to allow the individual to be unmolested in his or her private behavior. During his tenure as Deputy Solicitor General of the United States, Roberts had the opportunity of promoting the government's position approximately 30 times before the United States Supreme Court. It will be argued by some that just because a lawyer argues a particular position does not mean that he/she believes it. There may be some truth to that claim, but hopefully principled people take jobs and argue positions that do not disagree with their fundamental morals, precepts and principles. Roberts does not have a record of a dishonest man. Doubtless, the positions he argued before the United States Supreme Court are generally in accord with his own views.

A narrow view of the rights of the individual against the overwhelming power of the state will ultimately be the most important issue in America once the hot button issues of abortion and school prayer fade. Societies have seen their freedoms rise and fall not on individual issues pertaining to private behaviors, but rather on the more tenuous seesaw of individual rights and liberties. When Greek society faded into Roman fascism, it was the power of

the state to intrude on individual freedoms that spelled the end of the reign of the citizen democrat. Likewise, the freedoms promised by biblical rule were eroded by the blending of king and priest rather than by keeping those powers separated, as was clearly the framework to ensure biblical liberties. In pre-World War II Germany and in virtually every other demagogue centered society, the end of freedom was accompanied by the rise of the domineering state. Conservative activists who do not believe in the right of the individual to protect himself from government are much more of a risk to the future of this country than those who want to grow the government big to provide more economic benefits to citizens.

Perhaps most emblematic of the future Justice Roberts, barring some unforeseen secret he will certainly be confirmed to the United States Supreme Court, is the little known case of *Acree vs. Republic of Iraq*. In that case, Roberts argued in a failing dissent that the courts did not have jurisdiction, or the right, to hear cases brought by American soldiers against Iraq and Saddam Hussein who had tortured them! The “jurisdiction” issue may seem inconsequential to most Americans, but in the end it is Roberts’ view of the all-encompassing power of government and the weak position of the individual that should worry most Americans.

/svv

Clifford A. Rieders, Esquire
Rieders, Travis, Humphrey, Harris
Waters & Waffenschmidt
161 West Third Street
PO Box 215
Williamsport, PA 17703
570-323-8711 (telephone)
570-323-4192 (facsimile)
clieders@riederstravis.com

Cliff Rieders, who practices law in Williamsport, is Past President of the Pennsylvania Trial Lawyers Association and a member of the Pennsylvania Patient Safety Authority.