
BARRING THE revelation of an outrageous scandal, Judge John Roberts is about to become the next chief justice of the United States, and based on his testimony last week, he deserves to be confirmed. In the Senate Judiciary Committee hearings, Roberts called himself a "modest judge" and appeared smart and even-tempered.

Despite days of tough questions, however, some basic facts about Roberts remain unclear. So the country is left to play a waiting game, discovering case by case how Roberts interprets the law.

Would he overturn *Roe v. Wade*, letting states set their own abortion laws? Roberts steadfastly refused to answer questions about this and other legal issues that are likely to come before the Supreme Court.

He did defend the right to privacy, the legal base for abortion rights, saying, "The right to privacy is protected under the Constitution in various ways," and pointing to the First, Third, and Fourth amendments as well as 80 years of court decisions that have "recognized that personal privacy is a component of the liberty protected by the due process clause."

Would Roberts apply this principle to a women's right to choose? The public will have to stay tuned for an answer.

Roberts did pay due respect to the precedents set by earlier Supreme Court rulings, saying, "I do think that it is a jolt to the legal system when you overrule a precedent," and, "It is not enough that you may think the prior decision was wrongly decided." The country will have to see how Roberts puts this theory into action.

Other issues got little or no attention during the hearings, including questions about the openness of the Internet and other emerging media, as well as about the scope of copyright law and whether it is limiting the public's access to creative work. The Supreme Court will also continue to hear numerous David and Goliath cases, disputes about how to balance the rights of individuals against the rights of government and business. Based on his testimony, Roberts would favor the stronger or weaker party, depending on his reading of the Constitution.

"I am not an ideologue," Roberts said. Experience on the court should cause him to leaven knowledge of the law with compassion for weaker members of society.

As Roberts approaches the high court, there is also a job for Congress. Senator Tom Coburn, an Oklahoma Republican, virtually wept about the nation's divisiveness, but he and some of his colleagues have been the source of intemperate rhetoric that could weaken the independence of the judiciary. Once Roberts is confirmed, Coburn and other conservatives need to cool their rhetoric and let the chief justice do his job.
