

National Organization for Women

Kim Gandy
President
Olga Vives
Executive Vice President



Melody Drnach
Action Vice President
Latifa Lyles
Membership Vice President

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Dear Senator,

NOW is strongly opposed to the elevation of Judge Samuel Alito to the Supreme Court of the United States, and with every passing day more information appears that reconfirms our opposition. We urge you to review his record, writings and judicial philosophy and join us in opposing his nomination.

Not only is NOW disappointed that President Bush has proposed to replace Justice Sandra Day O'Connor with yet another white male ultra-conservative, but we are deeply disturbed by the twenty-year track record that places Judge Alito on the far right of the judicial spectrum, especially when it comes to women's and civil rights. If Samuel Alito is confirmed by the U.S. Senate, many of our fundamental rights will be at great risk and could well be lost entirely.

A bedrock principle for NOW is full Constitutional rights for women and at the heart of that equality is self determination for women when they deal with their reproductive health care and childbearing decisions. When applying for a position in the Reagan administration in 1985, Alito stated he was "particularly proud" of his work on cases arguing "that the Constitution does not protect a right to an abortion." A memo released later shows that Alito told his boss that two pending cases provided an "opportunity to advance the goals of overruling Roe v. Wade and, in the meantime, of mitigating its effects." These are not the actions of someone simply trying to please his boss, but proud convictions that we have no reason to believe have altered in the past two decades.

Also troubling is his proud touting of his membership in a conservative Princeton alumni group that complained about the admission of women and the number of minority students on the elite college campus. How will Judge Alito deal with educational opportunity and Title IX? How will Judge Alito deal with pay equity and workplace policies as well as affirmative action and job benefit issues that disproportionately affect women? How will Judge Alito deal with challenges to federal legislation guaranteeing disability rights, lesbian and gay rights, and freedom from domestic and sexual violence? We believe he will rule on the side of narrowing our freedoms and barring our redress in court.

Please consider all of these issues as you review Samuel Alito's fitness to serve on our highest court in the land. Based on his record, he will not come down on the side of fairness and equality for all. We ask that you vote against his nomination.

Sincerely,

Kim Gandy
President

Judge Alito and Abortion

Published: December 3, 2005:

Judge Samuel Alito Jr., President Bush's Supreme Court nominee, promised yesterday that his personal views would not be a factor in how he approached abortion cases. The trouble is that there is mounting evidence that Judge Alito has been hoping for years to overturn *Roe v. Wade*, the landmark decision recognizing women's abortion rights. His attempts to explain away his record of insisting that the Constitution does not protect abortion are becoming more tortured, and harder to believe.

Judge Alito's personal views are too well known to be debated - his mother recently told The Associated Press, "Of course, he's against abortion." Many people personally oppose abortions while supporting a woman's right to reach her own decision. But when Judge Alito applied for a promotion to a legal position in the Reagan administration in 1985, he made it clear that he was not one of those people. He was "particularly proud," he wrote, of his work as a lawyer on cases arguing "that the Constitution does not protect a right to an abortion."

Judge Alito has tried to explain away that fairly unambiguous statement by saying he was simply an advocate seeking a job. That immediately raised questions about his credibility. Had he misrepresented his views to get a job? Is he misrepresenting them now since he is trying to get an even more important one?

In any case, a memo released later makes it clear that Judge Alito opposed *Roe* even when he wasn't a job applicant. In 1985, he told his boss that two pending cases provided an "opportunity to advance the goals of overruling *Roe v. Wade* and, in the meantime, of mitigating its effects." It is hard to believe that Judge Alito did not regard *Roe* as illegitimate when he wrote those words. If he agrees with *Roe*, it raises serious questions about what kind of lawyer he is, because in that case he would have been working to deny millions of women a fundamental right that he believed the Constitution guaranteed them.

Judge Alito is suggesting now that he may not vote to overturn *Roe* out of respect for precedent. But the Supreme Court reverses its own precedents with some frequency.

Justice Clarence Thomas spoke at his confirmation hearings about his respect for precedent. On the court he has opposed not only *Roe*, but also the 1965 case recognizing married people's constitutional right to buy birth control.

Many aspects of Judge Alito's record are troubling, like his opinion that Congress exceeded its power when it passed a ban on machine guns, and his membership in a conservative Princeton alumni group that complained stridently about the admission of women and the number of minority students on campus. But when his confirmation hearings begin next month, abortion is likely to be critical, because even some Republican senators have said they will have trouble voting for a nominee who opposes *Roe*.

The Senate needs to look through the cloud of explanations and excuses and examine where Judge Alito really stands on abortion rights.

<http://www.nytimes.com/2005/12/03/opinion/03sat1.html?oref=login>