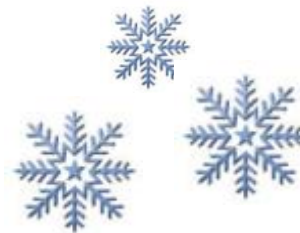


# HOME FOR THE HOLIDAYS?



# OPPOSE ALITO'S



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## REPRODUCTIVE RIGHTS:

**Fact:**

Judge Alito has argued in support of many restrictions to a woman's right to abortion. Going farther than any other judge on his circuit, Judge Alito argued in 1991 that, under his interpretation of the Constitution, a state can require women to notify their husbands before they are allowed to have an abortion. *Planned Parenthood of Southeastern Pennsylvania v. Casey*, Alito dissent.

**Talking Point:**

A woman's fundamental right to determine when and whether to bear children will be in real trouble if we replace Sandra Day O'Connor with a Supreme Court justice who demonstrates such obvious hostility to our rights. Judge Alito would likely be the 5th vote to reverse *Roe v. Wade*, because his dissent in *Casey* shows that he is willing to stand alone in attacking a woman's right to reproductive choice.

## ANTI-HARASSMENT POLICIES:

**Fact:**

A Pennsylvania school district's anti-harassment policy defined harassment as "Verbal or physical conduct based on...race, religion, color, national origin, gender, sexual orientation, disability or other personal characteristics." A student group sued, arguing that the policy violated their first amendment right of freedom of speech because their Christian beliefs compelled them to speak out against homosexuality. Judge Alito agreed with them, and struck down the policy on first amendment grounds saying that kind of speech did not "pose a realistic threat of substantial disruption" in the schools. *Saxe v. State College Area School District*.

**Talking Point:**

It defies common sense to argue that harassment of students, particularly on the basis of their sexual orientation, would not pose a "realistic threat of disruption," not only disruption at school but especially to the lives of the students being harassed. It is completely reasonable for a school to prevent harassment of its students while they're in school, and this is another example of Alito rejecting efforts to protect individuals from harassment and discrimination, whether at school or on the job.

## VIOLENCE AGAINST WOMEN:

**Fact:**

Judge Alito joined in a circuit court decision that women students who were sexually abused by fellow students do not have a civil rights action for deprivation of their civil rights (42 U.S.C 1983) because the state did not have a special duty to care for them. In criticizing the majority opinion, one dissenter said, "we owe immature school children attending public school who are seriously injured as a result of a policy of deliberate indifference to their danger no less a remedy than we are willing to provide to incarcerated criminals." *D.R. v. Middle Bucks Area Vocational Technical School*.

**Talking Point:**

This decision shows a complete misunderstanding of the devastating experience of sexual abuse on a young girl, in this case a hearing-impaired girl, in a school setting where she should have been able to expect safety and security. This is another example of Alito's inclination to interpret civil rights statutes very narrowly, depriving individuals of legal protections and of their day in court.