



## SUPREME COURT NOMINEE FACES TOUGH QUESTIONS

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*Supreme Court nominee Samuel Alito will face tough questions about abortion and presidential power when the Senate begins a week of confirmation hearings Monday.*

The Senate is considering President Bush's choice to replace Sandra Day O'Connor as one of nine judges on the highest court in the land.

"I'm confident that the United States Senate will be impressed by Judge Alito's distinguished record, his measured judicial temperament and his tremendous personal integrity," President Bush said when he announced Alito's nomination.

### **A controversial nominee**

The 18-member Judiciary Committee, which is dominated by Republicans, must vote to send the Alito nomination to the entire 100-member Senate, where Republicans also hold the majority.

However, unlike Judge John Roberts who sailed through confirmation hearings last year, Judge Alito will face a more skeptical Senate Judiciary Committee.

Much of the questions will have to do with documents from the 1980s.

"I am a fierce conservative. I'm proudest of my opposition to abortion," Alito wrote in a 1985 job application for a position in the Reagan administration.

Democrats and abortion rights supporters say that if Alito makes it to the Supreme Court he will help reverse the principles of *Roe v. Wade*, the 1973 Supreme Court decision that legalized abortion.

"I don't think we've come by a nominee for the Supreme Court, certainly, who has stated things so directly and boldly and even talked about a strategy as a way of overturning *Roe v. Wade*," said Senate Democrat Charles Schumer, a member of the Judiciary Committee.

In addition, in the same 1985 job application, Alito said he was proud of his role in opposing racial and ethnic quotas – a statement that raises concern among supporters of affirmative action.

In 1984, Alito wrote a memo saying that a White House official who authorized illegal wiretaps of US citizens could not be sued. This is an issue of particular interest given the recent revelation that President Bush authorized wiretaps without a warrant in order to track potential terrorists.

But Alito's supporters say that at the time, Alito was a lawyer advancing the position of his client, the conservative Reagan administration.

Those supporters say senators should instead look at how Alito ruled when he was a judge on a lower court.

### **Rulings as a lower court judge**

Alito is currently a judge on a federal appeals court – one step down from the U.S. Supreme Court. He has ruled on many cases.

In 1991, Alito voted to uphold a controversial Pennsylvania law requiring a wife to tell her husband if she wants to have an abortion. That ruling was later struck down by the Supreme Court.

However, in 2000, he ruled to overturn a New Jersey ban on a late-term procedure opponents call “partial-birth abortion,” saying that he was bound by an earlier Supreme Court ruling.

“The judges must respect the judgments reached by their predecessors,” Alito wrote in a Judiciary Committee questionnaire.

### **What to expect at the hearings**

Senate Judiciary Committee Chairman Arlen Specter says Alito's writings will be front and center when confirmation hearings begin Monday.

Questioning of Alito is expected to be more heated than at Roberts' confirmation hearings because more is at stake.

If confirmed, Alito would replace Justice Sandra Day O'Connor, who announced her intention to retire last year once someone else fills her seat on the bench.

O'Connor is often referred to as the court's “swing vote” because her decision determined the outcome in many 5-4 decisions.

As one student editorial put it: “Although O'Connor tended to lean left on social issues, much to the chagrin of conservatives, her unpredictable nature kept either side from gaining a firm hold on the court. If Bush is able to appoint a staunch conservative to fill her place, the balance of the court would move firmly to the right,” wrote Cresskill Junior/Senior High School student Ben Johnson in his school newspaper, *The Communique*.

*--Compiled by Anne Bell for NewsHour Extra*

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