



PRESIDENT PICKS CONSERVATIVE FOR SUPREME COURT

October 31, 2005

President Bush nominated a conservative judge, Samuel Alito, to the Supreme Court Monday, a choice sure to anger Democrats who say Alito would swing the court dramatically to the right.

President Bush's announcement comes less than a week after his original nominee, White House lawyer Harriet Miers, withdrew following criticism from the president's own party about her qualifications and legal philosophy.

"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.

The choice comes at a time when President Bush's popularity is at a new low: support for the war in Iraq is dwindling as more American soldiers are killed and a top White House aide, I. Lewis "Scooter" Libby was indicted last week in a case connected to information leading up to the invasion of Iraq.

The question for Democrats is whether they will try to block a vote on Alito's nomination. Alito would succeed retiring Justice Sandra Day O'Connor, a pivotal vote on the court on abortion, affirmative action and other social issues.

Who is Judge Alito?

Alito is currently a judge on a federal appeals court – one step down from the U.S. Supreme Court. The United States is divided into 13 judicial circuits, each with a court of appeals. Alito's circuit covers New Jersey and Pennsylvania.

Although he has worked on more than 3,500 cases in his career and issued more than 300 opinions as judge, there are a handful of decisions that will likely be under the microscope when the Senate Judiciary Committee opens hearings on his nomination.

Alito played a role in two high-profile abortion cases. In 1991, he voted to uphold a 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. In 2000, he ruled to overturn a New Jersey ban on a late-term procedure that opponents call partial-birth abortion, saying that he was bound by the Supreme Court ruling. The question will be whether he feels

that as a member of the top court in the land, he would be free to change the course of laws concerning abortions.

Alito graduated from Princeton University and Yale Law School. If confirmed, he would be the second Italian-American Catholic to join the high court after Justice Antonin Scalia. The similarities between the two men, both judicial conservatives, have earned Alito the nickname "Scalito."

He and his wife live in New Jersey and have a son in college and a daughter in high school.

A fight brewing in the Senate

Democrats have threatened to stage a major battle against the candidate that could snarl Senate business for months. Over the weekend, Senator Harry Reid of Nevada, the Democratic leader, warned President Bush not to pick Alito, saying "it would create a lot of problems."

Since Republicans hold 55 of the 100 Senate seats, Democrats would have to use the filibuster technique -- long speeches that would essentially keep the Senate from getting anything done -- to stall Alito's confirmation.

However, Republicans have fired back that they would consider what has become known as the "nuclear option": a change to Senate rules that would strip Democrats of their ability to filibuster the judicial nominees.

The head of the Judicial Committee, Republican Arlen Specter of Pennsylvania said he was "very worried" about the possibility of a filibuster.

"The topic which dominates the discussion, as we all know, is a woman's right to choose," said the senator, who supports abortion rights.

He continued: "You have both sides poles apart, and insistent on finding some answer to that question in advance of the hearing, which no one is entitled to. Guarantees are for used cars and washing machines, not Supreme Court justices."

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