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ACLU Announces Opposition to Alito Nomination

Group Cites Rising Concerns Over Unchecked Executive Power and Alito's Troubling Civil Liberties Record

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NEW YORK -- The American Civil Liberties Union announced today that it will oppose the nomination of Judge Samuel A. Alito, Jr. to replace Justice Sandra Day O'Connor on the United States Supreme Court.

"At a time when our president has claimed unprecedented authority to spy on Americans and jail terrorism suspects indefinitely, America needs a Supreme Court justice who will uphold our precious civil liberties," said ACLU Executive Director Anthony D. Romero. "Unfortunately, Judge Alito's record shows a willingness to support government actions that abridge individual freedoms."

Throughout his career, Judge Alito has promoted an expansive view of executive authority and a limited view of the judicial role in curbing abuses of that authority. Two years ago, Justice O'Connor eloquently expressed what is at stake in these critical times when she wrote: "A state of war is not a blank check for the president when it comes to the rights of the nation's citizens."

Romero also noted that Judge Alito has written a series of troubling decisions on race, religion, and reproductive rights while sitting on the federal appeals court. These are precisely the issues in which Justice O'Connor often cast a critical swing vote on a closely divided Supreme Court.

The ACLU vote came after a special meeting of its 83-member national board this weekend, which has voted to oppose only two nominees in its 86-year history: Justice

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William Rehnquist (in his initial nomination to the Court) and former Solicitor General and law professor Robert Bork.

In December, the ACLU issued a 68-page report summarizing Judge Alito's record on civil liberties and civil rights. The ACLU sent the report along with a letter expressing "deep concern" to Senate Judiciary Committee Chairman Arlen Specter and Ranking Member Patrick Leahy, urging the committee to conduct a thorough review of Judge Alito's record.

"Judge Alito has all too often taken a hostile position toward our fundamental civil liberties and civil rights," said Caroline Fredrickson, Director of the ACLU Washington Legislative Office. "The Supreme Court is the final guardian of our liberties, and Judge Alito has shown that he lacks the dedication to that commitment. Recent revelations about White House-sanctioned domestic spying, in defiance of the law, make it clear that the Senate cannot, and must not, approve this nominee."

The ACLU, founded in 1920, participates in more cases before the Supreme Court than anyone besides the U.S. government itself.

The ACLU's report on Judge Alito is online at
www.aclu.org/images/asset_upload_file130_23216.pdf

The ACLU's letter to the Senate Judiciary Committee is online at
www.aclu.org/scotus/2005/23217leg20051222.html

The ACLU's advertisements calling for a special counsel to investigate the President's illegal surveillance of U.S. citizens are online at www.aclu.org/safefree/spying/