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Of Women's Organizations
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Senator Arlen Specter
Chairman, Committee on the Judiciary
U.S. Senate

Senator Patrick Leahy
Ranking Member, Committee on the Judiciary
U.S. Senate

January 11, 2006

Chairman Specter and Senator Leahy,

The National Council of Women's Organizations, the oldest and largest coalition of the nation's women's groups, urges the Senate to reject the nomination of Samuel Alito to the United States Supreme Court. Judge Alito's extreme position on a range of issues, including reproductive rights, workplace discrimination and violence against women, make him the wrong choice to replace retiring Justice Sandra Day O'Connor.

In nominating Samuel Alito after Harriet Myers withdrew from consideration, President Bush chose to put political expediency ahead of the rights and well-being of this nation's women and girls. Mr. Bush's right-wing base clamored for rejection of Ms. Myers because, as conservative as she is, they felt she was not 100% pure on their issues. Samuel Alito, however, is apparently their man.

Judge Alito has a long record demonstrating hostility to women's reproductive rights. In the 1980's, he repeatedly advocated the overturning of Roe v. Wade. In the 1990's, as an appellate judge, he argued to uphold a Pennsylvania statute requiring women to notify their husbands before having an abortion – a position rejected by Justice O'Connor's 5-4 opinion in Planned Parenthood v. Casey. Nowhere in his writings, however, does he express any concern that the days of back-alley abortions could return if women do not have safe, legal means to terminate unwanted pregnancies. Nor have we been able to find any statement of concern, in any of his writings, for women's fundamental right to be in control of their own reproductive health decisions.

Indeed, Judge Alito has even expressed hostility to contraception. In 1985, as a Justice Department attorney, he wrote that some forms of birth control are "abortifacients," and saw no constitutional problem with a state law restricting women's access to them. Extreme anti-abortion organizations have long argued that the IUD and some birth control pills are "abortifacients" – subject to the same kinds of restrictions that may be placed on women's access to abortion – because they may prevent a fertilized egg from becoming implanted on the uterine wall. This view runs counter to accepted medical understanding, which is that pregnancy does not begin until after implantation. Yet it is the view embraced by Samuel Alito.

Judge Alito's opinions demonstrate an abiding deference to the powerful at the expense of ordinary people. He has argued, in cases such as Sheridan v. DuPont and Bray v. Marriott Hotels, for erecting higher and higher procedural hurdles that would prevent victims of employment discrimination from being able to present their case to a jury. He argued, in Doe v. Groody, to uphold a police strip search of a woman and her ten-year-old daughter even though they were not named in the search warrant and were simply at home when the house was searched. He ruled, on all but one issue, against a female police officer who was subjected to two years of pervasive sexual harassment in Robinson v. City of Pittsburgh. He has repeatedly criticized affirmative action policies, and struck down a school district's affirmative action plan in Taxman v. Board of Education. He ruled, in Chittister v. Dept. of Community and Economic Development, that state governments did not have to comply with provisions of the Family and Medical Leave Act. Women have fought hard over the last four decades, against resistance, skepticism and backlash, to win fundamental rights. If confirmed, Judge Alito will be in a position to undermine our gains for generations to come. We urge you to stand firm for women's rights and reject this nomination.

Sincerely,

Susan Scanlan
Chair

Terry O'Neil
Executive Director

CC: Committee on the Judiciary

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