

## ***The Top Ten Reasons to Reject Samuel Alito***

**An OpEdNews.com Article, and  
A Blog Entry in Comments From Left Field & GordonTalk**

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Listen very carefully within the marbled, storied corridors of the Capitol and you're apt to hear one question above all whispered from senatorial lips to senatorial ears: "Give me one good reason I should filibuster Samuel Alito and not simply allow him to be confirmed for the seat being vacated by Sandra Day O'Connor on the Supreme Court? Why risk the majority's wrath, their threat [to violate the rules of the Senate and exercise the Nuclear Option?](#)"

Fair enough. I'll give you not just one but ten good reasons for Democrats, Independents, and moderate Republicans to stand tall and reject this nomination, pandering to those far to the right of the mainstream (Source: [SaveTheCourt.org](#)):

### **10. Alito has supported extremist positions overall.**

"There will be no one to the right of Sam Alito on this Court." —Jonathan Turley, law professor who supported John Roberts but opposes Sam Alito

Alito's dissents are more conservative than those of even fellow Republican judges 91% of the time.

Alito's dissents argue against individual rights 84% of the time.

Alito has been criticized by many of his fellow judges for "ignoring, abandoning, or overruling precedent" and for "disregard of established principles of stare decisis."

Alito testified that the meaning of the Constitution should be interpreted strictly in accord with its text and the "meaning someone would have taken 'from the text' at the time of its adoption"; a position that *The Oregonian* characterized as an "18th century view" that could "roll back many hard-fought federal protections that Americans enjoy today."

### **9. Alito has opposed "one person, one vote."**

Alito wrote that he disagreed with Supreme Court decisions on reapportionment that established the "one person, one vote" principle inherent in equal voting rights.

### **8. Alito has opposed the First Amendment separation of church and state.**

Alito ruled that a child evangelism group was discriminated against by a school district that did not allow it to distribute and post materials in back-to-school nights.

Alito voted to allow group prayer at school-sponsored graduation ceremonies; O'Connor and a majority of the Supreme Court struck down a similar policy.

Alito supported city-sponsored religious displays; in a similar case, the Supreme Court, with Justice O'Connor in the majority, ruled otherwise.

### **7. Alito has opposed a woman's right to choose.**

Alito wrote: "The Constitution does not protect a right to an abortion."

Alito upheld in *Planned Parenthood of Southeastern Pennsylvania v. Casey* a law requiring a woman to notify her husband before obtaining an abortion; Sandra Day O'Connor and a majority of the Supreme Court disagreed, stating "a State may not give to a man the kind of dominion over his wife that parents exercise over their children."

### **6. Alito has opposed remedies for victims of discrimination.**

Alito as an applicant for a job in Edwin Meese's Justice Department proudly cited his membership in an alumni group notorious for opposing admission of women and minorities to his alma mater.

Alito repeatedly wrote dissenting opinions putting up barriers to victims of discrimination—particularly women and people of color—to bring their cases to trial, let alone to prevail; one court majority went so far as to write that Alito's view would have "eviscerated" federal anti-bias laws.

Alito has sided against 75% of people raising discrimination claims and against immigrants in seven out of eight cases before him.

Alito as a federal judge agreed that American citizens could be kept off juries in some cases simply because they spoke Spanish.

Alito as a federal appeals court judge argued that discrimination cases should not even reach a jury if an employer claimed to have picked the "best candidate," even if the employer exercised conscious racial bias; the other judges in the case rejected his reasoning as having the potential to gut legal protections against racial discrimination.

### **5. Alito has opposed workers, consumers, and small business hurt by big business.**

Alito applied legal doctrines inconsistently in various discrimination cases, consistently siding with powerful corporate interests against such victims as disabled or injured workers.

Alito has "seldom sided" with consumers suing big business.

Alito as judge ruled against a small business hurt by the anti-competitive practices of a large corporation that violated the Sherman Antitrust Act; the other judges in the case overruled him.

#### **4. Alito has opposed environmental protection.**

Alito voted to make it more difficult for citizens to sue alleged polluters under the Clean Water Act; his reasoning was soundly rejected by the Supreme Court in another case.

Alito as a government lawyer and as a federal judge tried to limit the power of Congress to apply the Commerce Clause of the Constitution, which gives the federal government the authority to regulate activities within and between states, as to protect the environment with pollution controls or the Endangered Species Act; the Supreme Court will soon hear cases that could well render the Clean Water Act unenforceable.

#### **3. Alito has opposed laws to protect society from violent crime as well as Fifth and Sixth Amendment rights of the accused.**

Alito as a government lawyer and as a federal judge tried to limit the power of Congress to apply the Commerce Clause of the Constitution, as to regulate the distribution of machine guns.

Alito rejected claims by an African American that he had been denied a fair trial by an all-white jury from which black jurors had been excluded because of their race; a higher court reversed the ruling and criticized Alito's analysis as absurd.

Alito as Assistant Solicitor General argued that it was acceptable for police officers to shoot in the back an unarmed 15-year-old boy fleeing the scene of a burglary; not only the Supreme Court but also every police group that acted as friends of the court in the case rejected Alito's argument.

#### **2. Alito has opposed Fourth Amendment restraints on abuse of power.**

Alito upheld the strip search of a mother and her ten-year-old daughter, unnamed in a search warrant; Michael Chertoff, then judge, now head of the Department of Homeland Security, warned that would turn the Constitution's search warrant requirement into little more than a "rubber stamp."

Alito as judge upheld video surveillance by the FBI without a warrant.

Alito in the Solicitor General's office argued that Cabinet officials are entitled to immunity from legal liability for authorizing illegal wiretaps of Americans in America; the Supreme Court rejected his argument.

And the Number One reason to reject Samuel A. Alito for the Supreme Court:

**1. Alito on the Supreme Court would effectively hand George W. Bush—and each of his successors as president, from either or any party—virtually unrestrained power.**

And what could be more "extraordinary circumstances"—worthy of filibuster—than that?