

national

Alito Hearings Conclude

Civil rights advocates remain unconvinced

by Bob Roehr

An intense week of hearings on the nomination of Samuel A. Alito Jr. to the U.S. Supreme Court revealed little that was new and did nothing to change the perception that he will be confirmed to that position.

This came despite strenuous efforts by liberal groups to paint Alito as a conservative extremist who would roll back women's access to abortion and discriminate against anyone who wasn't a white male.

The charges did not comport with the American Bar Association's highest rating of "well qualified," the testimony of friends and colleagues of various political philosophies and the behavior of the nominee himself, who came across as a dry, judicious and nonthreatening individual.

Democratic senators attempted to draw Alito out on legal issues such as separation of powers and surveillance, but the nominee took the traditional stance of not discussing the substance of issues that are likely to come before the court. They then turned to the more personal.

As *The Washington Post* noted in a Jan. 13 editorial, "Democratic senators often seemed more interested in attacking the nominee—sometimes scurrilously—than in probing what sort of justice he would be."

Sen. Joseph Biden, D-Del., did little for the reputation of the Senate when he used virtually all of his allotted half-hour to talk about himself, asking only five questions and cutting off Alito's attempts to respond.

Republican senators did little better, using their time to lob softball questions to the nominee.

So it was no surprise that the general public paid little attention to the hearings. Polling found support for Alito's confirmation running 53 percent for and 27 percent against, with 20 percent expressing no opinion. Even self-identified Democrats were evenly divided, at 40 percent, 39 percent and 21 percent, respectively.

The gay organizations that have opposed Alito's confirmation were restrained in their grumbling.

"Throughout the hearings, Judge Alito has done nothing to clear the air on where he stands when it comes to issues important to gay, lesbian, bisexual and transgender Americans," said the Human Rights Campaign's Jay Smith Brown in an e-mail distributing a partial transcript of the hearings.

That critique could be made of virtually every area of law that is likely to come before the court.

National Gay and Lesbian Task Force policy director Eleanor Acheson even noted "some testimony positive to LGBT interests." When questioned

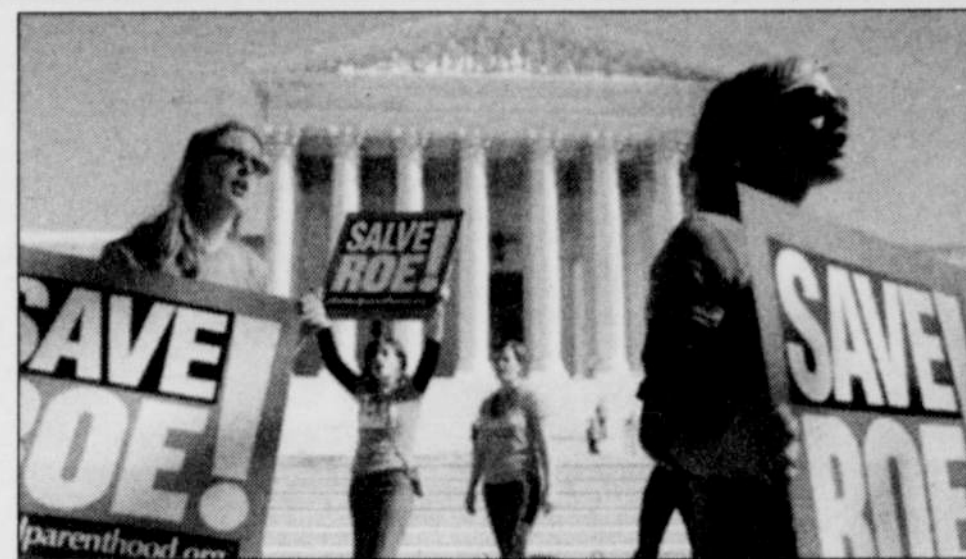
about anti-gay statements ascribed to the group Concerned Alumni of Princeton, "Judge Alito registered immediate, palpable and sincere horror and disgust with the nature of what was said."

However, those personal views and Alito's limited discussion of the Defense of Marriage Act and employment discrimination "do not go far enough. The task force remains firm in its opposition to the confirmation of Judge Alito."

The Los Angeles Times noted in a Jan. 15 editorial, "That so much time was spent on such distractions as the infamous Princeton alumni group in which Alito was marginally involved is indicative of the failure of the Democrats on the Senate Judiciary Committee to gain traction with any of their more legitimate concerns about the judge."

The Washington Post wrote in a Jan. 15 editorial: "However one reasonably defines the 'mainstream' of contemporary jurisprudence, Judge Alito's work lies within it. His record on the bench is that of a thoughtful conservative, not a raging ideologue."

It said, "Judge Alito should be confirmed, both because of his positive qualities as an appellate judge and because of the dangerous precedent his



Pro-choice groups such as Planned Parenthood, seen here protesting Jan. 9 in front of the Supreme Court, aligned with civil rights organizations in opposing the confirmation of Samuel A. Alito.

rejection would set."

The committee vote, tentatively scheduled for Jan. 17, might be delayed for up to a week at the request of Democratic members wishing to consult with their colleagues, who are out of town and not scheduled to return until Jan. 18. The nomination is likely to be approved on a 10-8 party-line vote.

A filibuster on the floor of the Senate does not seem to be a viable option. Several members of the "Gang of 14" centrist senators, drawn equally from both parties, have indicated that this is not a special circumstance that would justify a filibuster on a judicial nomination.

Most observers predict Alito will be confirmed by the end of the month. The vote is likely to be largely along party lines, with a handful of Democrats joining what is likely to be all Republicans in approving him. 10

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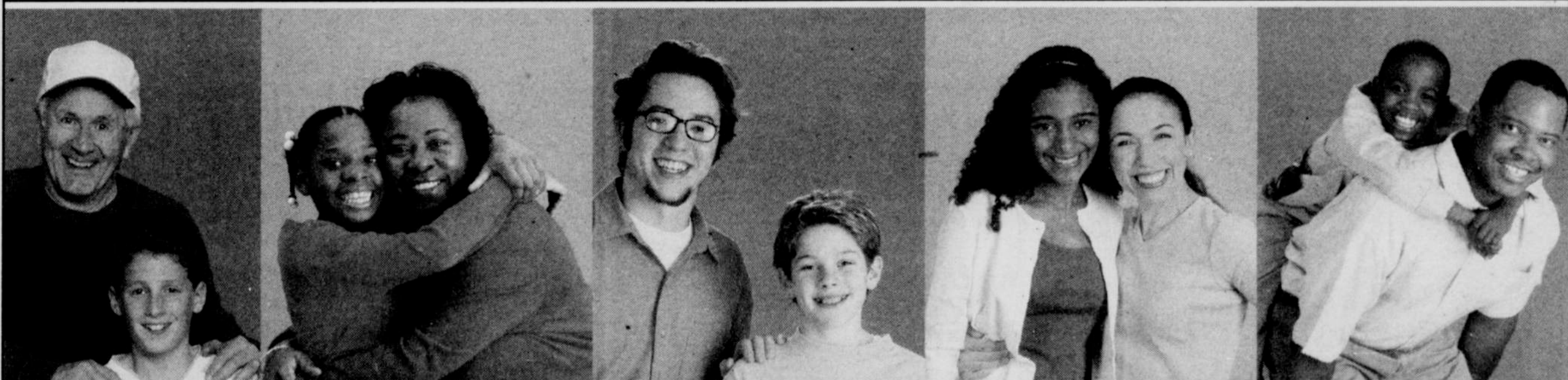
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