



national asian pacific american women's forum

napawf

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NAPAWF Opposes Alito for Supreme Court

The National Asian Pacific American Women's Forum (NAPAWF) opposes the nomination of Judge Samuel Alito, Jr. as associate justice to the Supreme Court of the United States. As the only national, multi-issue Asian Pacific American (APA) women's advocacy organization, NAPAWF believes that Judge Alito would undermine reproductive freedom, narrowly interpret constitutional and other legal protections for women, minorities, and immigrants, and fundamentally alter our legal landscape.

Judge Alito's record indicates his willingness to significantly restrict reproductive rights. As the sole dissenter in Planned Parenthood of Southeastern Pennsylvania v. Casey when the case was before the U.S. Court of Appeals for the Third Circuit, Judge Alito argued that requiring a woman to first notify her spouse before seeking an abortion was constitutional, demonstrating his narrow interpretation of what constituted an undue burden and disregarding the dynamics of domestic violence and the barriers that battered women encounter. The Supreme Court subsequently rejected Judge Alito's arguments. Similarly, in a 1985 application letter for a senior level position in the Justice Department, Judge Alito wrote that "the Constitution does not protect a right to an abortion," indicating his personal views on abortion and how he would interpret the Constitution. Access to abortion remains a critically important issue for APA women, who have the second highest utilization rate of all racial/ethnic groups. Judge Alito's positions and statements illustrate his conservative judicial philosophy and raise serious doubts about his willingness to ensure that all APA women have the ability to exercise their fundamental right to reproductive choice.

In addition, Judge Alito has issued several decisions that would have limited legal protections for women, minorities, and immigrants. In two employment discrimination cases, Bray v. Marriott Hotels and Sheridan v. E.I. DuPont de Nemours & Co., Judge Alito dissented from the majority opinions, requiring in both cases for a higher evidentiary burden for the plaintiffs. Had the court adopted his positions, victims of race and sex discrimination would face additional obstacles to accessing the judicial system and proving their claims. Similarly, he has repeatedly written opinions that interpreted immigration laws less favorably for asylum applicants seeking protection from persecution in their home countries. In Dia v. Ashcroft, Judge Alito once again dissented from the majority opinion, and would have denied the asylum application's petition for review. The majority noted that adopting Judge Alito's position would disregard precedent and virtually "gut the statutory standard" of substantial evidence when determining an asylum applicant's credibility. Judge Alito's arguments in these cases indicate his willingness to undermine established civil rights laws and limit protections for APA women.

NAPAWF remains disappointed that President Bush failed to nominate a qualified woman or person of color who has a demonstrated commitment to protecting and expanding the progress that has been made on fundamental rights, constitutional protections, and individual liberties to replace retiring Justice Sandra Day O'Connor. Instead President Bush chose a nominee whose views and philosophy fall far outside of the judicial mainstream. Judge Alito's record fails to reassure the APA women's community that he will uphold fundamental principles of privacy and expand protections for racial and ethnic minorities. We believe his confirmation will result in a significant ideological shift of the Court, and jeopardize the health, safety, and well-being of our community.

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NAPAWF is dedicated to forging a progressive movement for social and economic justice and the political empowerment of Asian and Pacific American women and girls. NAPAWF unites our diverse communities through organizing, education and advocacy.