

## **Last Ditch Pro-Abortion Filibuster Attempt Fails: Senate Confirms Samuel Alito to Supreme Court**

BY Dave Andrusko

WASHINGTON (January 31)—Brushing aside an 11th-hour filibuster attempt, the United States Senate today confirmed Judge Samuel Alito, Jr., to be the 110th Justice of the Supreme Court. The final tally was 58-42 with all but four Democrats voting against Alito and all but one Republican voting for Alito, a member of the 3rd U.S. Circuit Court of Appeals since 1990.

The vote came less than a day after 24 Democrats joined Republicans in the Senate to turn back an attempted filibuster engineered by pro-abortion Massachusetts Senators John Kerry and Ted Kennedy. The vote to invoke cloture (cut off debate) was 72-25.

Chief Justice John Roberts, who himself was confirmed by the Senate last September, swore Justice Alito in shortly after the Senate vote.

Alito replaces Justice Sandra Day O'Connor, who, on July 1, 2005, announced her intention to retire. Justice O'Connor was the first woman to serve on the nation's highest court.

Pro-life President George W. Bush initially nominated Judge John Roberts to replace O'Connor, but when Chief Justice William Rehnquist died, the President changed plans and nominated Judge Roberts to replace Justice Rehnquist as Chief Justice. As a result Justice O'Connor continued on the Court where she had served since 1981.

Mr. Bush first nominated Harriet Miers to replace O'Connor. On October 27 Miss Miers withdrew her name from consideration and four days later the President chose the 55-year-old Judge Alito. Justice Alito was confirmed exactly three months to the day after the President sent his name to the Senate Judiciary Committee.

The confirmation hearings were contentious. Republicans on the committee portrayed Alito as the model of a dispassionate, conservative jurist who brings no hidden agenda to the Court. Democrats unleashed a withering barrage of criticism, insisting that Alito was a judicial "radical" and intimating that he was both ethically challenged and a closet bigot.

As a number of post-mortems pointed out, this strategy was an utter disaster for Democrats. While clearly more nervous than John Roberts, Alito was no less surefooted and even more forthcoming in his answers to inquiries.

Justice Alito benefited from a verbal meltdown by pro-abortion Sen. Joseph Biden (D-Del.). Biden's opening round of questioning was widely ridiculed for its self-indulgence and lack of focus.

In addition, a wide array of former law clerks and fellow judges testified to Alito's integrity, honesty, and even-handedness. The consensus was that the effort to demonize Alito backfired on pro-abortion Senate Democrats.

“Sam Alito is a brilliant and fair-minded judge who strictly interprets the Constitution and laws and does not legislate from the bench,” President Bush said. “He is a man of deep character and integrity, and he will make all Americans proud as a Justice on our highest court.”

The High Court has already heard several cases of interest to pro-lifers this term, including parental notification (page one), assisted suicide (back cover), and campaign finance (page five).

The justices have not yet decided whether to review a lower-court ruling that has blocked enforcement of the Partial-Birth Abortion Ban Act, a bill signed into law by President Bush on November 5, 2003.