

# Green groups oppose Alito bid

By Charles Hurt

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Environmental groups, which typically do not weigh in on Supreme Court nominations, have joined the chorus of liberal interest groups opposing Judge Samuel A. Alito Jr.'s bid to the high court.

For the first time since its 1987 fight against President Reagan's nomination of Judge Robert H. Bork, the Sierra Club has entered the fray, joining Greenpeace, Earthjustice, Friends of the Earth and the National Environmental Trust to lobby senators.

"Americans deserve mainstream, independent Justices, with unassailable integrity, who will protect individual rights and freedoms," the Sierra Club says.

"Unfortunately, Judge Alito's opinions and other statements, combined with a disturbing lack of candor since being nominated, show that Judge Alito cannot be trusted to protect those rights and freedoms."

Republicans say the groups have distorted Judge Alito's record and dismissed their credibility since some of the groups first announced their opposition on the day he was nominated.

"Though they opposed the nomination the day it was announced, they really mean it this time," scoffed Don Stewart, spokesman for Sen. John Cornyn, Texas Republican, a member of the Senate Judiciary Committee.

Republican leaders say Judge Alito will be confirmed but expect him to get fewer votes than the 78 that Chief Justice John G. Roberts got in September.

Interests groups on both sides have spent hundreds of thousands in advertising, and will ramp up their campaigns in the following days as the Jan. 9 Senate hearings approach. Both sides also are saying the balance of the court is more at stake over this nomination.

Liberal groups, including Alliance for Justice, the Leadership Conference on Civil Rights, People for the American Way (PFAW) and pro-choice organizations, say replacing centrist Supreme Court Justice Sandra Day O'Connor with the conservative Judge Alito will tip the court, whereas Chief Justice Roberts merely took the place of the conservative Chief Justice William H. Rehnquist.

"The more one learns about his positions, the clearer it is that he's the wrong choice to replace Justice Sandra Day O'Connor on the Court," the Sierra Club said.

Ralph G. Neas, president of PFAW, and leading Democrats, including Massachusetts Sen. Edward M. Kennedy and Senate Minority Leader Harry Reid of Nevada, say Judge Alito's claim that "the Constitution does not protect a right to an abortion" proves that he would try to outlaw the practice.

Judge Alito's statement, first reported in The Washington Times, was in a job application to become deputy assistant to Attorney General Edwin I. Meese III

Conservatives countered that even many liberal legal scholars share Judge Alito's doubts about the constitutionality of *Roe v. Wade*, and that similar beliefs did not derail the confirmation of Chief Justice Roberts.

The Sierra Club says Judge Alito has expressed "opinions that threaten both the ability of Congress to pass laws to protect the environment and the ability of citizens to enforce those

laws."

One of Judge Alito's most troubling rulings, environmentalists say, is U.S. v. Rybar, in which he dissented from a decision upholding Congress' authority to regulate machine guns.

They say his ruling would undermine the "Commerce Clause," which allows Congress to regulate commerce between states and is the authority Congress most often uses in regulating environmental matters.

Mr. Stewart noted that the groups cited "environmental cases that are 'especially frightening,' but none written by Judge Alito. So, as a helpful public service, we've provided all six cases where he authored an opinion in a case involving federal and state environmental protection laws."

Of the six opinions he authored in environmental cases, Mr. Stewart noted, Judge Alito sided with environmentalists in all but one.