



A Far Cry From Justice O'Connor: The Alito Factor

Justice Alito replaced Justice O'Connor on the bench amidst much complacency on the part of the Senate. Now, a review of Justice Alito's decisions on the Court show what a difference one justice can make.

Reproductive Rights:

- In 2000, in *Stenberg v. Carhart*, with Justice O'Connor casting the deciding vote, the Supreme Court held that where a woman's health might be endangered by an abortion restriction, it must contain an exception to protect her well-being.
- In 2007, in *Gonzales v. Carhart*, with Justice Alito casting the deciding vote, the Supreme Court upheld the Partial Birth Abortion Ban Act which outlaws the procedure and does not include a health exception.

Affirmative Action:

- In 2003, in *Grutter v. Bollinger*, with Justice O'Connor casting the deciding vote, the Supreme Court ruled that affirmative action policies in higher education could be constitutional.
- In 2007, in *Parents Involved in Community Schools v. Seattle School District #11* and *Meredith v. Jefferson County Board of Education*, Justice Alito joined Chief Justice Roberts in seeking to invalidate race as a factor in assigning children to particular public schools.

Women's Rights:

- In 1996, in *U.S. v. Virginia*, Justice O'Connor joined the majority opinion which concluded that the government cannot rely on "overbroad generalizations" about the "talents, capacities, or preferences" of women.
- In 2007, in *Gonzales v. Carhart*, with Justice Alito casting the deciding vote, the Court's rationale included the idea that women need to be saved from their own bad decisions – that, as the dissent points out, "women who have abortions come to regret their choices."