



William H. Pryor, Jr.
Nominee to the U.S. Court of Appeals for the Eleventh Circuit

- Attorney General of Alabama, Jan. 1997 to present
Deputy Attorney General, Special Civil and Constitutional Litigation 1988-1995
- Associate Attorney, Walston, Stabler, Wells, Anderson & Bains, Birmingham, AL, 1991-1995
- Associate Attorney, Cabaniss, Johnston, Gardner, Dumas & O'Neal, Birmingham, AL, 1988-1991
- Law Clerk, Judge John Minor Wisdom, United States Court of Appeals for the Fifth Circuit, 1987-1988
- J.D. 1987, Tulane University School of Law, *magna cum laude*; Editor in Chief, Tulane Law Review
- Member, American Law Institute
- Member, Washington Legal Foundation
- Member, Federalist Society

Bill Pryor Has an Extreme Anti-Choice Record

Bill Pryor is a vehement opponent of a woman's constitutional right to choose. Mr. Pryor goes beyond mere opposition to abortion; he employs extreme and inflammatory rhetoric to argue against a woman's constitutional right to abortion.

- As recently as 2002, in response to a survey of state attorneys general by NARAL Pro-Choice America, Bill Pryor asserted, "Abortion is murder, and *Roe v. Wade* is an abominable decision. As Professor Ely stated, '*Roe* is not constitutional law and gives almost no sense of an obligation to try to be.' I support the right to life of every unborn child."¹
- Recounting his reaction to *Roe v. Wade* in April of 1997, Pryor stated, "I will never forget Jan. 22, 1973, the day seven members of our highest court ripped the Constitution and ripped out the life of millions of unborn children."²
- His extreme hostility to a woman's constitutionally protected right to choose was not tempered by the Courts' decision in *Planned Parenthood v. Casey*. He said that "[i]n the 1992 case of *Planned Parenthood v. Casey*, the court preserved the worst abomination of constitutional law in our history: *Roe v. Wade*."³

- Pryor stated that he personally agrees with Justice Antonin Scalia’s dissent [in *Stenberg v. Carhart*] “that the Constitution says nothing about a right to abortion.”⁴

Pryor’s anti-choice views fall so far outside the mainstream that he opposes abortion even in cases of rape or incest, and would only support a narrow exception for instances in which a woman’s life is endangered.⁵

Pryor supported an Alabama bill that would have permitted a judge to appoint a lawyer to act as *guardian ad litem* for the fetus of any underage woman seeking a judicial bypass in order to obtain an abortion, unduly burdening a woman’s right to choose abortion.⁶

Bill Pryor is an anti-choice activist who goes out of his way to advance the anti-choice cause by attending rallies, making speeches, and working actively to advance an anti-choice agenda in the courts.⁷

Pryor’s persistent anti-choice activism and his consistent support for anti-choice enterprises raise serious questions about his ability to fairly adjudicate cases involving reproductive freedom.

Bill Pryor Is an Unabashed Ideologue

Pryor’s right-wing agenda goes far beyond matters of reproductive choice. He is an unabashed ideologue whose desire to move the law to the right inspired him to become a lawyer.

- “I became a lawyer, because I wanted to fight the ACLU—the Anti-American Civil Liberties Union.”⁸

Pryor’s ultra-conservative activism dates back at least to his law school years. Pryor reports that he chose Tulane University Law School in part because it did not have any “wild-eyed leftist student organizations.”⁹ When one of his fellow students decided to form a liberal lawyer’s group Pryor responded by founding a chapter of the Federalist Society.¹⁰

His outlook has not changed with time. In a speech to the Christian Coalition three years ago, he praised what he referred to as the “vision of Pat Robertson,” in establishing the American Center for Law and Justice (ACLJ), a leading right-wing legal advocacy group. After Pryor appointed the ACLJ’s Jay Sekulow to be a Deputy Attorney General of Alabama, he described how they, together, had “charted a course for a victory for student-led prayer.” In fact, Pryor went so far as to characterize their close collaboration as a “model for public officials to join forces with champions of religious freedom.”¹¹

Bill Pryor's Views Fall Far Outside the Legal Mainstream

Pryor's activism, advocacy and collaboration with right-wing interests call into question his ability to be an impartial jurist. His extremist rhetoric raises serious concerns about his judicial temperament. His hostility toward constitutional and civil rights is apparent:

- "For more than 30 years, the liberal agenda has been pushed through the courts, without a vote of either the people or their representatives. The courts have imposed results on a wide range of issues, including racial quotas, school prayer, abortion and homosexual rights. Those issues belong in Congress and the state legislatures."¹²

Given Pryor's cavalier dismissal of thirty years of judicial decisions in the above areas as "the liberal agenda," any American who cares about civil and constitutional rights—including reproductive rights, affirmative action, separation of church and state, or gay and lesbian rights—should be troubled by his nomination.

Like many of Bush's other judicial nominees, Pryor couches much of his disdain for the rights of women and minorities as issues of "states' rights." For example, he declared the Supreme Court's decision in the "VMI" sex discrimination case, *United States v. Virginia*, to be "antidemocratic," and stated that this case and the Supreme Court's decision in *Romer v. Evans*, a gay rights case, were "insensitive to federalism."¹³ Of these two decisions he declared, "[w]e now have new rules of political correctness for decision-making in the equal protection arena."¹⁴

Pryor holds similar disdain for Section 5 of the Voting Rights Act, referring to it as an "affront to federalism," and urging the Congress to repeal or amend it.¹⁵

Pryor even objects to the Supreme Court's well-established First Amendment jurisprudence. Discussing his decision to vigorously defend a display of the Ten Commandments in the Alabama Supreme Court building, Pryor stated that he feels "strongly that the display of the Ten Commandments...does not violate the First Amendment."¹⁶ In fact, Pryor evidently views the entire doctrine of separation of church and state as illegitimate. In one article he has written, he posits the question, "...will the Court continue to modify the errors of case law that created the so-called wall of separation between church and state?"¹⁷

¹ NARAL Pro-Choice America/NARAL Pro-Choice America Foundation, *Who Decides? A State-by-State Review of Abortion & Reproductive Rights*, 12th Ed., Jan. 2003, p. 1.

² Pryor made this statement at a rally while speaking to a crowd gathered in support of the display of the Ten Commandments in Judge Roy Moore's courtroom in Alabama. Kelly Greene, *Bill Pryor Hopes to Ride Court Crusade to the Top*, WALL ST. J., May 21, 1997.

³ Bill Pryor, *Federalism and the Court: Do Not Uncork the Champagne Yet*, Remarks before the National Federalist Society, Washington D.C., Oct. 16, 1997, available at www.ago.state.al.us/speeches.cfm?Item=Single&Case=11 (last visited 01/07/03).

⁴ Ashley Estes, AG: *State Partial-Birth Abortion Law May Require Change*, ASSOCIATED PRESS, June 30, 2000.

⁵ In response to NARAL Pro-Choice America's Survey of Attorney General's Choice positions for the publication *Who Decides? A State-by-State Review of Abortion & Reproductive Rights*, Pryor responded that the statement that best reflects his views was "Abortion should be legal only when the life of the woman is endangered." NARAL Pro-Choice America, *supra* note 1. Pryor had the option to select the statement "Abortion should be legal only when the life of the woman is endangered or in cases of rape or incest." Instead, he chose to select the box that stated, "Abortion should be legal only when the life of the woman is endangered." NARAL Pro-Choice America's Survey, 2002 on file with NARAL Pro-Choice America.

⁶ Amy Bach, *No Choice for Teens; Abortion*, THE NATION, Oct. 11, 1999. Although the Supreme Court has not yet directly ruled on the fetal guardian *ad litem* scenario, it is clearly unconstitutional under existing Supreme Court precedent. Amicus Brief for ACLU, ACLU of Florida, Florida NOW, Center for Reproductive Rights (CRR), *In the Matter of the Guardianship of J.D.S.*, available at http://www.reproductiverights.org/pdf/crt_0503flrape_brief.pdf (last visited May 28, 2003) (discussing the Constitutional problems with appointing a guardian ad litem for a fetus).

⁷ For example, in 2000, Pryor attended a rally promoting restrictions on a woman's access to abortion in Alabama where he stated, "Our greatest right is the right to life." ASSOCIATED PRESS, *Sessions: Pryor has Bush Support for the 11th Circuit*, Jan. 5, 2003; *Alabama: Abortion Foes Rally at State House in Support of Restrictions*, KAISER DAILY REPRODUCTIVE HEALTH REPORT, Feb., 11, 2000. Pryor also participated as *amicus curiae* in several reproductive rights cases in the Supreme Court, including, *NOW v. Scheidler*, *Stenberg v. Carhart*, and *Voinovich v. Women's Medical Professional, Corp.*

⁸ Greene, *supra* note 2.

⁹ *Id.*

¹⁰ *Id.*

¹¹ Bill Pryor, *Road to Victory*, Remarks before the Christian Coalition (Oct. 1, 1999) available at www.ago.state.al.us/speeches.cfm?Item=Single&Case=22 (last visited 1/07/03).

¹² Bill Pryor, *Litigators' Smoke Screen*, WALL ST. J., Apr. 7, 1997.

¹³ Pryor, *supra* note 3.

¹⁴ *Id.*

¹⁵ Bill Pryor, *Judicial Activism, Assessing the Impact, Testimony before the Subcommittee on the Constitution, Federalism & Property Rights*, U.S. Senate Judiciary Committee, (July 15, 1997), *available at* <http://www.ago.state.al.us/speeches.cfm?Item=Single&Case=13> (last visited Jan. 7, 2003).

¹⁶ Steve Benen, *Monumental Mistake: Alabama Chief Justice Roy Moore Sparks Federal Lawsuit*, CHURCH & STATE, Dec. 1, 2001.

¹⁷ Pryor, *supra* note 3.