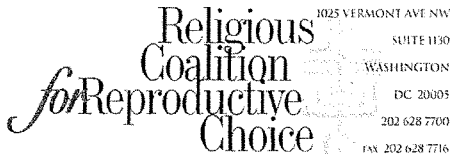

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The Honorable Arlen Specter, Chairman
The Honorable Patrick Leahy, Ranking Member
Senate Committee on the Judiciary
224 Dirksen Senate Office Building
Washington, DC 20510

January 12, 2006

Dear Chairman Specter and Senator Leahy:

On behalf of the Religious Coalition for Reproductive Choice (RCRC) Board of Directors, I write to express our opposition to the confirmation of Judge Samuel Alito as an associate justice of the Supreme Court of the United States. The Religious Coalition for Reproductive Choice is a national non-profit educational and advocacy organization, whose members are religious and religiously affiliated organizations from 15 denominations and traditions. While most do not take positions on judicial nominations, all firmly support a woman's moral right to make decisions about pregnancy, and all share the conviction that this right is grounded in religious liberty.

Since our founding in 1973, the Religious Coalition for Reproductive Choice has been a vigorous advocate for women as moral decision-makers and it is in that capacity that we oppose confirming Judge Alito. For more than 30 years, our national consensus on abortion has centered on respect for women's decisions. Women now rely on the fact that they may make decisions about pregnancy and childbearing legally and safely.

Judge Alito's troubling record on reproductive rights has been well- documented. In a 1985 memo when he was an attorney in the Solicitor's General office, Alito recommended upholding numerous restrictions as the surest way to undermine a woman's access to abortion services, until the time when *Roe v. Wade* would be reversed. Among the restrictions he named were state regulations requiring doctors to provide women seeking abortions with information about fetal development, the risks and "unforeseeable detrimental effects" of the procedure, and the availability of adoption services and paternal child support. Later that year, Judge Alito submitted a job application to the Reagan Administration stating, "I am particularly proud of my contributions in recent cases in which the government has argued in the Supreme Court … that the Constitution does not protect a right to an abortion."

Twenty years later, it is reasonable to ask if Judge Alito still holds those views. On Tuesday, the second day of the confirmation hearing for Judge Alito, Senator Dianne Feinstein asked Judge Alito if he agrees that abortion laws must protect a woman's health. Alito avoided answering and simply said that past cases have held this. He also would not

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respond to other Senators' direct questions about the Constitution providing a basis for a woman's right to abortion. If Judge Alito cannot state that protecting women's health should be the law of the land, the Senate should not vote to confirm him.

Judge Alito's decision in the 1991 Third Circuit Court of Appeals case, *Casey v. Planned Parenthood of Southeastern Pennsylvania*, provides further evidence that he will not safeguard women's health and safety if abortion is involved. In that decision, Judge Alito disregarded expert evidence about spousal abuse of pregnant women and concluded that a law requiring married women to notify their husbands prior to an abortion would not unduly burden women's access to abortion. In his opinion, Alito wrote that "time delay, higher cost, reduced availability, and forcing the woman to receive information she has not sought," although admittedly "potential burdens," could not "be characterized as an undue burden," This opinion indicates that he lacks understanding of the reality of many women's lives, and yet he would be in a position, as a Supreme Court justice, to make decisions that would have enormous consequences for women. When *Casey* reached the Supreme Court in 1992, the majority properly voted to strike down that provision.

Judge Alito's writings, rulings and sworn testimony, coupled with his reluctance in the confirmation hearings to answer direct questions about Roe v. Wade, are a clear indication that he will seek to limit, restrict, and possibly reverse a right that is basic to women's equality, health, and moral decision-making. It would be a betrayal of women and of families to undermine the national consensus on the constitutionality of abortion. Accordingly, we oppose the confirmation of Judge Alito.

Sincerely,

Reverend Carlton W. Veazey
President and CEO
Religious Coalition for Reproductive Choice