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January 11, 2006

The Honorable Arlen Specter
Chairman, Committee on the Judiciary
United States Senate
711 Hart Office Building
Washington, D.C. 20510

The Honorable Patrick Leahy
Ranking Member, Committee on the Judiciary
United States Senate
433 Russell Office Building
Washington, D.C. 20510

Dear Senators:

I write on behalf of Ipas to express our opposition to the confirmation of Judge Samuel A. Alito, Jr. as Justice of the Supreme Court of the United States. Ipas is an international non-profit organization that has worked for three decades to increase women's ability to exercise their sexual and reproductive rights and to reduce deaths and injuries of women from unsafe abortion.

The Supreme Court is responsible for upholding principles established by the Constitution which protect the rights of all Americans. Counter to these principles, Judge Alito has demonstrated hostility to reproductive rights throughout his career.

A woman's right to terminate a pregnancy is established by the Supreme Court and states are prohibited from placing an undue burden on this right. However, Judge Alito has shown that he would allow particularly heavy burdens, such as a Pennsylvania requirement that a woman must notify her husband before obtaining an abortion. While sitting on the Third Circuit Court of Appeals, in Planned Parenthood of Southeastern Pennsylvania v. Casey, Alito authored a dissenting opinion which argued to uphold the Pennsylvania law, on the grounds that the undue burden standard does not apply when only a "small group" of women are affected. But it is in just these cases — when a woman fears abuse, is estranged, or for other personal reasons can not involve her husband in the decision — that protection is most needed.

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In his work for the Reagan administration, Alito helped to craft a strategy to dismantle the protections afforded by Roe v. Wade. This 1973 Supreme Court ruling eliminated hundreds of annual deaths and many more injuries from unsafe abortion. While applying for a promotion, Alito expressed pride in his contribution to cases in which the administration argued "that the Constitution does not protect a right to abortion."

In parts of the world where abortion laws are still restrictive, nearly 70,000 women die from unsafe abortions every year. Ipas works with partner organizations and healthcare providers to end these deaths through improved health care services, laws and policies. In order to save women's lives and fulfill their rights, a number of countries – including Nepal and Ethiopia – have recently made abortion legal or significantly loosened restrictions.

If Alito is confirmed and thereby allowed to tip the balance against Roe v. Wade, we will not see the end of abortion in this country. We will only see the end of safe abortions.

Sincerely,

Charlotte Hord Smith

Charlotte Hord Smith
Policy Director
Ipas