



May 4, 2009

The Honorable Patrick J. Leahy
 United States Senate
 Committee on the Judiciary
 224 Dirksen Senate Office Building
 Washington, DC 20510

Dear Senator Leahy:

We understand that Associate Justice of the Supreme Court, David Souter will retire at the end of the Court's current term. The President will soon send to the United States Senate a nominee to our highest court.

Americans United for Life is a public-interest law and policy organization whose vision is a nation in which everyone is welcomed in life and protected in law. We will oppose any nominee to the Court who believes social activism trumps interpreting the Constitution.

The Constitutionally-protected right to self-government is threatened when judges arrogate to themselves the legislature's power to craft public policy. The most important question a nominee for the Supreme Court must answer is to articulate their judicial philosophy: will they advance an agenda that limits the right of the people to determine the content of abortion-related laws through the democratic process?

The President has expressed a public commitment to reducing the frequency of abortion in the United States. Appointing a nominee who intends to read the Freedom of Choice Act into the Constitution will undermine that objective, increase the number of abortions nationwide, and further disenfranchise millions of Americans who want to settle this issue through the democratic process.

Furthermore, elevating abortion to a fundamental right on the same plane as the freedom of speech would void common-sense abortion regulations that the vast majority of Americans support, like the prohibition on partial-birth abortion. Such a move would also require taxpayer funding of abortion, eliminate informed consent and parental notice and consent laws, state requirements that abortions be done only by physicians, and more. A judicial nominee who intends to pursue such a radical agenda should be summarily rejected by the Senate.

In the days ahead, we look to our Senators to uphold their duty to raise serious questions on the nominee's judicial philosophy and reject any nominee who places personal preference over upholding the Constitution.

Sincerely,

Charmaine Yoest, Ph.D.
 President and CEO

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