January 9, 2006

The Honorable Arlen Specter, Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Patrick Leahy, Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Specter and Ranking Member Leahy:

I am writing on behalf of the National Family Planning and Reproductive Health Association (NFPRHA), a membership organization dedicated to improving access to reproductive health care for all women, to ask you to reject the nomination of Samuel Alito to the U.S. Supreme Court. Alito's clear record of hostility toward fundamental freedoms – especially for women – would radically tip the balance of the court away from protecting basic rights supported by a clear majority of Americans.

Judge Alito's now-infamous memos demonstrate a visceral opposition to *Roe v. Wade*. In clearly stating that the landmark decision should be overturned and outlining a strategy to accomplish that goal, he laid bare his judicial philosophy. The idea that Alito maintains an open mind on the right to privacy in regard to contraception and abortion is simply not credible.

Specifically, Judge Alito's 1985 job application letter for a promotion in the Reagan Justice Department articulated Alito's view that "the Constitution does not protect a right to an abortion." Recent efforts to dismiss the document as a mere job application that should not be used to judge his views seem disingenuous, particularly in light of the second lengthier memo written that same year confirming these same beliefs. In that 17-page memo written as a Justice Department lawyer, Alito maps out a strategy for the Reagan Administration to "advance the goals of bringing about the eventual overruling of *Roe v. Wade* and, in the meantime, mitigating its effects."

We are not only concerned about Judge Alito's views on abortion, but his views on contraception as well– which virtually all Americans support and use in the course of their reproductive lives. He went so far as to conflate abortion and contraception, labeling certain contraceptive methods as "abortifacients." These two documents, along with his dissent in *Casey*, leave no doubt as to the kind of justice Alito would be on an issue of profound importance for so many Americans.

To replace a centrist such as Justice Sandra Day O'Connor with a conservative ideologue such as Samuel Alito could eviscerate the rights we have come to take for granted by allowing him to finish the agenda laid out in his 1985 memorandum. Further, when it comes to basic constitutional guarantees for women's rights, health, and privacy, Alito's views are outside the mainstream of American public opinion and outside the mainstream of Supreme Court precedent.

The stakes for the American people with this nomination cannot be overstated. The Supreme Court is an institution that should protect our rights, not limit them. I strongly urge you to reject the nomination of Samuel Alito to the U.S. Supreme Court. Thank you for your consideration.

Sincerely,

Judith M. DeSarno

Judith M. DeSarno
President/CEO

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