January 11, 2006

The Honorable Arlen Specter, Chairman
The Honorable Patrick J. Leahy, Ranking Member
Members of the Committee
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Chairman Specter, Ranking Member Leahy and Members of the Committee on the Judiciary of the U.S. Senate:

On behalf of the National Gay and Lesbian Task Force and its thousands of lesbian, gay, bisexual and transgender ("LGBT") activists across the United States who work for the full and equal civil rights of LGBT people and their families, I write to express the Task Force's opposition to the confirmation of U.S. Court of Appeals Judge Samuel A. Alito as an associate justice of the Supreme Court of the United States.

Founded in 1973, the Task Force is the first national LGBT civil rights and advocacy organization and remains the movement's leading voice for freedom, justice and equality. We work to build the political strength of our community; strengthen state and local allies; and organize broad-based campaigns to build public support for the complete equality of LGBT people. As part of a broad social justice movement, the Task Force works to create a country that respects and protects the diversity of human expression and identity where all people may participate fully in our society.

Given the Task Force's mission, the lack of comprehensive civil rights for LGBT people and the emerging but fragile constitutional protections for the rights of LGBT people, we care deeply about who is appointed to the Supreme Court. We also, as part of our mission, share and support the interests of the larger progressive civil rights community in the make-up on the court.

In our capacity as a member of that broader community, we oppose the confirmation of Judge Alito for the reasons fully set forth in the Jan. 6 letter from the Leadership Conference on Civil Rights to Chairman Specter and ranking Member Leahy.

Our opposition to this confirmation is founded on Judge Alito's apparent hostility to the concept of a due process liberty interest type of privacy protected by the Constitution and described in *Lawrence v. Texas* as an "autonomy of self," including a right to private consensual intimate activity without interference from the state; his reliance on 2004 circuit case law that appears to erode the Equal Protection right of LGBT people, as held in *Romer v. Evans*, to be free of sweeping legal and legislative disabilities based on the biases and moralistic views of others; his

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declared interest in a more robust presence for religion in public and common area spaces as religion has been, and continues to be, misused as a weapon against the civil rights of and equality under the law for LGBT people; his record in the Reagan administration Justice Department and on the bench, of narrowly reading nondiscrimination laws to exclude those discriminated against for fear of HIV/AIDS contagion and of limiting the power of Congress to legislate to protect Americans from unfair and unreasonable discrimination — the protection that LGBT Americans hope someday to have in employment and all other areas of American life; and Judge Alito's belief the precedence of the executive branch, which is likely to translate to support for continued irrational and unfair discrimination against LGBT people in the military and anywhere else such discrimination might be asserted as in the national security interest.

Accordingly, we urge that you vote against the confirmation of Judge Samuel Alito to be an associate justice on the Supreme Court.

Thank you for your consideration of our views.

Sincerely,

Matt Foreman
Executive Director