

ARLEN SPECTER, PENNSYLVANIA, CHAIRMAN

ORRIN G. HATCH, UTAH
CHARLES E. GRASSLEY, IOWA
JON KYL, ARIZONA
MIKE DEWINE, OHIO
JEFF SESSIONS, ALABAMA
LINDSEY O. GRAHAM, SOUTH CAROLINA
JOHN CORNYN, TEXAS
SAM BROWNBACK, KANSAS
TOM COBURN, OKLAHOMA

PATRICK J. LEAHY, VERMONT
EDWARD M. KENNEDY, MASSACHUSETTS
JOSEPH R. BIDEN, JR., DELAWARE
HERBERT KOHL, WISCONSIN
DIANNE FEINSTEIN, CALIFORNIA
RUSSELL D. FEINGOLD, WISCONSIN
CHARLES E. SCHUMER, NEW YORK
RICHARD J. DURBIN, ILLINOIS

United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

DAVID BROG, *Staff Director*
MICHAEL O'NEILL, *Chief Counsel*

BRUCE A. COHEN, *Democratic Chief Counsel and Staff Director*

August 11, 2005

Nancy Keenan
President
NARAL Pro-Choice America
1156 15th Street, NW
Suite 700
Washington, D.C. 20005

Dear Ms. Keenan:

I write to urge NARAL Pro-Choice America to cancel the thirty-second television advertisement which unfairly attacks Supreme Court nominee, Judge John G. Roberts, Jr., for his participation in the case of Bray v. Alexandria Women's Health Clinic.

The United States Senate, acting in the first instance through Judiciary Committee hearings, is committed to conducting a fair and dignified process on Judge Roberts' nomination to the Supreme Court.

The NARAL television advertisement is blatantly untrue and unfair in its assertions that:

- (1) Supreme Court nominee John Roberts filed Court briefs supporting violent fringe groups and a convicted clinic bomber; and
- (2) America can't afford a justice whose ideology leads him to excuse violence against other Americans.

Judge Roberts did not act improperly in his advocacy before the U.S. Supreme Court arguing that the plaintiffs could not sue under an 1871 Act designed to protect African-Americans from actions of the Ku Klux Klan. In fact, as we have learned from documents recently released by the White House, Judge Roberts has unequivocally stated that those individuals who violently target abortion clinics "should be prosecuted to the full extent of the law."

I have previously spoken out against TV and radio commercials sponsored by so-called "groups" which have sought to take credit for influencing Senate action such as the defeat of Judge Robert Bork. In our free society, anyone can speak out as they choose on such subjects as long as the comment is within the bounds of propriety. Judge Bork, for example, was not defeated by the media campaign against him but by his own testimony.

I have also previously raised questions about using Supreme Court nominations as fund-raising events without appropriate regard for the subject matter involved. Again, that is a matter for anyone to respond to or not. In our free society, anyone can speak out as they choose on any

subject. I am concerned that the Roberts nomination, or others to follow, may provide an occasion for such advertising to get out of hand.

May I also suggest that the NARAL advertisement is not helpful to the pro-choice cause which I support. When NARAL puts on such an advertisement, in my opinion it undercuts its credibility and injures the pro-choice cause.

In any event, advertisements like the NARAL TV commercial against Judge Roberts should not be countenanced in order to avoid the possibility of similar advertising to sully and denigrate the confirmation process.

Sincerely,

A handwritten signature in black ink, appearing to read "Arlen Specter". The signature is fluid and cursive, with the first name "Arlen" and the last name "Specter" clearly distinguishable. Below the signature, the name "Arlen Specter" is printed in a simple, black, sans-serif font.

Arlen Specter