



May 21, 2009

Dear Senator:

As we await President Obama's announcement of his choice to fill the U.S. Supreme Court vacancy created by Justice David Souter's retirement, new polling data reveal that Americans want Justices who disavow politics and who will uphold the Constitution and the rule of law as written, including on issues involving abortion.

By overwhelming majorities, Democrats, Republicans and Independents agreed that judges should exercise restraint and check their own beliefs and predispositions at the courthouse door. They agreed on upholding common sense abortion regulations already in place in the states, including parental consent laws, and objecting to late-term abortions and taxpayer-funded abortions in the U.S. and overseas. Further, this consensus was held even among Americans who self-described themselves as "pro-choice."

For example, on the role of federal judges, majorities of self-identified Republicans, Independents, and Democrats:

- Agreed that "When considering a new Justice for the United States Supreme Court, I would prefer that my United States Senators look for a man or woman who will interpret the law as it is written and not take into account his or her personal viewpoints and experiences." (Agreement: 92% of Republicans, 86% of Independents, 84% of Democrats, 91% of conservatives, 85% of moderates, 80% of liberals)

These same majorities were in vast agreement on abortion regulations as they:

- Opposed a nominee who "Supports late-term abortions, which are abortions in the 7th, 8th, or 9th months of pregnancy, and are also known as 'Partial-Birth Abortions.'" (Opposition: 89% of Republicans, 78% of Independents, 77% of Democrats, 89% of conservatives, 80% of moderates, and 67% of liberals)
- Opposed a nominee who "Opposes making it illegal for someone to take a girl younger than the age of 18 across state lines to obtain abortions without her parents' knowledge." (73% of Republicans, 74% of Independents, 62% of Democrats, 73% of conservatives, 67% of moderates, 59% of liberals)
- Opposed a nominee who "Favors using tax dollars to pay for abortions here in the United States." (Opposition: 86% of Republicans, 67% of Independents, 61% of Democrats, 86% of conservatives, 62% of moderates, 54% of liberals)

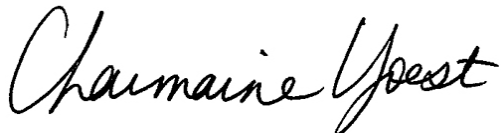
- Opposed a nominee who "Favors using tax dollars to pay for abortions in other countries." (Opposition: 97% of Republicans, 86% of Independents, 84% of Democrats, 95% of conservatives, 87% of moderates, 76% of liberals)
- Opposed a nominee who "believes that the Courts, and not the voters or elected officials, should make policies on abortion in the United States." (78% of Republicans, 65% of Independents, 69% of Democrats, 75% of conservatives, 71% of moderates, 65% of liberals)

Significantly, the majority of Americans of all political and ideological cohorts expressed opposition to a suggested federal law that abolishes restrictions on abortions (including 93% of Republicans, 69% of Independents, and 72% of Democrats, 88% of conservatives, 77% of moderates, and 62% of liberals.) This unnamed law is the Freedom of Choice Act (FOCA), a law that our next Justice could rule upon in an upcoming term of the U.S. Supreme Court. Fully nine-in-ten Americans who identified with a pro-life position on the six-point scale (90%) and 65% who selected a pro-choice stance on the same spectrum were dissatisfied with this potential legislation.

Finally, when asked whether the next Justice should be a man or a woman, the tri-partisan consensus also volunteered that it does not matter (79% of Republicans, 78% of Independents, 61% of Democrats, 78% of conservatives, 67% of moderates, and 62% of liberals -- as well as 66% of women.)

Senators, we urge you to take these clear findings into consideration before you vote on the President's nominee and recognize that the majority of your constituents - regardless of political party - fervently oppose any type of judicial activism that would rescind common sense laws on abortion and its regulations.

Sincerely,

A handwritten signature in black ink that reads "Charmaine Yoest". The signature is written in a cursive, flowing style.

Charmaine Yoest, Ph.D.  
President & CEO  
Americans United for Life

A copy of this survey is available online at <http://www.aul.org/2009-05Survey>