

# Statement by Members of the *Society for Law, Life, and Religion*

November 15, 2004

To Whom It May Concern:

As law students and members of the *Society for Law, Life, and Religion*, a student organization at Harvard Law School,\* we write to express our deep concern about the prospect of Senator Arlen Specter becoming the next Chairman of the Senate Judiciary Committee. Senator Specter has demonstrated that his personal views on the most fundamental issues—the rule of law, the protection of human life, and the promotion of religious freedom—undermine his impartiality and disqualify him as someone who can be trusted to support nominees who would faithfully uphold the U.S. Constitution. The millions of pro-life/pro-family Americans who cast their votes based on judges, the right to life, and moral values would no doubt feel betrayed to have a Chairman as undeserving and unqualified as Senator Specter.

## SEN. SPECTER ON THE LAW

- **Wrong on “Litmus” Tests:** Senator Specter has indicated that he will use *Roe v. Wade* as his own litmus test: “When you talk about judges who would change the right of a woman to choose, overturn *Roe v. Wade*, I think that is unlikely. And I have said that bluntly during the course of the campaign and before. When the *Inquirer* endorsed me, they quoted my statement that *Roe v. Wade* was inviolate.” Specter warned: “I would expect the President to be mindful of the considerations that I mentioned.”

The Senator’s recent “promise” not to impose a litmus test on future nominees is not credible; his fervent opposition to well-qualified nominees such as Judge Bork and Senator Sessions reveals his true nature.

- **Wrong on Constitutional Interpretation:** Specter has a fundamental misunderstanding of constitutional interpretation. A commentator notes: “He has mangled the meaning of such basic concepts as ‘judicial activism’ and ‘original intent’” and would “mangle the Constitution of the United States.”

## SEN. SPECTER ON LIFE

- **Wrong on *Roe v. Wade*:** Specter has indicated that *Roe v. Wade*, an exercise of raw judicial activism, should remain “inviolable.” During his presidential run, Specter made abortion “rights” his most prominent issue in order to stand “against what he called the party’s extreme far Right.” He has even voted against banning the horrific practice of partial-birth abortion; it is no wonder that during the 107th Congress Specter tied John Kerry and Ted Kennedy with a 0% rating from the National Right to Life.
- **Wrong on Marriage:** Specter opposes the Federal Marriage Amendment because he does not understand the danger that activist judges pose for democratic self-government and the rule of law.

## SEN. SPECTER ON RELIGIOUS FREEDOM

- **Wrong on Separation of Church and State:** Specter blocked school choice for 2,000 D.C. students. He asserted: “I believe school choice violates the separation of church and state. It’s unconstitutional.” But just two years earlier the U.S. Supreme Court had unequivocally ruled that school choice was constitutional in *Zelman v. Simmons-Harris*. When questioned about why his personal view trumped the Constitution, Specter flippantly announced: “It was a 5-4 decision. The Court may change its mind.”
- **Wrong on Faith-Based Initiatives:** Americans United for Separation of Church and State, a group openly hostile to religious belief and expression, approvingly quotes Specter regarding his opposition to faith-based initiatives: “Many of these people have the best of intentions, but they are seeking to advance religious interests. I have grave reservations about it.”

Arlen Specter has consistently demonstrated that he cannot put aside his own personal views and personal agenda in considering well-qualified nominees. As a result, Senator Specter cannot be entrusted with such a vital responsibility.

Sincerely,

Members of the *Society for Law, Life, and Religion*

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\* This letter represents our individual views and not those of Harvard University, Harvard Law School, their units or officers.