

October 30, 2009

Senator
U.S. Senate
Washington, DC 20510

Dear Senator:

On behalf of Family Research Council Action (FRCA), the legislative arm of the Family Research Council, and the families we represent, I want to encourage you to vote NO on the confirmation of David Hamilton to fill a vacancy on the Seventh Circuit Court of Appeals.

Mr. Hamilton, as an Indiana trial judge, has ruled against abortion waiting periods, permitting chaplains to offer Christian prayer at the Indiana state house, and stiffer regulations for sex offenders. Mr. Hamilton's resume includes a post with ACORN and a stint as the former head of the ACLU's Indiana chapter.

In the case Hamilton is most recognized for, the judge struck down 188 years of allowing sectarian prayer to open the Indiana legislature, claiming it "advanced Christianity," after concluding that the Christian prayers that had been offered were "explicitly Christian" and were therefore not protected by the Supreme Court's decision in 1983 upholding the practice of having legislative chaplains offer invocations, since that decision, according to Judge Hamilton, only protected "non-sectarian legislative prayer.

Judge Hamilton also has repeatedly ruled against an Indiana statute requiring women seeking an abortion to be provided certain medical information and information about abortion alternatives in a face-to-face meeting at least 18 hours before performing an abortion. The Indiana law was highly similar to the Pennsylvania abortion statute upheld by the Supreme Court in *Planned Parenthood of Southeastern Pennsylvania v. Casey*, but Judge Hamilton found that the Indiana law nevertheless imposed an "undue burden" on a woman's ability to obtain an abortion.

Ironically both these decisions were overturned by the Seventh Circuit, the very court he seeks a seat on.

We urge you to oppose David Hamilton for the Seventh Circuit Court of Appeals. FRCA will score this vote in our scorecard for the First Session of the 111th Congress.

Sincerely,



Thomas McClusky
Senior Vice President