



November 22, 2006

\*  
The Honorable Michael O. Leavitt  
Secretary of Health and Human Services  
200 Independence Avenue, SW  
Washington, DC 20201

Dear Secretary Leavitt:

AMERICAN CIVIL  
LIBERTIES UNION  
WASHINGTON  
LEGISLATIVE OFFICE  
915 15th STREET, NW  
WASHINGTON, DC 20005  
T/202.544.1681  
F/202.546.0738  
[WWW.ACLU.ORG](http://WWW.ACLU.ORG)

CAROLINE FREDRICKSON  
DIRECTOR

NATIONAL OFFICE  
125 BROAD STREET, 18<sup>TH</sup> FL.  
NEW YORK, NY 10004-2400  
T/212.549.2500

OFFICERS AND DIRECTORS  
NADINE STROSSEN  
PRESIDENT

ANTHONY D. ROMERO  
EXECUTIVE DIRECTOR

KENNETH B. CLARK  
CHAIR, NATIONAL  
ADVISORY COUNCIL

RICHARD ZACKS  
TREASURER

On behalf of the American Civil Liberties Union, and its hundreds of thousands of activists, members and fifty-three affiliates nationwide, we write to express our grave concerns about the future stewardship of Title X by Deputy Assistant Secretary for Population Affairs, Dr. Eric Keroack.

As you know, Title X is a federal program devoted solely to the provision of family planning and reproductive health care services and is “designed to provide access to contraceptive supplies and information to all who want and need them with priority given to low-income persons.”<sup>1</sup> By educating women about their reproductive options and providing them with a broad array of family planning services, Title X supports a woman’s constitutionally protected right to control procreation and also empowers women to make responsible decisions about their reproductive capacities. Where access to these services is limited or denied, a woman’s civil liberties are abridged.

Dr. Keroack’s professional associations are alarming because they suggest an antagonism to and disregard for a woman’s fundamental right to control her reproductive future.

Specifically, as Medical Director for A Woman’s Concern (AWC), Dr. Keroack was associated with an organization that opposes and does not disseminate information about contraception.<sup>2</sup> The ACLU believes that governmental restrictions on dissemination of birth control information, or on advocacy of contraception, are violative of the free speech guarantee of the First Amendment and interfere with the right to reproductive freedom. Thus,

---

<sup>1</sup> <http://opa.osophs.dhhs.gov/titlex/ofp.html>

<sup>2</sup> [http://partners.awomansconcern.org/images/misc/birth\\_control\\_policy.pdf](http://partners.awomansconcern.org/images/misc/birth_control_policy.pdf) (“AWC staff and volunteers will not distribute brochures, books or other materials that advocate and promote the use of contraception. In those rare and unlikely cases where such materials might be the sole means available to educate a client about a particular point of fact regarding contraception, the leaflet or brochure shall be accompanied by a written and/or verbal disclaimer noting that *A Woman’s Concern* does not distribute, or encourage the use of, contraceptive drugs and devices.”)

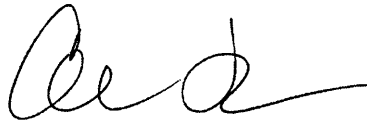
we are concerned that AWC's disdain for contraceptives is shared by Dr. Keroack and that such a view will negatively affect Title X operations and will chill the federal government's provision of reproductive services. We hope Dr. Keroack will clarify his position on this issue.

We are equally troubled by Dr. Keroack's leadership of an organization that distributes medically inaccurate information in an ideologically-motivated and misguided attempt to dissuade women from availing themselves of the full range of reproductive options. AWC incorrectly asserts that using contraceptive devices increases pregnancy<sup>3</sup> and that women who undergo an abortion face a 50% increased risk of developing breast cancer.<sup>4</sup>

Given these facts, Dr. Keroack's appointment to lead the nation's family planning program raises many questions and is, at best, troubling. The millions of women who rely on Title X – and its nationwide network of 4,600 clinics – deserve, and are entitled to, full access to unbiased, medically accurate and comprehensive information about contraception and reproductive health.

Thank you for your consideration.

Sincerely,



Caroline Fredrickson,  
Director, Washington Legislative Office



Vania Leveille  
Legislative Counsel

---

<sup>3</sup> [http://partners.awomansconcern.org/images/misc/birth\\_control\\_policy.pdf](http://partners.awomansconcern.org/images/misc/birth_control_policy.pdf)

<sup>4</sup> [http://www.awomansconcern.org/images/health\\_and\\_safety\\_2006.pdf](http://www.awomansconcern.org/images/health_and_safety_2006.pdf);