



April 6, 2018

United States Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

Dear Chairman Grassley, Ranking Member Feinstein, and Committee Members:

On behalf of the hundreds of thousands of members of People For the American Way across the United States, we strongly oppose the confirmation of Wendy Vitter to a lifetime position as a federal judge in the Eastern District of Louisiana. Her record of extremism, including her deep hostility to legal recognition of reproductive rights, makes her manifestly unqualified.

At the district court level, we rely on judges not only to interpret the law without bias, but also to make factual findings without an agenda and without preconceptions. Appellate courts generally rely on those findings, accepting them as a given, and reviewing only the lower court's legal analysis of those facts. A district court judge's good-faith effort to determine what the facts are in the face of uncertainty is essential if the courtroom is going to serve its role as defender of justice and guardian of the rule of law.

Wendy Vitter has demonstrated that she cannot fulfill that role. In her activities as an anti-choice activist, she has actively encouraged others—including physicians—to use fabrications to dissuade women from exercising their constitutional right to abortion. In 2013, she moderated a panel called "Abortion Hurts Women's Health" at a Louisiana Right to Life conference.<sup>1</sup> One of the panelists—Angela Lanfranchi—claimed that abortion increases the risk of breast cancer, a lie routinely used by anti-choice advocates even though it has been repeatedly debunked. Lanfranchi also peddled a brochure called "The Pill Kills" claiming that women using birth control pills are more likely to die a violent death. Vitter's response to this false propaganda was not to condemn it, or even to ignore it, but to urge conference attendees to help disseminate the pamphlet through their own doctors' offices.

Vitter was not just willing but eager to advance her agenda by presenting as "facts" things that were indisputably not accurate. Women visiting their doctors rely on them for their professional expertise, mastery of medical facts, and obligation to serve the patient's best interests. Vitter encouraged conference attendees to hijack the medical equivalent of "fact-finding," usurping women's agency with her own.

To confirm her to a lifetime position where objective fact-finding is central to the job would be grave disservice to litigants, to the public, and to the rule of law.

From a legal perspective, her anti-choice advocacy distorts her legal reasoning. For instance, she supports notorious TRAP laws ("targeted regulation of abortion providers"), measures disguised as health and safety rules but which really have the intent and effect of imposing an undue burden on a woman's constitutional right to abortion. She praised the Texas TRAP law that the Supreme Court

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<sup>1</sup> [https://www.youtube.com/watch?v=Q6zJzIRr\\_EA](https://www.youtube.com/watch?v=Q6zJzIRr_EA)

subsequently struck down in 2015 in *Whole Woman's Health v. Hellerstedt*. Joined by Justice Kennedy, the majority strongly reaffirmed the constitutional right that Vitter so deeply opposes.

Equally disturbing, Vitter failed to disclose important components of her anti-choice advocacy to the Judiciary Committee. For instance, she failed to inform the Judiciary Committee of the 2013 conference panel noted above. She has spent many weeks supplementing her committee questionnaire responses to include material she originally excluded.

A judicial nominee must demonstrate that she has nothing to hide, and that she will do her job without an ideological or personal agenda. Unfortunately, Wendy Vitter has made no such showing.

We urge the Senate to oppose her confirmation.

Sincerely,

A handwritten signature in cursive script that reads "Marge Baker".

Marge Baker  
Executive Vice President for Policy and Program