



April 6, 2018

**OPPOSE THE CONFIRMATION OF WENDY VITTER TO THE
U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA**

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national organizations committed to promoting and protecting the civil and human rights of all persons in the United States, I write in opposition to the confirmation of Wendy Vitter for the U.S. District Court for the Eastern District of Louisiana.

Ms. Vitter has taken extreme and irresponsible positions on women's health and reproductive freedom, and she attempted to hide some of these views by failing to disclose them to the Senate. She also has a history of insensitivity to the rights of immigrants. She does not deserve a lifetime appointment to the federal judiciary, and the Senate must reject her nomination.

Radical Views on Women's Health: Ms. Vitter has embraced fringe and discredited views about contraception and abortion. At a 2013 panel entitled "Abortion Hurts Women's Health" sponsored by the anti-abortion group Louisiana Right to Life, Ms. Vitter served as the moderator and endorsed the controversial views of one of the panelists, Dr. Angela Lanfranchi, who has written that contraceptives harm women and abortion causes breast cancer. At this event, Dr. Lanfranchi discussed a brochure she wrote entitled "The Pill Kills," which suggests, among other far-flung notions, that taking the pill leads to incest. This brochure states that "use of oral contraception alters women's baseline preferences for men such that pill users prefer men who are relatively similar to themselves at the DNA loci of the major histo-compatibility complex (MHC) genes. In other words, they prefer men who are genetically very similar to themselves.... Unions that are very homozygous (similar genetically), such as those that result from close relatives intermarrying, are known to result in children that are less healthy."¹ The brochure also states that "women who had taken the pill had higher rates of violent death" and "more infidelity and adultery," and that "women off the Pill are rated more attractive to men."²

After Dr. Lanfranchi discussed her brochure, Ms. Vitter told the audience:

So, the next step: go to Dr. Angela's website Breast Cancer Prevention Institute, download it, and at your next physical, you walk into your pro-life doctor and say: "Have you thought about putting these facts or this brochure in your waiting room?" Each one of you can be the pro-life advocate to take that next step.³

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¹<https://web.archive.org/web/20150923205536/http://www.bcpinstitute.org/PDF/bcpi-pill-kills-brochure.pdf>.

²Id.

³https://www.youtube.com/watch?v=Q6zJzRr_EA.

In addition, after an audience member asked: “How does one find out that they can actually go and find a pro-life OB/GYN that doesn’t dispense oral contraceptives, etc.? Is there a website, is there a link, is there something?,” Ms. Vitter responded: “That is a great question,” and she later said: “Every October, there is a list in the paper and advertising of Louisiana Lawyers for Life. Where are Louisiana Doctors for Life? . . . Let’s put it as an action item to ask all of our doctors: Would you sign something saying you’re a Louisiana Doctor for Life, and let’s publicize it. That’s the kind of list we need to get out to everybody.”⁴

At this 2013 panel, Ms. Vitter asked the panel to discuss a “connection between cancer and post-abortive women.”⁵ Dr. Lanfranchi then discussed her belief that abortions cause cancer, a theory that has been soundly rejected. The American Cancer Society has stated that “scientific research studies have not found a cause-and-effect relationship between abortion and breast cancer.”⁶ The National Cancer Institute has noted that it “convened a workshop of over 100 of the world’s leading experts who study pregnancy and breast cancer risk. Workshop participants reviewed existing population-based, clinical, and animal studies on the relationship between pregnancy and breast cancer risk, including studies of induced and spontaneous abortions. They concluded that having an abortion or miscarriage does not increase a woman’s subsequent risk of developing breast cancer.”⁷

At this event, Ms. Vitter praised Texas and Louisiana for passing radical anti-abortion laws. She said:

I’ll tell you what: last year Texas led the nation in some very pro-life, restrictive laws led by a very strong governor. And just last week, the one about the admitting privileges was struck down by the court of appeals. They’re taking it to the Supreme Court, but they are making great strides in making it very difficult to get abortions in Texas. And we’re gonna be right there, because our lobbying efforts in the Louisiana legislature are always, you know, right up front. The pro-life forces are there. We’re the ones who have mandated ultrasounds before anybody can have an abortion, which has made a huge difference, when a person sees that life in their body.⁸

Ms. Vitter has discussed her extreme anti-abortion views at other events as well. She spoke at a 2013 rally to protest the building of a Planned Parenthood facility in New Orleans, and she said: “Planned Parenthood says they promote women’s health. It is the saddest of ironies that they kill over 150,000 females a year. The first step in promoting women’s health is to let them live.”⁹ These are the words of an anti-abortion zealot, not someone who could be a fair and impartial arbiter of women’s health issues.

Lack of Disclosures to Senate: In addition to the highly troubling nature of Ms. Vitter’s views, it is also deeply concerning that she tried to hide them from the Senate. Ms. Vitter failed to disclose at least three speeches – including the two from 2013 discussed above – in addition to an interview, a letter to the editor, and a campaign ad.¹⁰ According to a press report, Ms. Vitter “left multiple items off her disclosure to the Senate Judiciary Committee, including the fact that she moderated a panel on the alleged dangers of

⁴Id.

⁵Id.

⁶<https://www.cancer.org/cancer/cancer-causes/medical-treatments/abortion-and-breast-cancer-risk.html>.

⁷<https://www.cancer.gov/types/breast/abortion-miscarriage-risk>.

⁸Id.

⁹Clarion Herald, “Hundreds Protest Future Abortion Clinic,” May 22, 2013.

¹⁰https://news.vice.com/en_us/article/vbpdny/a-trump-judge-pick-left-anti-abortion-speeches-off-her-senate-disclosure-form; <https://www.feinstein.senate.gov/public/index.cfm/press-releases?ID=A7592231-992B-4FB0-967E-A3AEA9EF3977>.

abortion. During the panel, she supported the work of a doctor who advocates the scientifically unproven theory that women who take contraceptive pills are more likely to die violent deaths.”¹¹

The article also noted: “Leaving information off these questionnaires is typically a huge red flag for lawmakers.”¹² Indeed, in 2010, all Republican members of the Senate Judiciary Committee – including four who currently serve on the committee (Senators Grassley, Hatch, Graham, and Cornyn) – wrote a letter criticizing Ninth Circuit nominee Goodwin Liu, who had inadvertently omitted some speeches from his Senate questionnaire. The Republican senators wrote: “At best, this nominee’s extraordinary disregard for the Committee’s constitutional role demonstrates incompetence; at worst, it creates the impression that he knowingly attempted to hide his most controversial work from this Committee. Professor Liu’s unwillingness to take seriously his obligation to complete these basic forms is potentially disqualifying and has placed his nomination in jeopardy.”¹³ Senate Republicans subsequently filibustered Mr. Liu’s nomination, and he was never confirmed. Ms. Vitter’s disregard for Senate disclosure requirements and attempt to hide her most inflammatory statements should doom her nomination as well.

Anti-Immigrant Views: Ms. Vitter was highly critical of the Obama administration’s humanitarian effort to provide refugee status to Syrian refugees who feared for their lives if they remained in Syria. She sought to block the admission of any such refugees into her state. In a 2015 speech, she said:

Catholic Charities obviously is a Catholic mission service that serves ministry to people in need but not even Catholic Charities, they don’t make the policy. They are administering a policy of the Obama administration. It’s President Barack Obama’s policy. It is not Catholic Charities’ policy and I can guarantee it’s not Wendy Vitter’s policy.¹⁴

Ms. Vitter’s own employer, the Roman Catholic Archdiocese of New Orleans, disagreed with her. In a statement defending its decision to resettle Syrian refugee families in Louisiana, they said: “Catholic Charities Immigration and Refugee Services has a long history of resettling families fleeing violence in their home countries.... Thousands of families – women, men and children – are fleeing violence in the Middle East. Catholic Charities is a grantee agency that receives refugees from many parts of the world, including the Middle East.”¹⁵

Ms. Vitter has also criticized the counting of undocumented immigrants for the census, even though the Constitution requires that every person living in the United States be counted. According to a news article about a 2009 campaign appearance that Ms. Vitter made on behalf of her husband: “While she did not speak about immigration issues directly, in response to questions she did say it is a shame Louisiana will probably lose a seat in Congress because other states are ‘counting illegal immigrants’ in the national census count. ‘We are throwing out our Constitution, our laws and saying it’s OK,’ Vitter said.”¹⁶

¹¹Id.

¹²Id.

¹³<https://www.hatch.senate.gov/public/cache/files/ec371967-f490-4856-b968-049a5ebe829c/040610lettertoLeahy.pdf>.

¹⁴<http://www.kplctv.com/story/30561230/wendy-vitter-makes-campaign-stop-in-lake-charles>.

¹⁵http://www.nola.com/politics/index.ssf/2015/11/in_syria_refugee_crisis_cathol.html.

¹⁶<https://www.afj.org/wp-content/uploads/2018/02/Vitterprolife.pdf>.



Worked in Office with Prosecutorial Abuse: Over a half century ago, in *Brady v. Maryland*, the Supreme Court ruled that the Constitution’s due process provision requires prosecutors to turn over evidence favorable to the criminally accused and material to guilt or punishment.¹⁷ There appears to be no public information indicating that Ms. Vitter committed *Brady* violations when she served as a prosecutor in the Orleans Parish District Attorney’s Office from 1987 to 1992, but there is evidence that multiple *Brady* violations were committed by prosecutors in her office between 1973 and 2002.¹⁸ Ms. Vitter should be asked by Senate Judiciary Committee members whether she committed any *Brady* violations and whether she was ever accused of such violations.

Lack of Experience: Although Ms. Vitter is a 1986 law school graduate, she has practiced law for only 11 years, according to her Senate questionnaire.¹⁹ That falls short of the 12-year minimum that the American Bar Association (ABA) believes is necessary to perform the complex and difficult duties of a federal judge.²⁰ Ms. Vitter served for five years as an assistant district attorney (1987-1992), a position in which she did not work in federal court; one year in a New Orleans law firm (1992-1993); and five years as the general counsel to the Archdiocese of New Orleans (2013-present). Not only does Ms. Vitter lack legal experience generally, she lacks federal legal experience in particular. According to a recent news article: “Online records show her with but one federal court case, and that was as co-counsel to the lead attorney more than 25 years ago.”²¹ The ABA has not yet submitted its rating for Ms. Vitter, and, based on their own criteria, the ABA should give her a rating of “Not Qualified.”

For the foregoing reasons, The Leadership Conference urges you to oppose the confirmation of Wendy Vitter for the U.S. District Court for the Eastern District of Louisiana. Thank you for your consideration of our views. If you have any questions or would like to discuss this matter further, please contact Mike Zubrensky, Chief Counsel and Legal Director, at (202) 466-3311.

Sincerely,

Vanita Gupta
President & CEO

¹⁷*Brady v. Maryland*, 373 U.S. 83 (1963).

¹⁸https://www.americanbar.org/content/dam/aba/publications/supreme_court_preview/briefs/10-8145_petitioneramcuorleanspublicdefendersoff.authcheckdam.pdf.

¹⁹<https://www.judiciary.senate.gov/imo/media/doc/Vitter%20SIQ.pdf>.

²⁰<https://www.americanbar.org/content/dam/aba/uncategorized/GAO/Backgrounder.authcheckdam.pdf>.

²¹http://www.nola.com/national_politics/2018/01/wendy_vitter_federal_judge.html.