

Intersections of Our Lives

May 15, 2019

RE: Reproductive Justice Groups Oppose Confirmation of Wendy Vitter

Dear Senator:

We, In Our Own Voice: National Black Women's Reproductive Justice Agenda, the National Asian Pacific American Women's Forum, and the National Latina Institute for Reproductive Health, write to express our strong opposition to the confirmation of Wendy Vitter to the Eastern District Court of Louisiana. We are three women of color-led Reproductive Justice organizations committed to lifting up the voices and experiences of Black, Latinx, and Asian American and Pacific Islander women and girls.

Reproductive Justice is a framework rooted in the human right to control our bodies, our sexuality, our gender, and our reproduction. Reproductive Justice will be achieved when all people, of all immigration statuses, have the economic, social, and political power and resources to define and make decisions about our bodies, health, sexuality, families, and communities in all areas of our lives with dignity and self-determination.

Given our commitment to reproductive justice, we are deeply troubled by Ms. Vitter's nomination. Her record demonstrates hostility towards communities of color, women, and immigrants, as well as a disregard for fundamental constitutional and civil rights. In light of her record, we believe this nominee lacks the qualifications to serve with the fairness and impartiality required of a judge.

Racial Justice

Ms. Vitter has consistently supported racial discrimination and touted heinous views regarding race throughout her personal and professional life. This week, as we celebrate the 65th anniversary of *Brown v. Board of Education* and the doors that it opened for communities of color, the Senate is considering Ms. Vitter, a nominee who refused to say that the seminal case was correctly decided.¹ Notably, she is being considered for a seat on a court that ruled in favor of school integration decades ago. If Ms. Vitter cannot unequivocally support the landmark decision that allowed our communities to gain access to equal educational opportunities, we cannot trust her to uphold and protect our constitutional rights while on the bench.

¹ de Vogue, *Trump judicial nominee refuses to say if landmark civil rights case was correctly decided*, CNN, April 13, 2018, available at: <https://www.cnn.com/2018/04/12/politics/wendy-vitter-brown-v-board-of-education/index.html>



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Additionally, in 2004, Ms. Vitter and her husband bought a house in New Orleans, a city with a predominantly Black population,² with a deed that stated the house could only be sold “to people of the white race.”³ Racially restrictive covenants reinforce and perpetuate systems of oppression that have kept communities of color from being able to fully access the resources we need to live our lives with dignity. However, when criticized for this, Ms. Vitter and her husband denied knowing the covenant was in her deed.⁴ Not only does this demonstrate a blatant disregard for the needs and rights of communities of color, but it also shows a lack of attention to detail in a legally-binding document. This would be concerning for any attorney, but is particularly troubling for a nominee being considered for a lifetime appointment to a federal court who will have to make legally-binding decisions based on careful analysis of complex evidence.

Ms. Vitter’s odious record on racial justice issues is concerning on its own. However, her views take on even more potency when considered in context of the scope of her potential judgeship—that she will serve in a district where over 50% of the population consists of communities of color, predominantly Black people.⁵ In light of her record supporting racial discrimination, we do not believe Ms. Vitter will be able to fairly adjudicate the cases that come before her, especially considering that her decisions will disproportionately impact communities of color.

Immigrant Justice

Ms. Vitter’s record on immigrant and refugee rights are also of concern. While she was serving as general counsel to the Archdiocese of New Orleans, Catholic Charities helped resettle Syrian refugees in Louisiana.⁶ In direct contradiction to the Roman Catholic Archdiocese of New Orleans’s position, Ms. Vitter expressed strong opposition to refugee resettlement work.⁷ In fact, she went so far as to say that she could “guarantee it’s not Wendy Vitter’s policy.”⁸ We cannot support the confirmation of a nominee who does not value the humanity of immigrants and refugees.

² New Orleans, Louisiana Population 2019, World Population Review, available at: <http://worldpopulationreview.com/us-cities/new-orleans-population/>

³ Wendy Vitter, AFJ Nominee Snapshot, available at: <https://www.afj.org/wp-content/uploads/2018/03/AFJ-Snapshot-Wendy-Vitter.pdf>

⁴ *Id.*

⁵ Baton Rouge, Louisiana Population 2019, World Population Review, available at: <http://worldpopulationreview.com/us-cities/baton-rouge-population/>

⁶ Wendy Vitter makes campaign stop in Lake Charles, KPLC News, available at: <https://www.kplctv.com/story/30561230/wendy-vitter-makes-campaign-stop-in-lake-charles/>

⁷ *Id.*

⁸ *Id.*



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Reproductive Rights

Ms. Vitter also has a record of virulent attacks against reproductive rights. She has spoken at events in support of the anti-choice movement, such as a panel entitled “Abortion Hurts Women’s Health.”⁹ Ms. Vitter has also praised Texas’s efforts to pass unconstitutional abortion restrictions that would have disproportionately harmed women of color,¹⁰ but were later struck down by the Supreme Court in *Whole Woman’s Health v. Hellerstedt*.¹¹

Concerningly, Ms. Vitter has consistently and frequently endorsed views about abortion and contraception rooted in “junk science.” She played a significant role in promoting anti-abortion activist Dr. Angela Lanfranchi’s dangerous resources, which falsely claim that abortions cause breast cancer and that birth control pills make women “choose partners who share a similar genetic profile causing them to lose interest in sex and become more likely to be the victim of violent assault and murder.”¹² Ms. Vitter has also endorsed materials that claim that “[w]omen on the pill are more likely to die a violent death,”¹³ despite the fact that the American Cancer Society has found no causal relationship between abortion and breast cancer, and the scientific consensus is that “[o]ral contraception [is] not associated with an increased long-term risk of death[.]” Finally, Ms. Vitter has been a vocal opponent of Planned Parenthood, falsely stating that Planned Parenthood “kill[s] over 150,000 females a year.”¹⁴

As a federal judge whose decisions will have a significant and long lasting impact on people who need access to quality and comprehensive reproductive health care, Ms. Vitter must be able to base her judicial opinions in scientifically-accurate facts and evidence. This is especially critical as Louisiana continues to put forth legislation attacking reproductive rights. However, her record indicates that she will be unable and unwilling to fulfill this duty, raising serious concerns about her qualifications to serve on the bench.

Criminal Justice

Finally, Ms. Vitter’s troublesome record on criminal justice is also disqualifying. While working for the Orleans Parish D.A., Ms. Vitter worked under the supervision of controversial district attorney Harry Connick. During Mr. Connick’s tenure, the office was subject to extreme judicial

⁹ Abortion Hurts Women’s Health Panel, Louisiana Right To Life Conference, Nov. 14, 2013, available at: https://www.youtube.com/watch?v=Q6zJzlrR_EA

¹⁰ *Id.*

¹¹ *Whole Woman’s Health v. Hellerstedt*, 136 S. Ct. 2292 (2016)

¹² *supra*, note 9

¹³ *Id.*

¹⁴ Uptown Clinic Roils Emotions, *The Advocate*, May 21, 2013, available at: <https://www.afj.org/wp-content/uploads/2018/02/Uptown-Clinic-Roils-Emotions.pdf>



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scrutiny, including by the Supreme Court,¹⁵ for its repeated failures to disclose evidence to the defense, in violation of *Brady v. Maryland*.¹⁶ In 1995, five years after Ms. Vitter became Chief of Trials, the Supreme Court said that the office had “blatant and repeated violations” of the Constitution.¹⁷ As Chief of Trials, Ms. Vitter played a leadership role in an office that consistently violated the Constitution and had a culture that was “deliberately indifferent” to the law. Given Ms. Vitter’s history, we are not confident in her ability to adhere to and uphold critical constitutional protections.

* * *

For women of color and immigrant women, threats to not only reproductive rights but, also racial justice, immigrant justice, and criminal justice are threats to our bodily autonomy and undermine our ability to make decisions for our own lives and families. We need judges who can be fair and impartial arbiters of justice, judges who are committed to upholding critical Constitutional protections for our communities. Yet, Ms. Vitter’s record indicates that she will be unable to fulfill that duty.

For the foregoing reasons, we urge you to strongly oppose the confirmation of Wendy Vitter to serve on the Eastern District Court of Louisiana.

Sincerely,

In Our Own Voice: National Black Women’s Reproductive Justice Agenda
National Asian Pacific American Women’s Forum
National Latina Institute for Reproductive Health

¹⁵ *Kyles v. Whitely*, 514 U.S. 419 (1995); *Connick v. Thompson*, 131 S.Ct. 1350 (2011); *Smith v. Cain*, 132 S.Ct. 627 (2012)

¹⁶ *Brady v. Maryland*, 373 U.S. 83 (1963).

¹⁷ *Kyles v. Whitely*, 514 U.S. 419 (1995)

