

United States Senate

WASHINGTON, DC 20510

November 6, 2019

Dear Colleague,

The Senate is expected to consider the nomination of Sarah Pitlyk, President Trump's choice for a lifetime appointment to the United States District Court for the Eastern District of Missouri, in the coming weeks. I strongly urge you to oppose Ms. Pitlyk's confirmation.

Ms. Pitlyk's nomination is controversial for many reasons. I am writing to address only one aspect of the nominee's record that is deeply insulting to families and, ultimately, should be considered disqualifying. Like many Americans, my dream of starting a family evolved into a painful struggle that lasted for many years. Without dedicated medical professionals and advancements in assisted reproductive technology (ART), including In Vitro Fertilization (IVF), I would not be here today in my most cherished role: a working mother to two beautiful daughters.

Every American should be empowered to make their own deeply personal decision of whether, and how, to begin a family. No American should be denigrated and insulted for starting a family with the help of ART or opting to use surrogacy, which is often a last resort. Sweeping negative generalizations about families that were made possible with the help of modern medicine are wrong, full stop. And those who would lob such attacks against Americans who have struggled with fertility lack the wisdom, judgement and empathy to serve a lifetime appointment on the Federal bench.

Ms. Pitlyk's past writings reveal a judicial perspective and temperament that is harshly ideological and incredibly narrow-minded. ART and surrogacy have enabled thousands of Americans to safely start families and have brought love and joy to households throughout the country, in red and blue States alike. Yet, Ms. Pitlyk callously condemned the practice in an extreme and inaccurate amicus brief filed with the Supreme Court of the United States:

"In addition, the practice of surrogacy has grave effects on society, such as diminished respect for motherhood and the unique mother-child bond; exploitation of women; commodification of gestation and of children themselves; and weakening of appropriate social mores against eugenic abortion."

I have no illusion that many, if not most, of President Trump's judicial nominees likely share Ms. Pitlyk's ideological hostility toward upholding precedent in *Roe v. Wade* and may even reject the constitutional right to access reproductive healthcare.

However, unlike Ms. Pitlyk, these other nominees have demonstrated the basic judgement – even during heated, passionate debates – to avoid authoring briefs that express extreme views that go beyond legal arguments to assert far-reaching, blanket negative claims against certain families who chose to have children with the help of methods and assistance that Ms. Pitlyk personally opposes.

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Ms. Pitlyk crossed a line when she accused her fellow Americans who benefited from surrogacy of being complicit in not respecting motherhood, exploiting women, commodifying children and, bizarrely, weakening social mores against eugenic abortion. Ms. Pitlyk's blanket claim that "surrogacy is harmful to mothers and children" is dismissive, erroneous and offensive. It reveals Ms. Pitlyk's cavalier willingness to substitute her own ideological opinions in place of facts.

Federal judges must handle complex litigation and demonstrate a willingness to apply the law in a manner consistent with real world facts, not personal ideology. I fear that if confirmed, Ms. Pitlyk would be unable to resist the temptation of authoring flawed and simplistic opinions that would force every American to adhere to Ms. Pitlyk's personal moral code.

As a mother who struggled with infertility for years and required IVF to start my family, I would be one of the many Americans who could never enter Ms. Pitlyk's courtroom with any reasonable expectation that my case would be adjudicated in a fair and impartial manner. I could not trust that Ms. Pitlyk's opinions were based on facts and circumstances, rather than reflecting her personal beliefs. Not after Ms. Pitlyk cruelly implied in an amicus brief she proudly submitted to the Supreme Court that children conceived with the help of ART are inferior. Not after Ms. Pitlyk accused families who opt for surrogacy of contributing to "grave effects on society," including disrespecting motherhood.

A lifetime appointment to the Federal Bench is a privilege, not a right. Ms. Pitlyk's own words should disqualify her from securing such an honor. Please join me in opposing Sarah Pitlyk's confirmation.

Sincerely,



Tammy Duckworth
United States Senator