

United States Senate

WASHINGTON, DC 20510-1309

October 2, 2020

Dear Colleague,

A little over two years ago, swaddled in blankets and surrounded by many of you, my then-ten-day-old daughter napped her way into history when she became the first infant allowed onto the Senate floor. That day, I held her in my arms while I cast a vote, fulfilling my duty to the Constitution, my constituents and my newborn.

I'm deeply grateful that the Senate changed its rules to allow new parents in this chamber to both do our jobs and take care of our children. I'll never forget looking around that day and seeing my Republican and Democratic colleagues alike standing up and cheering for that milestone as little Maile Pearl continued to sleep blissfully in my lap.

I will always remember that moment and I'll never be able to fully express the joy both of my daughters have brought into my family's lives or how grateful we are for them. But I will also always remember how I felt yesterday—the deep knot of dread and anguish in the pit of my stomach—when I learned that President Trump's Supreme Court nominee likely doesn't believe my little Maile and my growing Abigail should have ever been born in the first place. That sadness in my stomach comes from a recent report that Amy Coney Barrett signed her name on a 2006 newspaper advertisement led by St. Joseph County Right to Life reading:

"We, the following citizens of Michiana, oppose abortion on demand and defend the right to life from fertilization to natural death. Please continue to pray to end abortion."

While we are each, of course, entitled to our own beliefs about women's access to constitutionally-protected healthcare choices, St. Joseph County Right to Life is an organization whose views are considered radical even within the larger anti-choice movement, in part due to its stated belief that a critical step of the in-vitro fertilization (IVF) process that gave me my children is equivalent to manslaughter, that doctors who use IVF to help women start families should be put behind bars and that will only go so far as to say that moms like me who have kids through IVF shouldn't be criminalized "at this point." Not that they believe moms like me aren't criminals, just that we shouldn't be criminalized yet.

While my two beautiful little girls are unique, my story of struggling with fertility is not. Assisted reproductive technology (ART), including IVF treatment, has enabled thousands of Americans to safely start families in red and blue states alike. So I write to each of you today, and especially to my Republican colleagues who cooed and cuddled Maile when she first visited the Capitol, in the hope that you will fully consider the very real impact your vote on this unprecedented nomination could have on those Americans hoping to start families of their own. I urge you to fully consider the message a vote in favor of a Supreme Court nominee who

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appears to believe that my daughters shouldn't even exist sends not only to me as a mother and as your colleague, but to parents-to-be around this country struggling with infertility and whose dreams may only be achieved through IVF or other technologies.

Judge Barrett's nomination is deeply controversial for a host of reasons, and I understand that we do not all agree on the next steps in her nomination process. But Judge Barrett's willingness to associate her name with such an organization is disqualifying and, frankly, insulting to every parent, hopeful parent or would-be parent who has struggled to start a family. Formally signing on to the message of an organization with these radical views goes beyond other nominees and demonstrates a lack of judgment, an absence of due diligence and a derision toward families like mine who were only able to have children with the help of methods and assistance that Judge Barrett personally disapproves of.

I fear that, if confirmed to the nation's highest court, Judge Barrett would be unable to resist the temptation of overturning decades of judicial precedent in an effort to force every American family to adhere to her individual moral code. I fear that if a case involving ART were to be brought before the bench, families like mine would not be able to trust that her opinions would be based on facts, laws and the Constitution rather than swayed by her personal beliefs.

A lifetime appointment to the Supreme Court of the United States is an incredible privilege, but it is absolutely not a right. I urge each of you to look within yourselves and decide whether women like me should have the right to start families or whether we should be considered criminals. And then, I hope you'll join me in speaking out for every American family who has struggled with infertility by opposing this confirmation.

Sincerely,



Tammy Duckworth
United States Senator