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March 13, 2014

All Priests and Deacons  
Diocese of Lafayette

Dear Brother Priests and Deacons:

I write to alert you about a bill introduced in the legislature which would legalize the practice of gestational surrogacy for the first time in Louisiana. Louisiana House Bill 187 would legally recognize that women could be paid to carry and give birth to children who are the genetic offspring of others. It would create a system in our State whereby individuals would be allowed to enter into contractual negotiations for the creation and gestation of a child by others, with court approval. This proposed process should not be confused with adoption. Senator Gary Smith first introduced this proposal last year. It was vetoed by Governor Bobby Jindal. This year there is growing momentum which could overturn a future veto.

As people who hold sacred the gift of life, the Church recognizes the emotional desire for children which can lead to pursuing surrogacy and acknowledges the suffering associated with the struggle to become parents. Good reasons and good desires, however, cannot sanitize acts which are themselves immoral. There are a number of profound moral concerns surrounding gestational surrogacy, among which we can include:

- that the reproductive faculties of a woman's body, and her God-given fecundity, should not be reduced to the status of a "gestator for hire," but needs to be safeguarded within marriage so that the woman's procreative powers are shared only through marital acts with her own husband, and all the children born of her are genetically and otherwise her own.
- that we should not introduce fractures into parenthood, by multiplying those in parental roles, forcing children to be subjected to the stresses of unclear or split origins, perhaps being conceived of one woman's egg, gestated by another woman, and raised by a third, all actualized through pre-arranged monetary exchanges. Such practices are unfair and dehumanizing towards children. One woman, who was herself conceived by anonymous sperm donation, described her experience this way: "My existence owed almost nothing to the serendipitous nature of normal human reproduction, where babies are the natural progression of mutually fulfilling adult relationships, but rather represented a verbal contract, a financial transaction and a cold, clinical harnessing of medical technology." In the 1990's, when a ban on commercial surrogate motherhood was signed into law in New York State, it had the unanimous support of the New York State Task Force on Life and the Law, which noted at the time that the practice "could not be distinguished from the sale of children and that it placed children at significant risk of harm." The Task Force

also agreed that "surrogacy undermines the dignity of women, children, and human reproduction." They rejected the notion that rights as fundamental as the right of a parent to a relationship with his or her child should be bought and sold. These positions are rationally based, deriving from reflection on the Natural Law.

- that gestational surrogacy **replaces the marital act** in conceiving children. (*Donum Vitae II; Catechism nos. 2373-2379*). It often relies on the *in vitro* fertilization industry to produce offspring for customers, with extra embryonic humans being produced, stored and oftentimes orphaned in freezers.
- that HB 187 would also allow financial compensation under the guise of "reasonable living expenses" and would invite the surrogacy industry into our state. In this event vulnerable and financially challenged **women**, often including college students, would be **exploited** to undergo the risks of drug-induced artificial pregnancy. Nevertheless, this arrangement is a misuse of the reproductive faculty even if done for altruistic motives.
- that gestational surrogacy places the **unborn baby at risk** for abortion in a way that would be much less likely to occur if the genetic mother carried the baby
- that in these transactions, "imperfect" unborn children may be aborted, and that selective "reduction," i.e. **abortion** of "extra" fetuses created by fertility drugs or by implanting too many embryos at once, may be carried out.
- that gestational surrogacy is strongly supported by the homosexual lobby in our State as yet another oblique route towards establishing legal equivalence to marriage. Allowing children to be born to persons living in these unions would actually mean doing harm to these children, "in the sense that their condition of dependency would be used to place them in an environment that is not conducive to their full human development." (*Considerations Regarding Proposals to Give Legal Recognition to Unions between Homosexual Persons, CDF, no. 7*) "As experience has shown, the absence of sexual complementarity in these unions creates obstacles in the normal development of children who would be placed in the care of such persons. They would be deprived of the experience of either fatherhood or motherhood." (*ibid.*)

At a legislative session last year, a group of children were displayed before the representatives. Advocates of gestational surrogacy told the legislators to put away statements from the bishops and from other Christians and asked the lawmakers to consider this question: "Are these children wrong?" Sadly, the question asked was the wrong one. The question which should have been asked was, "Were the means that were used to bring these children into the world morally upright?" Good intentions do not cleanse immoral acts. The immoral acts promoted through gestational surrogacy are numerous and include: exploiting women by allowing payment for pregnancy and for egg harvesting, the use of *in vitro* fertilization (IVF) to replace the marital act, cryo-preservation of human embryos, the promotion of homosexual parenting and the possible



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abortion and selective reduction of children who are brought into the world by these technologies. Proposed legislation would thus sanction commercial gestational surrogacy and with it the “commodification” of women and children. The Church has the duty to teach and to warn about immoral proposals.

Some years ago, before he was Pope, Pope Francis wrote: “the genetic code of the person is present at the moment of conception. There is already a human being. To not allow further progress in the development of the human being that already has the entire genetic code of a human being, is not ethical. The right to life is the first human right.”

I ask that in the next few weeks you teach the faithful about the evils involved in gestational surrogacy and their duty to oppose it. The proposed legislation would weaken our pro-life stance. Let me be clear, the children born by these transactions are good and beautiful but the means are clearly immoral. We cannot be naïve to the financial motives in the medical and legal industries. Please pray for our legislators and assure them that we will provide them with the moral support they need to do the right thing. Good intentions may do great harm if there remains a lack of moral understanding. I thank you in advance for your courage and sensitivity in addressing these critical moral concerns. Let us pray for one another during our Lenten journey.

With prayers for your good health and for all of God's blessings, I am

Sincerely yours in Our Lord,

A handwritten signature in black ink, appearing to read "Michael Jarrell". The signature is written in a cursive style with a long horizontal flourish at the end.

Most Reverend Michael Jarrell  
Bishop of Lafayette

MJ:mhb

xc: Bishops of the State of Louisiana, via email  
Mr. Danny Loar, Executive Director, LCCB, via email  
Mr. Rob Tasman, Assistant Executive Director, LCCB, via email  
Legislators within the boundaries of the Diocese of Lafayette