

February 24, 2022

The Honorable Chuck Schumer
Majority Leader
United States Senate
Room S-221, The Capitol
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
Room S-230, The Capitol
Washington, DC 20510

Dear Majority Leader Schumer, Minority Leader McConnell, and Senators:

We are a coalition of groups dedicated to protecting the conscience rights of medical professionals and faith-based health care entities as well as health care access for the underserved, poor, and vulnerable. As the Senate continues with its legislative agenda for the 117th Congress, we must communicate our deep concerns with the Women’s Health Protection Act (H.R. 3755/S. 1975), which passed the House on September 24, 2021. We share the concerns of the broader pro-life community and faith-based health care entities that this bill will harm mothers and their unborn children. However, we wish to also shed light on a deeply problematic element of this bill that went largely unmentioned in the House debate or at the Senate Judiciary hearing on June 16, 2021.

This bill would waive the application of the Religious Freedom Restoration Act (RFRA) and, in doing so, strip doctors, nurses, support staff, and religious healthcare entities of a key vehicle to petition for justice if they are threatened or forced to participate in an abortion against their sincerely held religious beliefs. Stripping RFRA would be shocking in and of itself, but it is particularly concerning when individuals have no private right of action under federal statutes protecting conscience in medical practice and the Department of Health and Human Services has sparsely enforced these laws. To wit, the Department of Justice has even voluntarily dismissed a lawsuit on behalf of a nurse who was clearly coerced by her employer to participate in an abortion against her religious objections. The federal government has repeatedly shown the American people that they cannot trust the executive branch to consistently enforce medical conscience protections on their behalf.

The bill text then goes even further by attempting to tie the hands of any future Congress that might establish conscience protections with the statement, “this Act supersedes and applies to all Federal law . . . whether adopted before or after the date of enactment of this Act, notwithstanding any other provision of Federal law.” This language threatens longstanding, bipartisan conscience protections like the Church Amendments and the Weldon Amendment.

Countless people of faith are drawn to the field of medicine as doctors, nurses, physician assistants, technicians, pharmacists, and support staff because of a desire to love and serve all others. They make solemn promises to do what, in their professional judgment, is best for the patient and never to harm them. As a nation, we have always striven to protect the conscientious objector, especially where the objection is rooted in a well-formed moral, ethical or religious conviction to refrain from

participation in physical harm to other people created in the image of God. We have honored religious commitments to non-violence in a variety of key areas throughout our nation's history, from battlefields to execution chambers, even when it required balancing fundamental government interests. Here, this bill not only would undermine the civil right of conscience that is vital to upholding the sanctity of all life but also it would also drive out religious medical professionals and healthcare entities who are key to our nation's capacity to provide adequate health care access.

This bill is extreme in mandating participation in abortion, destroying the basic rights to conscience and religious freedom in health care, undermining our nation's health care access for the vulnerable, and even going so far as to prevent future legislators from reconsidering this position. This is a bill driven by a radical ideology that tramples human dignity, civil rights, health care access, the role of faith-based care, and rights guaranteed by the Constitution.

It is unconscionable that Congress would consider stripping statutory protections for conscience and religious freedom for the purpose of forcing medical professionals to perform abortions where those professionals believe they have a moral obligation to refrain from killing another human life. We urge the Senate not to take up this bill.

Sincerely,

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