



CHRISTIAN
LEGAL SOCIETY

Seeking Justice with the Love of God

July 13, 2016

The Honorable Paul Ryan
Speaker, United States House of Representatives
H-232, The Capitol
Washington D.C. 20515

The Honorable Kevin McCarthy
Majority Leader, United States House of Representatives
H-107, The Capitol
Washington, D.C. 20515

The Honorable Steven Scalise
Majority Whip, United States House of Representatives
H-224, The Capitol
Washington, D.C. 20515

Re: Christian Legal Society Supports the Conscience Protection Act Amendment to S. 304

Dear Speaker Ryan, Majority Leader McCarthy, and Majority Whip Scalise:

The Christian Legal Society urges the House to pass the Conscience Protection Act Substitute Amendment to S. 304. This amendment protects health care workers from government discrimination when their consciences will not allow them to engage in abortion and related activities. Freedom of conscience in the health care system is in jeopardy. For example, Washington State has imposed a regulation that targets pharmacists who cannot in good conscience stock drugs that they believe destroy human life. A California bureaucrat has imposed a regulation that requires all California employers to provide health plans that cover all abortions. Churches, religious colleges, and other religious employers are not allowed to opt out of abortion coverage despite their religious teachings regarding the sanctity of human life.

The Conscience Protection Act strengthens America's health care system by ensuring that all American doctors, nurses, and pharmacists are able to serve their patients without being punished for their core religious beliefs. Without the Conscience Protection Act, health care professionals will be forced to choose between their religious consciences and their jobs, which will greatly diminish the quality of health care in this country. More than ever before, we need men and women of character and courage to provide essential health care for all Americans, regardless of their age, income, or infirmity.

The Conscience Protection Act fits squarely within Congress' bipartisan tradition of protecting conscience in the health care context. For forty years, federal law has protected conscience in the abortion context, in order to ensure that the "right to choose" includes every citizen's right to choose *not* to participate in, or fund, abortions.

For over four decades, legislation to protect conscience in the health care context has been a bipartisan tradition. Before the ink had dried on *Roe v. Wade*, 410 U.S. 113 (1973), a Democratic Congress passed the Church Amendment to prevent hospitals that received federal funds from forced participation in abortion or sterilization, as well as to protect doctors and nurses who refuse to participate in abortion. 42 U.S.C. § 300a-7. The Senate vote was 92-1.

In 1976, a Democratic Congress adopted the Hyde Amendment to prohibit certain federal funding of abortion. In upholding its constitutionality, the Supreme Court explained that “[a]bortion is inherently different from other medical procedures, because no other procedure involves the purposeful termination of a potential life.” *Harris v. McRae*, 448 U.S. 297, 325 (1980). Every subsequent Congress has reauthorized the Hyde Amendment.

In 1996, President Clinton signed into law Section 245 of the Public Health Service Act, 42 U.S.C. § 238n, to prohibit federal, state, and local governments from discriminating against health care workers and hospitals that refuse to participate in abortion. And in 2010, the Affordable Care Act itself provided some conscience protections.

Unfortunately, federal and state bureaucrats consistently flaunt current bipartisan protections of conscience rights. Current conscience protections desperately need the vital reinforcement provided by the Conscience Protection Act Amendment to S. 304. The Christian Legal Society urges its passage.

Respectfully,



David Nammo
Executive Director & CEO
Christian Legal Society



Kimberlee Wood Colby
Director, Center for Law & Religious Freedom
Christian Legal Society