

February 4, 2011

US Senate
US House of Representatives
Washington, DC

Dear Member of Congress:

Abortion is a difficult issue, made even more so by several recent emotionally and politically charged debates. I recognize the heated discussion is one which most of us, policymakers and voters alike, would like to leave behind. However, this is no time to turn away from the millions of American women who need your support. American Catholics support the right of women and men in good conscience to make important reproductive healthcare decisions for themselves. They stand with all Americans who want healthcare decisions to be made by patients and their doctors, not government or religious leaders, and urge you to stand up for those who will suffer if recently introduced restrictive legislation is allowed to pass.

The “No Taxpayer Funding for Abortion Act” (HR 3) is bad for women’s health and rolls back the progress our country has made in the past nearly 40 years to protect women’s right to make decisions about their own lives. HR 3 will enact into law unreasonable obstacles to safe and legal healthcare for American women—including lower-income and other vulnerable women—who access healthcare through our nation’s safety net programs. These include women in military families, women who seek care through the Indian Health Service and women whose insurance is in any way affiliated with the government. The effect of this ban will be that women who are already facing challenges accessing healthcare services will have to overcome additional delays and costs to receive the healthcare they need. This would be a major setback for women’s health and for the stability of the families who rely on our nation’s safety nets to bolster them in times of need.

This bill and the intent of its sponsors and supporters deserve your attention. The bill was introduced by Rep. Chris Smith (R-NJ) who has time and again shown he does not respect women’s ability to make their own reproductive healthcare decisions and believes government should be a party to the private deliberations women and their families make about healthcare. Mr. Smith is joined by Rep. Dan Lipinski (D-IL) as a primary co-sponsor. While both gentlemen are Catholics, their proposed legislation runs contrary to the beliefs of American Catholics in regard to abortion access.

Expressing support for the Smith-Lipinski bill, the chairman of the United States Conference of Catholic Bishops’ (USCCB) Committee on Pro-Life Activities recently wrote to you.¹ This letter may express the US bishops’ opinion, but it does not represent the opinion of the

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majority of the 68 million American Catholics nor, in fact, the views of the majority of Americans. The bishops' position—opposing abortion in every instance, even in cases of rape, incest or when an abortion is necessary to preserve a woman's health or life—is shared by fewer than 15 percent of American Catholic voters,² and according to the bishops' own polling, by only 11 percent of the American populace. The premises expressed in the bishops' letter further convolute an already complicated issue and misrepresent the legislative intent and consequences of this bill's enactment. For example, the bishops claim that this bill will simply "write into permanent law a policy" that has "strong popular and congressional support."³ Nothing could be further from the truth.

When Catholic voters considered healthcare reform in 2009, and were asked about access to abortion, they supported health insurance coverage (either public or private) for abortion in many circumstances: when a pregnancy poses a threat to the life of a woman (84%); when a pregnancy is due to rape or incest (76%); when a pregnancy poses long-term health risks for a woman (73%); when test results show a fetus has a severe, abnormal condition (66%); and whenever a woman and her doctor decide it is appropriate (50%).⁴ The bishops have been relentless in their support for legislation that restricts the rights of Americans—Catholic and non-Catholic alike—to affordable access to reproductive health services. In so doing, they have not represented the views of US Catholics or of the American public. Most importantly, this legislation does not answer the problem it purports to resolve. The bill will actually create more challenges, hurdles and barriers for the most vulnerable Americans and cost American taxpayers and your constituents more in uncompensated healthcare costs created by those who cannot access safe, affordable and reliable healthcare when they need it.

The USCCB's letter also claims that the bill is simply giving "a more secure legislative status" to current policies that allow healthcare providers and institutions to refuse to provide, pay for or refer for services based on their religious views. However, HR 3 actually expands these so-called conscience clauses, more accurately called refusal clauses. The bill establishes an unbalanced preference for those who would refuse to provide services over both those who wish to provide comprehensive services to their patients and those patients who need access to safe and legal services and medications. These more stringent restrictions expand the right of refusal to include any "health-care entity" which is defined broadly to include HMOs, insurance plans and "any other kind of health care facility, organization, or plan."⁵ Expanding the right of refusal and those who could claim this right would result in Americans being denied the ordinary, legal, safe and reasonable healthcare they need and deserve, and it would tie the hands of doctors and nurses who want to provide that care.

On this issue as well, US Catholics disagree with the bishops. The September 2009 poll by Belden Russonello & Stewart found Catholic voters are against refusal or "conscience" clauses for institutions that take federal funding. Sixty-five percent said that hospitals and clinics that take taxpayer dollars should not be allowed to refuse certain procedures or medications based on religious beliefs.⁶ We recognize and support the right of individual healthcare providers to decline to provide services to which they object on moral grounds. However, it is nonsensical to assert that institutions or health systems or even insurance providers have such a right, as indeed, they have no conscience to protect—only an individual can have a conscience. Not only does this blatantly disrespect the conscience of patients who present in healthcare facilities seeking care, either by design or by accident as in cases of emergencies. It also replaces the decision of doctors and patients with that of religious leaders without medical expertise. Enacting HR 3 would result in Americans being denied the ordinary, legal, safe and reasonable healthcare they need and deserve, and it would tie the hands of doctors and nurses who want to provide that care.

Catholics support healthcare that is both accessible and comprehensive. Our Catholic social justice tradition encourages us to advocate for the poor, and our intellectual tradition requires our respect for conscience-based decisions people make about their lives, including decisions about reproductive health. Catholics support policies that enable women to make decisions about whether to become pregnant or whether to continue a pregnancy. Large majorities of Catholic voters support access to and coverage for abortions—either in private- or government-run health systems. Catholic support for family planning and abortion is grounded in the core principles of Catholicism, which respect the moral agency of all people and their right to follow their consciences on all matters.

Even if you personally believe you would not choose to have an abortion, in our free democratic society it is critical that we stand up for freedom of conscience—including freedom for others with whom we disagree. Forcing women to give birth against their will by placing unnecessary and unfair obstacles in their way runs counter to the concepts of social justice that are central to our society's fundamental principles.

The US bishops and their conservative allies in Congress support this bill because it furthers their ultimate goal to make it impossible for women who need abortions to receive them. In truth, the bishops have failed to convince Catholics in the pews of the value of their anti-reproductive health agenda. Now they want you, as a public representative, to codify their unsupported positions into law. We need your voice to help give American women and their families the true representation they want and deserve. I ask you to appreciate the breadth of Catholic opinion on these issues and not be taken in by the false claims of the USCCB about this bill. I urge you not only to oppose the bill but to stand up and speak out for those who would suffer if this bill and the bishops' uncompromising agenda becomes the law of the land. Now more than ever, your voice is critical to preserve our freedoms.

Respectfully,



Jon O'Brien
President

¹ USCCB, "Letter to Congress from the Secretariat of Pro-Life Activities," January 21, 2011.

² Belden Russonello & Stewart, "Catholic Voters' Views on Health Care Reform and Reproductive Health Care Services: A National Opinion Survey of Catholic voters conducted for Catholics for Choice," September 2009.

³ USCCB Letter, January 21, 2011.

⁴ Belden Russonello & Stewart, 2009.

⁵ "No Taxpayer Funding for Abortion Act", HR 3, 112th Cong. § 311 (a) (2011).

⁶ Belden Russonello & Stewart, 2009.