



THE NATIONAL CATHOLIC BIOETHICS CENTER

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Bioethics and Public Policy Report

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The National Scene: The U.S. Conference of Catholic Bishops-sponsored *Fortnight for Freedom: Freedom to Serve* will take place from June 21 to July 4, 2014, a time when the liturgical calendar celebrates a series of great martyrs who remained faithful in the face of persecution by political power—St. Thomas More and St. John Fisher, St. John the Baptist, SS. Peter and Paul, and the First Martyrs of the Church of Rome. The theme of this year's Fortnight will focus on the freedom to serve the poor and vulnerable in accord with human dignity and the Church's teaching. See: <http://www.usccb.org/issues-and-action/religious-liberty/fortnight-for-freedom/>. ♦ The Supreme Court heard arguments concerning religious freedom of secular businesses owned by persons who, based on their deeply held religious beliefs, oppose the U.S. Department of Health and Human Services *HHS Mandate*, requiring that virtually all employers provide contraceptive coverage to their employees.¹ ♦ Responding to concerns about Catholic involvement with *Girl Scouts of the USA*, the U.S. Conference of Catholic Bishops' Committee on Laity, Marriage, Family Life and Youth released a document outlining major concerns of church leaders and the national organization's responses.² ♦ A bill is before the *U.S. Senate* to protect women and their unborn children from abortions after *20 weeks of fetal development*. A similar provision already has passed the House of Representatives.³ ♦ Also, a bill has been introduced into the *U.S. Congress* to curb *wrongful birth* lawsuits: "Every Child Is a Blessing Act."⁴ ♦ Also see *Recent Good News*.

The State of Conscience/Religious Liberty: The U.S. Supreme Court refused to bypass lower court adjudication processes, in their responses to both the *Archdiocese's of Washington DC* and *Priests for Life's* challenges to the *HHS Mandate*. However, a federal appeals court issued an injunction to these two Catholic entities from having to comply with the mandate while the litigation continues.⁵ ♦ The 7th Circuit Court of Appeals refused the *University of Notre Dame's* request for a full-panel hearing after the University was denied an injunction against the *HHS Mandate* by a panel of three judges, affirming a lower court's decision to deny the college's right to religious freedom under the *HHS Mandate*.⁶ ♦ The *Diocese of Cheyenne* is appealing a U.S. District Court's denial of the Diocese's petition for an injunction against the *HHS Mandate*.⁷ ♦ A *Connecticut* couple is suing the state's health insurance marketplace, the HHS Secretary, and other federal officials for failing to include plans on the Connecticut Exchange that do not cover abortion.⁸ ♦ The U.S. Supreme Court refused to hear an appeal of a *New Mexico* Supreme Court decision which denied the right of conscience of *Elane* photographers who do not want to *photograph a same-sex commitment ceremony*.⁹ ♦ The U.S. Supreme Court upheld the right of the town board in Greece, *New York*, to open their meetings with a *prayer* given by clergy selected from the congregations listed in a local directory.¹⁰ ♦ Also see *The National Scene* and *Recent Good News*.

The State of Marriage: A *March for Marriage*, to address the societal forces fostering the erosion of traditional marriage, will be held in Washington, DC on June 19, 2014. For more information go to <https://www.marriagemarch.org/>. ♦ The **Virginia Catholic Conference** filed a brief with the 4th U.S. Circuit Court of Appeals in response to a challenge of Virginia's definition of marriage, as the union of one man and one woman, as approved by a constitutional amendment.¹¹ ♦ The American Civil Liberties Union is challenging **North Carolina's** constitutional ban on marriage for same-sex couples.¹² ♦ The state of **Wyoming** has petitioned a U.S. District Court judge to dismiss a lawsuit filed by homosexual couples who are seeking to force the state to recognize same-sex marriage.¹³ ♦ The **Alabama** House of Representatives has voted for a constitutional convention to place in the state constitution a ban on same-sex marriage, already banned in 2006 by legislation that created a constitutional ban, but not voted on by the people.¹⁴ A lesbian couple is challenging the existing constitutional ban.¹⁵ ♦ The **Idaho** Supreme Court has ordered that same-sex couples may adopt children.¹⁶ ♦ The Governors of **Oregon** and **Pennsylvania**¹⁷ are declining to appeal the judicial activism of the courts which have overturned their respective state laws defining marriage as between one man and one woman. The **National Organization for Marriage** is challenging the judicial activism, and the violation of constitutional duties by the Governor of Oregon.¹⁸ ♦ However, the Governors of **Oklahoma**¹⁹ and **Utah**²⁰ are challenging such judicial activism, which violates the will of the people of their respective states, in litigation before the 10th U.S. Circuit Court of Appeals. ♦ Similarly, the Attorney General of **Arkansas** is challenging judicial activism against the constitutional definition of marriage as between one man and one woman in that state. ♦ The Governor of **Kentucky** is appealing the ruling of the 6th U.S. Circuit Court of Appeals which ruled that the states definition of marriage as between one man and one woman is unconstitutional.²¹ The ruling is stayed, pending final adjudication. ♦ The **Arkansas** Supreme Court has granted an injunction against the issuance of same-sex marriage licenses in that state until the appeal is decided.²² ♦ A U.S. District Court has overturned **Idaho's law** defining marriage as between one man and one woman; however, the 9th U.S. Circuit Court of Appeals granted a stay of this decision.²³ ♦ Same-sex couples are challenging **Florida's** constitutional amendment defining marriage as between one man and one woman.²⁴ ♦ A **Missouri** judge has granted a same-sex couple, married in another jurisdiction, a divorce.²⁵ ♦ A lesbian couple is challenging **Georgia's** law defining marriage as between one man and one woman.²⁶ ♦ In **North Carolina**, the **United Church of Christ** has sued the state for the right to marry same-sex couples, prohibited by state law.²⁷

State by State: The **Women's Equality Act** has been reintroduced in the **New York** Senate, which would make abortion in that state a fundamental right. This provision was defeated last year, and contained provisions which violated the liberties of health care facilities.²⁸ ♦ The **Bishops of Virginia** also issued a statement urging state legislators to enact **health care reforms** "that cover everyone and protect everyone, born and unborn."²⁹ ♦ A U.S. District Court judge has overturned **North Dakota's** prohibition on abortions after a **fetal heartbeat** is detected, necessitating the passage of the **Human Life Amendment**, to be voted on in a November ballot initiative in that state.³⁰ ♦ The **South Carolina** Legislature is advancing legislation, the **Pregnant Women's Protection Act**, which states a pregnant woman has a right to use deadly force to defend her unborn child from any threat. That legislature also is advancing a bill to ban abortions after **20 weeks of fetal Development**.^{31,32} ♦ The **Alabama** Legislature is sending two pieces of legislation to the desk of that state's Governor for signature: one which increases **parental involvement** in abortion decisions of minors; the other enhances informed consent by increasing the waiting time before an abortion decision is implemented.³³ ♦ The Governor of **West Virginia** vetoed the legally enacted legislation to protect the unborn from abortions after **20 weeks of fetal**

development.³⁴ ♦ Similarly, *Arizona's* ban on abortions after *20 weeks of fetal Development* was overturned by the 9th U.S. Circuit Court of Appeals, and the U.S. Supreme Court refused to hear the appeal of that decision.³⁵ ♦ Two bills were approved by the *Minnesota* House of Representatives: one preventing abortions after *20 weeks of fetal development*, and another preventing tax dollars to be used for abortion.³⁶ ♦ Also, the *Minnesota Catholic Conference* is educating the public to the hazards of two legislative proposals which would legitimize the commercial *surrogacy* business in Minnesota, allowing it to foster the buying and selling of unborn children.³⁷ ♦ The *New Hampshire* Senate has rejected a proposal which would allow a pregnant woman to bring *fetal homicide* charges against an attacker who kills her unborn child during the attack.³⁸ ♦ The Governor of *Missouri* vetoed legislation enhancing informed consent of women seeking an abortion by requiring a *72 hour waiting period*, The proposal does not exempt situations of rape and incest.³⁹ ♦ *Choose Life at Yale* (CLAY) was *denied membership* at the school's Social Justice Network.⁴⁰

Recent Good News: The *Minnesota Catholic Conference* was successful in defeating legislation to legalize reproductive *surrogacy contracts*.⁴¹ ♦ The *Bishops of Colorado* were successful in defeating a legislative proposal which would have created a fundamental right to *abortion* and other anti-life reproductive procedures.⁴² ♦ The Fifth Circuit Court of Appeals upheld the *abortion-inducing drugs* regulation in Texas: *Planned Parenthood of Greater Texas Surgical Health Services, et al., v. Attorney General Gregory Abbott, et al.* Americans United for Life's *amicus* brief on the case was filed on behalf of a number of professional associations, including the National Association of Catholic Nurses–U.S.A., and *The National Catholic Bioethics Center*.⁴³ ♦ A U.S. District Court judge in *Arizona* refused to grant an injunction to the April 1, 2014, implementation of mandatory protections for women having medication induced *abortions*, while the challenge to the law is awaiting adjudication.⁴⁴ ♦ *Planned Parenthood of Kansas* will no longer receive federal Title X funding, based on a state law. *Planned Parenthood* has dropped its appeal of the law, and also was ordered to pay court fees incurred by the state of Kansas because of the litigation in this matter.⁴⁵ ♦ The Governor of *Alaska* has signed into law a statute preventing *Medicaid funding* for elective abortions.⁴⁶ ♦ The *Florida* Legislature has passed a bill, awaiting the Governor's signature, which will require a physician to determine fetal viability before an *abortion*, which is prohibited after 24 weeks gestation, and also provide enhanced protections for the unborn child from *third trimester abortions*.⁴⁷ ♦ The *Louisiana* Legislature has passed four pieces of legislation that are protective of human life and are awaiting the Governor's signature: enhanced *credentialing standards* and informed consent requirements for abortionists;⁴⁸ prevention of abortion providers from providing education in *public schools*; protection of victims of *sex-trafficking* from coercion for abortion; and protection of the unborn from the withholding of *life-sustaining treatments* from their mothers.⁴⁹ ♦ The Governor of *Oklahoma* has signed into law legislation which enhances credentialing standards for *abortionists*.⁵⁰ ♦ The Governor of *Georgia* has signed into law a prohibition against abortion coverage in state employee health plans and private plans offered through the federal health insurance *Exchanges*.⁵¹ ♦ Members of a *New York* Senate panel defeated a proposal to legalize *third trimester* abortions.⁵² ♦ The Governor of *Mississippi* has signed into law a ban on abortions after *20 weeks of fetal development*.⁵³ However, the proposed *Mississippi personhood* ballot initiative that aimed to define life as beginning at fertilization did not achieve the required signatures to be placed on the ballot.⁵⁴ ♦ The *Illinois* Legislature defeated a proposal that would ban youth access to therapies to address *same-sex attractions*.⁵⁵ ♦ The Governor of *Virginia* signed into law a statute which includes *conscience protections* for genetic counselors.⁵⁶ ♦ The *Alabama* Supreme Court has ruled that an *unborn child* is to receive the same protection from dangerous chemicals as a child who is born.⁵⁷ ♦ The U.S.

District Court for the District of Colorado has issued a temporary injunction against requiring the *Dobson* evangelical ministries from having to comply with the *HHS Mandate*.⁵⁸ Similarly, a federal judge has granted two Christian colleges, *Dordt College* and *Cornerstone University*, a temporary injunction against the *HHS Mandate*.⁵⁹

Sharing Your Good News and Your Efforts: If there are public policy advocacy strategies which you wish to share with others, please e-mail mhilliard@ncbcenter.org.

Sharing of Resources: The web page of the National Catholic Bioethics Center is a significant resource in the realm of bioethics: www.ncbcenter.org. Also, bioethicists are on call twenty-four hours a day, every day of the week, for consultation by calling 215-877-2660.

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³ <http://www.politico.com/story/2014/05/lindsey-graham-abortion-bill-106505.html>.

⁴ <http://www.lifenews.com/2014/05/22/bill-would-curb-wrongful-birth-lawsuits-wishing-the-baby-was-never-born/>.

⁵ <http://www.businessweek.com/news/2014-03-31/catholic-groups-rebuffed-by-u-dot-s-dot-supreme-court-on-contraceptives>.

⁶ http://www.southbendtribune.com/news/judges-deny-notre-dame-s-request-for-new-oral-arguments/article_9c164dfc-d61a-11e3-8d9d-001a4bcf6878.html.

⁷ http://go.nationalpartnership.org/site/News2?abbr=daily2_&page=NewsArticle&id=44476&security=1201&news_iv_ctrl=-1.

⁸ http://go.nationalpartnership.org/site/News2?abbr=daily2_&page=NewsArticle&id=44354&security=1201&news_iv_ctrl=-1.

⁹ <http://www.christiantoday.com/article/christian-photographers-lose-last-chance-appeal-over-same-sex-wedding-case/36671.htm>.

¹⁰ <http://www.scribd.com/doc/222158922/Town-of-Greece-v-Galloway>.

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¹² http://www.wlos.com/shared/news/features/top-stories/stories/wlos_suit-filed-overturn-gay-marriage-ban-15825.shtml.

¹³ <http://www.timesunion.com/news/crime/article/Wyoming-urges-judge-to-dismiss-gay-marriage-suit-5389483.php>.

¹⁴ http://www.montgomeryadvertiser.com/article/20140402/NEWS/304020079/Alabama-House-approves-call-put-same-sex-marriage-ban-U-S-Constitution?nclick_check=1.

¹⁵ <http://www.gaystarnews.com/article/alabama-same-sex-couple-files-federal-lawsuit-against-states-anti-gay-marriage-laws080514>.

¹⁶ <http://www.lgbtqnation.com/2014/05/judge-oks-same-sex-couple-adoption-after-court-says-marriage-ban-irrelevant/>.

¹⁷ <http://www.timesunion.com/news/us/article/Pennsylvania-won-t-appeal-same-sex-marriage-case-5495743.php>.

¹⁸ <http://www.catholicsentinel.org/main.asp?SectionID=2&SubSectionID=35&ArticleID=24844>.

¹⁹ <http://www.sltrib.com/sltrib/news/57828972-78/utah-court-oklahoma-marriage.html.csp>.

²⁰ <http://www.timesunion.com/news/article/Utah-committed-to-defense-of-gay-marriage-ban-5498399.php>.

²¹ <http://www.courier-journal.com/story/news/politics/ky-governor/2014/05/14/beshear-trying-lose-kentucky-gay-marriage-appeal/9097239/>.

²² <http://www.latimes.com/nation/nationnow/la-na-nn-arkansas-gay-marriage-stay-20140516-story.html>.

²³ <http://www.timesunion.com/news/article/Court-Gay-marriage-must-remain-on-hold-in-Idaho-5493458.php>.

²⁴ <http://members.jacksonville.com/news/florida/2014-05-14/story/lawsuit-filed-jacksonville-attorneys-behalf-same-sex-couples-should-be>.

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