**2012 (20th ANNUAL) NATIONAL MEETING/CONFERENCE FOR**

**SOCIETY OF CATHOLIC SOCIAL SCIENTISTS**

**Conflicts with Religious Liberty and Conscience in the Health Care Professions: Four Views from the Battlefront**

**Saturday, October 27, 2012**

The Physician View

“It is not always easy to follow one’s conscience in obedience to God’s law. It may entail sacrifice and disadvantages, and one can in no way discount this cost; sometimes heroism is called for if one is to be faithful to these demands. Nevertheless, it must be clearly stated that the road of genuine progress for the human person passes through this constant fidelity to a conscience upholding rectitude and truth.” As well as being a mark of professional loyalty, conscientious objection on the part of the health care worker, for the right reasons, is highly meaningful as a social condemnation of a legal injustice against innocent and defenseless life.

**Source: CHARTER FOR HEALTH CARE WORKERS published by the Pontifical Council for Pastoral Assistance to Health Care Workers**

**Stand Up for Religious Freedom Rally in Toledo**

**March 23, 2012**

Good Afternoon! I am honored to be speaking before you all. I am so glad to see so many individuals standing up for religious freedom! I am a medical student at the University of Toledo College of Medicine and will be starting my training as a family physician in June. My wife and I have also been teaching NFP in Toledo for the past three years. As a soon to be doctor, the fight against this mandate is extremely important to me.

I wanted to first speak to you in my capacity as a medical professional. From my perspective and that of many physicians around the country, this mandate does not make medical sense. Now, I am not talking about the morality of contraception or even the health concerns of side effects of hormonal contraception and sterilization, but rather the fact that the government is mandating that we cover a medication and procedure that destroys a healthy physiologic state and that we are supposed to call this preventative care. A recent post of the blog Catholic Vote made an excellent point in regards to the Affordable Care Act and subsequent clarifications (under which this Mandate falls): She writes: You know that old sesame street song: “One of these things is not like the others, one of these things just doesn’t belong.” Among the conditions targeted [In this act] are alcoholism, depression, HIV, syphilis, diabetes, breast cancer, and fertility.  Which of these things just doesn’t belong?

This attitude that our government has taken towards fertility simply baffles me. This just isn’t good medicine. But then again, this Mandate is not about medicine. Rather this Mandate is about the erosion of religious liberty and conscience rights in the United States. Once the government is able to force us to pay for contraception, sterilization, or abortifacients, then how long before hospitals and physicians will be forced to perform sterilizations or physicians be forced to write the prescriptions? How long before you all are unable to receive healthcare that respects your beliefs?

The success of this mandate will be measured by how quickly and effectively Catholics and Christians are driven out of healthcare and education completely. It is about how the government can keep Catholic and Christian businessmen and women from being successful, and it is about restricting which professions and jobs we can pursue. For if we are to be adhere to the teachings of our Faith and follow our conscience, how can we keep our Hospitals, Universities, and businesses open? And when these close and we are out of work, they win.

We cannot let this happen. We are the frontline in the defense of religious liberty and conscience protection. This is not just about protecting institutions, but about protecting the religious liberty of the individual, for that is whom the First Amendment is written. It is our individual witness, each and every day, that is going to turn this tide. We must tell our family, friends, and colleagues what is going on and the Truth about this Mandate. There are many misconceptions about this Mandate and distortions in regards to why we are opposing it. I have had to face down colleagues and my superiors in defense of our religious liberty in the very hospitals in Toledo. And there many fellow Catholics and other Christians who have no idea that this fight is even occurring. And so we must stand up and be willing to be Martyrs in defense of our Faith and religious liberty, to show this country that we will not back down, and I pray that through this all, we will prevail and regain the freedom that is rightfully ours.

Source: <http://www.youtube.com/watch?v=Naf6cssVKLs&feature=player_embedded>

**Post Script, Dated September 30, 2012**

Since the rallies that occurred in March and June, it seems little has changed other than a growing complacency among Americans. The upcoming election, the economy, the foreign policy issues have given the Administration the distraction they desired. Whereas there have been some success in the courts, and even in public opinion on the local level, this issue has quietly been swept under the rug, so to speak. Our media combined with the distractibility of the American people pose a great hurdle in this fight. It is easy enough for us to sit back and state that we must wait for the issue to work its way through the courts. And yet, this is not the only part of the fight. We must continue to press the issue with those around us, reminding them that our liberties have been taken away, that freedoms are being infringed upon. We are all in various occupations, and have the ability to touch many different individuals, and as such, we have a great obligation to continue fighting for our freedom. On this issue, we cannot afford to wait 7 years like the pharmacists did in Illinois. If this situation does not change with the next election, I fear that it all will be too far gone to salvage. And let us be frank. Who poses the greatest barrier in repealing this horrendous mandate and re-establishing a proper conscience protection? It is our fellow Catholics who fail to embrace the Church’s teaching and to defend it. We must continue to fight to win the hearts of our brethren, and simultaneously instruct the rest of our nation why the protection of our freedom is essential.

**Contact: Lt. Brian J. Burke USN, MC**

**Naval Hospital, Camp Lejeune, NC 28547-2538**

**Home: 107 Beagle Drive, Hubert, NC 28539**

**Cell: 740-632-8533**

**E-mail:** [**franciscanmd@yahoo.com**](mailto:franciscanmd@yahoo.com)

### Obama Administration Rescinds Bush Era Conscience Protection

**Source: Catholic Medical Association**

<http://www.cathmed.org/students/students_blog/obama_administration_rescinds_bush_era_conscience_protection/>

**Author:** Brian J. Burke M.D.

***February 19, 2011***

**"The Obama administration on Friday rescinded most of a 2008 rule that granted sweeping protections to health care providers who opposed**[***abortion***](http://health.nytimes.com/health/guides/surgery/abortion/overview.html?inline=nyt-classifier)**, sterilization and other medical procedures on religious or moral grounds.**[***Kathleen Sebelius***](http://topics.nytimes.com/top/reference/timestopics/people/s/kathleen_sebelius/index.html?inline=nyt-per)**, the secretary of health and human services, said**[***the rule***](http://query.nytimes.com/gst/fullpage.html?res=9400E4DD1338F93BA25752C1A96E9C8B63&scp=1&sq=stuart%20ishimaru&st=cse)**, issued in the last days of the Bush administration, could 'negatively impact patient access to**[***contraception***](http://health.nytimes.com/health/guides/specialtopic/birth-control-and-family-planning/overview.html?inline=nyt-classifier)**and certain other medical services.'"**

These are the words of the [NY Times article](http://www.nytimes.com/2011/02/19/health/policy/19health.html?_r=2&ref=todayspaper) detailing the Obama administration's latest action concerning the Bush Era conscience protection measures that finally gave teeth to the Church and Weldon amendments that specifically protected health care workers from being forced to assist or perform abortions.  Previously, the commentary on the HHS regulations had read:

The ability of patients to access health-care services, including abortion and reproductive health services, is long established and is not changed in this rule. Instead, this rule implements federal laws protecting healthcare workers and institutions from being compelled to participate in, or from being discriminated against for refusal to participate in, health services or research activities that may violate their consciences, including abortion and sterilization, by entities that receive certain funding from the department. (It also implements the provisions of federal law which protect health-care personnel from being discriminated against for their participation in any lawful health service or research activity, including abortion and sterilization, by entities that receive certain funding from the department.)

This is quite contrary to the tune that Kathleen Sebelius, the current director of HHS is singing.  The new rule will maintain an office for complaints to be filed, but given that the Obama administration has effectively ignored the the Bush Rule that was in place for the past 2 years, it is doubtful that this office will do much of anything when a nurse, student, or physician is pressured by an employer or school to assist or perform in an abortion.  The [Vanderbilt Case](http://www.cathmed.org/students/students_blog/adf_makes_gains_for_freedom_of_conscience_in_vanderbilt_case/) is a good example.  More and more pressure is being applied to health care providers to simple 'go with the flow' and do whatever the patient desires in regard to abortion and contraception.  We are losing our rights, and in losing our rights, the patient is losing theirs.

In 2009 I wrote a paper for the [Linacre Quarterly](http://www.cathmed.org/issues_resources/linacre_quarterly/) entitled [*The Loss of a Physician's Freedom of Consicence will Result in the Breakdown of Patient Autonomy within the Doctor-Patient Relationship.*](http://lq.cathmed.metapress.com/content/x877510l8267h201/?p=b7160ece16a2486eab0aae30cb9d441d&pi=5)  In this article I wrote:

The doctor-patient relationship is founded upon trust. The patient must trust the doctor to keep confidentiality, to respect his autonomy, and to do the patient good. The doctor must trust that the patient is telling him the complete information and will follow the treatment plan. Without trust, effective health care is not going to occur. How does the conscience fit in with trust? Take, for example, an individual who is a Jehovah’s Witness. The patient is in a situation where the doctor is recommending a blood transfusion, but the doctor also knows that this individual will not take a blood transfusion because it would be a violation of their conscience. The patient must trust the doctor to respect their conscience and thus their autonomy. If the patient does not feel that a doctor would respect their autonomy, then an effective relationship will not be established and the patient will be in fear of what the doctor may do. However, one key way that a patient can know that a doctor will respect their conscience and autonomy is by seeing that the doctor respects and adheres to his own conscience. How could a patient trust a doctor to respect his own wishes if the doctor is willing to violate that very faculty that is supposed to help him recognize truth and act according to it? It would seem that most patients may have a difficult time fully trusting this doctor to act in their best interest. To brush these concerns aside is to ignore a reality of human nature and to put at risk the foundation of the principle of autonomy in medicine.

This step of the Obama administration is another attack on not only health care providers, but also on patients themselves.  The continuing erosion of the rights of the provider will only continue until the rights of the patient to make medical decisions for themselves has been eliminated as well.  We must continue to fight for our right to practice medicine as our faith and our conscience directs us, it is the only way that the true art of medicine will be saved.

+++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++++

**Vanderbilt University abandons illegal policy that forced nursing residents to sign abortion pledge**

Wednesday, January 12, 2011

**NASHVILLE**— Vanderbilt University Wednesday modified its nurse residency application so that it no longer requires applicants to pledge that they will participate in abortion procedures. The university made the announcement in an e-mail to applicants one day after the Alliance Defense Fund [filed a complaint](http://www.adfmedia.org/News/PRDetail/4511) with the Department of Health and Human Services.  
  
“Christians and other pro-life members of the medical community shouldn’t be forced to participate in abortions to pursue their profession. That’s what federal law says, and that’s why Vanderbilt is doing the right thing in changing its policy and application,” said ADF Legal Counsel Matt Bowman. “We will be monitoring the situation to make sure the university continues to comply with the law. It’s ironic that Vanderbilt changed its policy one day after denying that it required the pledge.”  
  
Vanderbilt receives more than $300 million in federal tax dollars each year, and federal law prohibits grant recipients from forcing students or health care workers to participate in abortions contrary to their religious beliefs or moral convictions.  
  
ADF attorneys filed the complaints on behalf of two fourth-year nursing students at other universities who wished to apply to Vanderbilt’s nurse residency program but have been unable to do so because page 15 of the [nurse residency application](http://www.telladf.org/userdocs/VanderbiltNurseResidencyApplication.pdf) required them to promise to participate in abortions.  
  
That page stated, “If you are chosen for the Nurse Residency Program in the Women’s Health track, you will be expected to care for women undergoing termination of pregnancy. Procedures performed in the Labor and Delivery unit include…terminations of pregnancy…. If you feel you cannot provide care to women during this type of event, we encourage you to apply to a different track of the Nurse Residency Program to explore opportunities that may best fit your skills and career goals.…”