

Physicians take legal, educational steps to defend conscience rights

WASHINGTON – To combat what they see as threats to the conscience rights of health care professionals who oppose abortion, the Catholic Medical Association and other organizations are taking both legal and educational steps.

The Philadelphia-based Catholic Medical Association, which has some 1,100 members nationwide, has joined with the Christian Medical Association and the American Association of Pro-Life Obstetricians and Gynecologists in an effort to intervene legally against lawsuits filed by the attorneys general of eight states, Planned Parenthood of America and the National Family Planning and Reproductive Health Association.

The suits seek to overturn a Department of Health and Human Services regulation that codifies several existing federal statutes prohibiting discrimination against health professionals who decline to participate in abortions or other medical procedures because of their religious or other moral objections.

Without the regulation, which took effect two days before the inauguration of President Barack Obama, members of the three groups would be subject to “the imminent threat of being forced ... to perform abortions, assist in abortions, train for abortions and refer individuals for abortions despite their religious, moral and ethical objections to the practice of abortion,” said court papers filed with the U.S. District Court in Hartford, Conn.

Attorneys from the Alliance Defense Fund and the Center for Law & Religious Freedom filed the motions on behalf of the three pro-life organizations.

“Physicians must defend their right to practice medicine in accordance with their conscience,” said John Brehany, executive director of the Catholic Medical Association. “It’s a very important principle that every physician should support.”

Without conscience protections, for example, physicians or other health care professionals could be subject to government conscription to participate in the

executions of death-row prisoners if the state could not find volunteers to do so, Mr. Brehany said.

The current lawsuits support the “notion that a court can demand (health care professionals) perform actions they believe to be evil,” he added. “That’s getting lost in the heated rhetoric” surrounding the abortion issue, he said.

The motions to intervene filed by Matthew S. Bowman of the Washington-based Alliance Defense Fund and M. Casey Mattox of the Center for Law & Religious Freedom in Springfield, Va., argue that pro-life medical professionals could be “forced to relocate to jurisdictions that respect their rights or to leave the profession altogether” if there were no laws protecting their conscience rights.

The motions also criticize the “plaintiffs’ baseless allegations that medical professionals exercising their conscience place women at risk of serious injury and even death by failing to render necessary services during medical emergencies.”

The three pro-life groups “should be permitted to intervene to respond to these allegations and fully develop the factual record concerning the exercise of conscience by medical professionals,” the motions add.

“I’m confident that the court will allow these doctors to intervene because they are the ones who will be forced” to perform or refer or train for abortions, said Mr. Bowman. “It’s a direct attack on the only existing protections” for pro-life health professionals, he added.

“When they try to strike down a regulation that implements laws in place for 30 years,” Bowman said, “it affects every pro-life health professional.”

But in addition to the legal actions, Mr. Brehany hopes members of the Catholic Medical Association will get involved personally in defending conscience rights by making the case before their local medical societies, through letters to the editor and in peer-to-peer contacts.

The association is preparing materials to help its members make its case in the various forums.

People need to know that even if the HHS regulation were to be overturned, “there are still laws that protect conscience rights,” Mr. Brehany said. “We need to continue to defend and respect and explain the reasoning behind them.”

Deirdre A. McQuade, assistant director for policy and communications in the U.S. bishops’ Secretariat of Pro-Life Activities, said conscience protection is “not something that Catholics are the only ones calling for.”

“It is a matter of basic human and civil rights,” she added. “You don’t have to be religious to be against involvement with abortion.”

Ms. McQuade noted that the Hippocratic oath, through which physicians pledge to “do no harm,” originally included a promise to “offer no abortifacient.”

“It’s not therapeutic; it’s not, properly speaking, medicine,” she said. “Those who are faithful to the letter and the spirit of the Hippocratic oath don’t perform abortions.”

Dr. Louis C. Breschi, a parishioner of Immaculate Conception in Towson, is the president of the Catholic Medical Association.