Bioethics Public Policy Report  
September 25, 2020

National

- President Trump announced at the National Catholic Prayer Breakfast (September 23rd) that he will sign a Born-Alive Executive Order. The order, which is expected to mirror the Born-Alive Abortion Survivors Act, requires that children who are born alive after a failed abortion must be offered medical care consistent with any child of the same gestational age. The Act has been introduced in the US House of Representatives through a discharge petition process, but Democrats have almost unanimously failed to support it.

- The Trump Administration is seeking to expand the Mexico City Policy which restricts foreign aid to organizations that provide or promote abortion. A new proposed rule expands the policy to overseas military and government contracts.

- The September 4th edition of the Bioethics Public Policy Report linked to an overview from the National Catholic Register (NCR) of how support for abortion has evolved in the Democrat party since the 1970s. In this issue, we link to the NCR’s overview of the Republican party’s defense of unborn life.

- On August 27th, Archbishop Paul S. Coakley (Oklahoma City), chair of the USCCB Committee on Domestic Justice and Human Development, and Archbishop Joseph F. Naumann (Kansas City, KS), chair of the USCCB’s Committee on Pro-Life Activities, issued a statement on the recent resumption of federal executions. The statement read in part: “The Church’s opposition to the death penalty is clear, and we have made many requests that the federal government should not resume these executions. Yet, not only has the government done so, they have scheduled even more executions. We know from scripture that God created each of us in his image (Gen. 1:26-27). … Remembering the Lord’s call for mercy, we renew our plea: stop these executions!”

- Senator Kelly Loeffler (R-GA) has introduced the “Protection of Women’s and Girls in Sports Act of 2020.” The bill amends Title IX by stating, in part, “It shall be a violation . . . to permit a person whose sex is male to participate in an athletic program or activity that is designated for women or girls.” The bill clarifies that “sex shall be recognized based solely on a person’s reproductive biology and genetics at birth.”

Federal Courts

- Even before the death of US Supreme Court Justice Ruth Bader Ginsburg, President Donald Trump added twenty names to his list of potential Supreme Court nominees. The
additional list includes six women, three Senate Republicans, and a state attorney general. Click here, here, and here for names, bios, and further information.

- US District Judge William Stickman IV has ruled that Pennsylvania Governor Tom Wolf’s (D) Coronavirus shutdown orders were unconstitutional as they violated the First Amendment right to freedom of assembly as well as the 14th Amendment’s due process and equal protection clauses. Stickman stated that the governor’s actions “were undertaken with the good intention of addressing a public health emergency,” however “even in an emergency, the authority of government is not unfettered.”

- In an 8–6 ruling, the US Circuit Court of Appeals for the Fourth District has upheld an injunction against the enforcement of the federal Protect Life Rule in Maryland. The rule prohibits Title X recipients from referring for or performing abortions and it requires recipients to be both physically and financially separate from facilities that provide abortions. The court maintained that the rule is “arbitrary and capricious, being inadequately justified and objectionably unreasonable.” The dissenting opinion countered by stating the rule is “well within HHS’s established statutory authority” and that the Supreme Court “has already ruled that the regulations fall inside the scope of Title X’s broad mandate.”

- In a 2–1 decision, a panel of the US Circuit Court of Appeals for the Fourth District ruled that the Gloucester County School Board (VA) could not prevent a biological female who perceived herself to be a male from using the boy’s bathroom. The appeals court cited the US Supreme Court’s Bostock decision in its ruling.

**State by State**

- California Governor Gavin Newsome has signed into law SB 145 which allows some adults who have homosexual sex with a minor to avoid (based on a judge’s discretion) having to register as a sex offender. The bill’s sponsor, state Senator Scott Wiener (D-San Francisco), stated, “SB 145 ends discrimination against [lesbian, gay, bisexual, transgender and gender queer] people on the sex offender registry. Currently, these youth [people up to twenty–seven years old] are forced onto the registry for consensual sex — even if a judge doesn’t think it’s appropriate — in situations where straight youth are not.” Stated differently, the new law “ends discrimination” against people who have homosexual sex with minors.

- Providence Alaska Medical Center, part of the Providence Health system, is openly advertising on its website that it provides hormonal therapy for patients undergoing gender “transitioning.” The same site also references prominent lesbian, gay, bisexual, transgender, and gender-queer organizations in Alaska including Identity, Inc, an organization that organizes drag queen shows at local libraries. Click here for more information.

- On September 20th, Catholics in San Francisco marched in multiple Eucharistic processions to protest the city’s public worship restrictions. In an outdoor mass that day, Archbishop Salvatore Cordileone stated, “It has become clear to me that [government officials] just don’t care about you...We have been patiently putting up with unjust treatment long enough, and now it is time to come together to witness to our faith and to the primacy of God, and tell City Hall: No More!” The archbishop added, “They are mocking you, and even worse, they are mocking God.”
• According to the religious liberty firm Becket, six states—California, Nevada, Virginia, New Jersey, Connecticut, and Maine—are treating religious activities unequally as compared to similar secular activities.

Conscience/Religious Liberty
• The US Department of Justice (DOJ) has filed a friend-of-the-court brief in support of the Archdiocese of Indianapolis in a religious liberty case involving the firing of a Catholic school teacher who entered into a same-sex “marriage.” According to the brief, “The United States has a substantial interest in religious liberty” and “religious employers are entitled to employ in key roles only persons whose beliefs and conduct are consistent with the employers’ religious precepts.” DOJ added that government cannot interfere “with the autonomy of religious organizations.”

International
• The Australian state of Queensland has passed a law that requires priests to violate the seal of the confessional and report known or suspected cases of child sex abuse. Punishment for “violators” is three years in prison. The states of Victoria, Tasmania, South Australia, and the Australian Capital Territory have adopted similar laws, New South Wales and Western Australia have not. Archbishop Mark Coleridge (Brisbane) maintained the new law will “not make a difference to the safety of young people,” and that it was based on a “poor knowledge of how the sacrament actually works in practice.”
• According to figures from the Danish Central Cytogenetic Registry, only eighteen children with Down syndrome were born in Denmark in 2019, this compares to approximately 6000 children in the US. Denmark was the first country in the world to implement national free prenatal Down syndrome screening for all pregnant women (2004) and today the country’s National Board of Health reports that ninety-five percent of women whose unborn children tests positive for a chromosomal abnormality choose abortion.
• In 2019 the Disney Corporation had threatened to stop filming in Georgia due to the state’s pro-life Heartbeat bill. However it filmed the live-action movie Mulan in the Xinjiang region of China where Chinese Uighurs are imprisoned. In addition, the movie credits thanked the Turpan Municipal Bureau of Public Safety which is alleged to be running internment camps. For additional perspectives, click here.

Catholic Resources
• The Congregation for the Doctrine of the Faith (CDF) has released the letter “Samaritanus bonus: On the Care of Persons in the Critical and Terminal Phases of Life.” The letter touches on numerous aspects of end-of-life care, including assisted suicide and euthanasia, palliative care, hospice, and the need for accompaniment at the end of life. Perhaps the most instructive part of the letter addresses whether one who has chosen assisted suicide or euthanasia can receive the Sacraments of Penance, Anointing, and Viaticum. The CDF’s teaching is clear: “With respect to the Sacrament of Penance and Reconciliation, the confessor must be assured of the presence of the true contrition necessary for the validity of absolution... In this situation, we find ourselves before a person who, whatever their subjective dispositions may be, has decided upon a gravely immoral act and willingly
persists in this decision. Such a state involves a manifest absence of the proper disposition for the reception of the Sacraments.”

**NCBC Resources**

- “Bioethics on Air” podcast: “Further Ethical Perspectives on COVID-19 Vaccines” with NCBC President Joseph Meaney and Staff Ethicist John Di Camillo.

**Of Note**

- In a September 18th Tweet, Bishop Joseph Strickland (Tyler, TX) stated: “GET OVER IT....this election is about the Sanctity of Life, true marriage between a man & a woman, supporting the nuclear family and sexual morality based on biblical truth....all other issues depend on this moral foundation...choose the party that supports these MORAL TRUTHS.”
- “[I]t’s better to vote for a good Protestant than for a bad Catholic.” – Cardinal Gerhard Müller, former head of the Congregation for the Doctrine of the Faith.

**Sharing the News:** If you have public policy news that you would like to share with the NCBC, or if you have colleagues who would like to receive the Bioethics Public Policy Report, please contact Joe Zalot at 215-871-2014 or jzalot@ncbcenter.org. Previous editions of this report are available through the Public Policy page of the NCBC website.

**Sharing the Resources:** If you enjoy receiving the Bioethics Public Policy Report and would like to support its continued publication, please consider making a donation to the NCBC.

The National Catholic Bioethics Center webpage, available at http://www.ncbcenter.org/, is a significant resource for bioethics information. NCBC bioethicists are also on-call for consultation twenty-four hours a day, seven days per week, at 215-877-2660.