



Bioethics Public Policy Report July 11, 2023

Federal Courts

- In a 6–3 decision, the US Supreme Court has [ruled](#) in *303 Creative v. Elenis* that Colorado web designer Lorie Smith cannot be compelled to design websites that promote so-called same sex weddings in violation of her religious beliefs. Smith had preemptively challenged the Colorado Anti-Discrimination Act which views people who experience same-sex attraction or those whose subjective gender identity differs from biological reality as protected classes. The high court ruled that compelling an artist to speak or remain silent violates the First Amendment’s free speech clause, however it did not take up the question of whether it was a religious freedom violation. In his majority opinion, Justice Neil Gorsuch stated, in part, “In this case, Colorado seeks to force an individual to speak in ways that align with its views but defy her conscience about a matter of major significance. But, as this court has long held, the opportunity to think for ourselves and to express those thoughts freely is among our most cherished liberties and part of what keeps our republic strong.” Alliance Defending Freedom, which represented Smith in the case, hailed the decision as a “landmark” victory. For further information and perspective click [here](#), [here](#), [here](#), and [here](#).
- In a 9–0 decision, the US Supreme Court has [ruled](#) that workers should be granted religious accommodations unless doing so would substantially affect the employer. The case, *Groff v. DeJoy*, revolved around postal worker Gerald Groff who had asked his employer, the US Postal Service, to be excused from working on Sundays (the USPS was not delivering on Sundays when Groff began working). The Court maintained that employers should grant religious-accommodation requests unless doing so would impose a “undue hardship” on the employer, one that would be “substantial in the context of an employer’s business.” Legal commentators say that the decision will positively impact not only compelled work on religious holy days, but also dress according to their religious beliefs, pharmacists’ petitions to ask for workarounds not to have to fill prescriptions for contraceptive or abortifacient drugs, the refusal of vaccines on religious grounds, and teachers’ (and others’) desire to be exempt from referring to students by pronouns not corresponding to their sex. For further perspective and commentary, click [here](#), [here](#), [here](#), [here](#), and [here](#).
- On June 30th, U.S. District Judge Catherine Eagles [ruled](#) that nearly all of North Carolina’s revised twelve-week abortion ban could take effect, even while litigation against it moves forward. The only part of the law that remains blocked is that which states that doctors must document the existence of a pregnancy within the uterus before prescribing chemical abortion [editor’s note: an undiagnosed ectopic pregnancy is potentially very dangerous for mothers and the chemical abortion drug mifepristone does not dislodge an ectopic pregnancy]. Prior to the enactment of the new law, abortion was legal in North Carolina until twenty weeks.

Catholic Resources

- Archbishop Timothy P. Broglio, President of the US Conference of Catholic Bishops (USCCB), Bishop Michael F. Burbidge of Arlington, chair of the USCCB's Committee on Pro-Life Activities, and Bishop Daniel E. Flores of Brownsville, chair of the USCCB's Committee on Doctrine, have issued a joint [corrective statement](#) in response to a letter written by Catholic Democrat members of the US House of Representatives that claimed Catholic social teaching justifies abortion. The bishops' response stated, in part: "Members of Congress who recently invoked teachings of the Catholic faith itself as justifying abortion or supporting a supposed right to abortion grievously distort the faith. It is wrong and incoherent to claim that the taking of innocent human life at its most vulnerable stage can ever be consistent with the values of supporting the dignity and wellbeing of those in need." The bishops' full statement is available [here](#).

State by State

- Seven state Attorneys General (Indiana, Missouri, Mississippi, Arkansas, Idaho, Kentucky, South Carolina) have written a [letter](#) to Target Chair and CEO Brian Cornell expressing grave concerns of how the retail giant targets children with lesbian, gay, bisexual, transgender, or similarly-themed products. The five-page letter begins by stating: "As Attorneys General committed to enforcing our States' child-protection and parental-rights laws and our States' economic interests as Target shareholders, we are concerned by recent events involving the company's "Pride" campaign. Our concerns entail the company's promotion and sale of potentially harmful products to minors [and] related potential interference with parental authority in matters of sex and gender identity." For further information, click [here](#).
- Republican lawmakers in [Pennsylvania](#) have blocked funding for the University of Pittsburgh (Pitt) over the school's use of fetal body parts for research. Pitt has been under scrutiny for the past few years over the types of fetal tissue research it does, including the removal of organs from life fetuses and grafting fetal scalps on rodents. Other concerns include possible violations of federal anti-trafficking laws, and Pitt's partnerships with organizations such as Planned Parenthood in the procurement of fetal tissue. Click [here](#) for the "hidden history" of live organ removal abortions at the University of Pittsburgh Medical Center from the Pennsylvania Pro-Life Commission.
- The [Indiana](#) Supreme Court has ruled that the state's six-week abortion ban (heartbeat bill) is constitutional. In his majority opinion, Justice Derek Molter stated that the Indiana Constitution only protects the so-called right to abortion when it is "necessary to protect [the mother's] life or to protect her from a serious health risk" [editor's note: there is no medical condition for which direct abortion is the indicated intervention, see the [Dublin Declaration on Maternal Healthcare](#)] The justice also stated that the Indiana legislature "otherwise retains broad legislative discretion for determining whether and the extent to which to prohibit abortions." For more information, click [here](#).

International

- A study titled "Transgender Identity and Suicide Attempts in [Denmark](#)" was recently published online in the Journal of the American Medical Association. The study's "Finding" section stated the following: "In this nationwide cohort study of 6,657,456 Danish-born individuals, transgender individuals identified through hospital and

administrative registers had significantly higher rates of suicide attempt, suicide mortality, suicide-unrelated mortality, and all-cause mortality compared with nontransgender [sic] individuals.”

- According to figures from the [German](#) Bishops’ Conference, 522,821 people “disaffiliated” from Catholic Church in Germany in 2022. This marks a forty-four percent increase in the number that left in 2021 which itself was a record.

Latest “Bioethics on Air” Podcast

- Episode 117: [Investigating Miraculous Healings at Lourdes ... and a Pilgrimage](#). Karen O’Brien, MD, a member of the Lourdes Medical Bureau/International, joins Joe Zalot to discuss the process of determining the medical “inexplicability” of healings at Lourdes. Karen and Joe also announce a pilgrimage to Lourdes & Paris that they will lead in April 2024.

Of Note

- “This is not science. This is a social contagion of a mental health epidemic that the federal government is pushing.”—Presidential candidate [Vivek Ramaswamy](#) commenting on the Centers for Disease Control and Prevention’s (CDC) guidance that “transgender and nonbinary-gendered individuals may give birth and breastfeed or feed at the chest.” The CDC also cited protocol whereby a man who perceives himself as a woman can take certain hormones in order to (purportedly) “chestfeed” a child.

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.