Statement on the Office of Civil Rights Ruling on California's Attempt to Define Abortion As Basic Health Care

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Sacramento, CA – After almost two years of little or no activity, the Office of Civil Rights (OCR) of the U.S. Department of Health and Human Service (HHS) has ruled that the Bishops of California and others filing complaints do not have standing to object to a California agency mandating that religious organizations and individuals pay for all abortions in their managed health care plans. "When California – without public hearings or sufficient notification – defined abortion as a basic health care service two years ago it became absolutely necessary to file this complaint," explained Edward "Ned" Dolejsi, executive director of the California Catholic Conference. "Forcing organizations and individuals to violate their religious convictions is a threat to fundamental human liberties. To do so without due process disdains honest public discourse. Taking two years to decide a simple question of standing is an appalling delay of basic justice that has placed those who do not wish to pay for all abortions in their privately purchased health care plan in an untenable position." The Bishops of California said in their complaint that when the California Department of Managed Health Care required insurance companies under their jurisdiction to cover abortion it was a violation of the civil rights for those who could no longer purchase abortion-free health insurance plans as described by the Federal Weldon Amendment. The Weldon Amendment is designed to protect religious conscience rights in the health care environment. Violation of its provision mandates that the Federal government withhold all funding from a state – something that most observers believe is not only impractical but wrong. Catholic organizations and have been advocating for years for more effective consequences and for a private right of action in such cases. The denial of standing by the OCR – part of a Federal agency that promotes abortion services – highlights the need for a right of private action in the courts. "The First Amendment clearly disallows "impeding the free exercise of religion," said Dolejsi. "Forcing a faith-based organization that objects to abortion to pay for one clearly impedes that right. It is clearly discrimination and the California Catholic Conference will continue to advocate for relief." As explained by Bishop Robert McElroy, president of the California Catholic Conference's Institutional Concerns Committee, when the complaint was filed: "Catholic beliefs about life and human dignity animate and shape our Catholic ministries," said Bishop McElroy. "It's why we oppose abortion, but it is also why Catholic schools provide education, Catholic hospitals care for the poor and vulnerable and why Catholic social services provide assistance to people and families in need. It goes to the core of our moral beliefs. "

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