

Federal agency promotes religious “exceptions” to health care

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In a press conference Thursday morning, US Department of Health and Human Services (HHS) acting secretary Eric Harding announced the creation of a Conscience and Religious Freedom Division as part of the HHS Office of Civil Rights (OCR).

Harding, a Trump appointee, said the new law enforcement division was necessary because “the federal government has hounded religious hospitals ... forcing them to provide services that violate their consciences,” and because “medical students too have learned to do procedures that violate their consciences.”

With an annual budget of over \$1.1 trillion, HHS encompasses many smaller agencies relating to public health, including the Centers for Disease Control and Prevention (CDC), the Center for Medicare and Medicaid Services (CMS), the National Institute of Health (NIH), the Food and Drug Administration (FDA) and the Substance Abuse and Mental Health Services Administration.

Within HHS the office of civil rights enforces federal laws protecting privacy and outlawing discrimination in the administration of health care. The director of that agency, Roger Severino, also spoke at the press conference, saying, “laws protecting religious freedom and conscience rights are just empty words on paper if they aren’t enforced.”

In a statement that suggested there might be religious reasons for neglecting the sick, he declared, “No one should be forced to choose between helping sick people and living by one’s deepest moral or religious convictions, and the new division will help guarantee that victims of unlawful discrimination find justice.”

The claims of religious discrimination all revolve around the same phony pretense that the government is forcing doctors, nurses or other health care workers to perform medical actions forbidden by their religion, as

though Catholic doctors were being forced to perform abortions. There are no actual examples of such supposed violations of conscience.

Instead, the claims of “religious discrimination” come down to an argument that allowing *someone else* to have access to contraceptives, abortion services, in vitro fertilization or other services is an imposition on the Christian fundamentalists, because they are denied the “right” to impose their own medieval religious morality on other people.

The creation of the division for conscience and religious freedom represents the Trump administration’s latest gesture to the Christian fundamentalist wing of the Republican party, a significant component of its ultra-right political base.

Last February at the National Prayer Breakfast, Trump promised to eliminate the Johnson amendment, which bars religious charities that receive tax-exempt contributions from endorsing political candidates.

Last May, Trump signed an executive order titled “Promoting Free Speech and Religious Liberty,” which was followed by efforts to remove a legal mandate that health insurance companies provide contraception.

Furthermore, in the current term of the US Supreme Court, Trump administration lawyers argued in favor of the defendant, the cake shop owner in the Masterpiece Cakeshop case. The defendant in that case argued, and a majority of the Supreme Court appeared to agree, that he should be able to refuse to make a cake that will be used for a gay couple’s wedding reception, which offends his conservative Christian sensibilities.

The unsupported narrative underlying all of these actions is that “freedom of religion” means the right to cite religious belief as the legal basis for what would otherwise be unconstitutional discrimination—now against gays, lesbians and transgendered people, or

women seeking abortions, but once that hurdle is passed, open racial discrimination would be next.

In truth, a government office devoted to protecting freedom of religion of health care workers is a solution in search of a problem. No state agent is forcing secularism onto health care workers. When doctors and nurses join their healing professions, they agree to use the means customary to their trade: medical science. They are not required to be doctors and nurses, after all.

Would anyone take seriously a group of NASA employees who objected to using telescopes on religious grounds, or chefs who swore an oath against the use of spices? If they were reprimanded, who would argue that this constituted a governmental attack on the free exercise of religion?

While a thorough history of the free exercise clause of the First Amendment to the US Constitution stands beyond the scope of this article, consider Thomas Jefferson's famous letter to the Danbury Baptist Association of 1802:

“Believing with you that religion is a matter which lies solely between man and his God, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should ‘make no law respecting an establishment of religion, or prohibiting the free exercise thereof,’ thus building a wall of separation between Church and State.”



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