



THE NATIONAL CATHOLIC BIOETHICS CENTER

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National

- *FDA OKs fertility app:* The Food and Drug Administration (FDA) has approved the [“Natural Cycles” app](#) for use in the United States. The app was developed by Swedish husband and wife team Elina Berglund and Raoul Scherwizl. The couple created the app to “go beyond contraception” and to allow women to “get to know” their bodies and their “unique cycles.” Berglund further stated the app “use[es] scientific research to empower women with knowledge about their body, and to replace medication with technology.” The app claims a lower unintended pregnancy rate than the pill—6.5 percent versus 9 percent for the pill, and 18 percent for condoms—all without the side effects of hormonal contraception. Dr. Terri Cornelison of the FDA’s Center for Devices and Radiological Health stated, “Consumers are increasingly using digital health technologies to inform their everyday health decisions, and this new app can provide an effective method of contraception if it’s used carefully and correctly.”
- *“Conversion” therapy successful?* [The Linacre Quarterly](#) has published (July 2018) a study claiming that therapy aimed at changing one’s sexual orientation can be effective. The study, “Effects of Therapy on Religious Men Who Have Unwanted Same Sex Attraction,” calls into question the American Psychological Association’s strongly defended claim that so-called “conversion” therapies are harmful. This study tracked 125 men with “active religious belief” and found that “most of those who participated in group or professional help had heterosexual shifts in sexual attraction, sexual identity and behavior with large statistical effect sizes, similarly moderate-to-marked decreases in suicidality, depression, substance abuse, and increases in social functioning and self-esteem.” In addition, the study stated that “almost all harmful effects were none to slight.”
- *2017 STD rates “highest ever:”* The [Centers for Disease Control and Prevention](#) (CDC) reports that cases of sexually transmitted diseases hit a new high in 2017. Nearly 2.3 million cases of chlamydia, gonorrhea and syphilis were diagnosed last year, an increase of over 200,000 from 2016. Jonathan Mermin, Director of the CDC’s National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, summed it up best saying, “We are sliding backwards.” The year-over-year trends are just as bad. Gonorrhea diagnoses increased 67 percent between 2013 and 2017, and both primary and secondary syphilis diagnoses increased 76 percent during the same period. The CDC reports that men who have sex with other men make up close to 70 percent of syphilis cases.
- *Obama pregnancy programs still ineffective:* While various news outlets focus on recent federal court rulings against Trump Administration efforts to [end funding](#) for the Obama-era Teen Pregnancy Prevention Program (TPPP), few are looking at the program itself. In 2017, the Office of Adolescent Health reported that of the thirty-eight TPPP programs studied, only three reported long-term reductions in the incidence of unprotected sex, and only one reported a long-term reduction in rate of teen sexual activity. A 2018 review by Mathematica reveals similar findings. This new report demonstrates that only five out of forty programs showed a reduction in teen sexual activity, and only four of these forty programs evidenced a lowering of teen-pregnancy rates. The 2018 data also demonstrates that overall there were no long-term differences in sexual activity, use of

contraception, or pregnancy rates between students enrolled in the TPPP programs and those in control groups.

- *Senate kills Planned Parenthood defunding:* The US Senate [voted down](#) an amendment introduced by Kentucky Senator Rand Paul (R) to defund Planned Parenthood. The vote was 48-45 against the amendment. Republican Senators voting against the amendment included Susan Collins (Maine) and Lisa Murkowski (Alaska). Every Democratic Senator voted against the amendment including so-called “pro-life” Joe Manchin of West Virginia. Other notable Democrats opposing the amendment included Joe Donnelly (Indiana), Heidi Heitkamp (North Dakota), Claire McCaskill (Missouri), Bill Nelson (Florida) and Jon Tester (Montana)—each of which is up for reelection in November.
- *Brown U. caves on transgender study:* Fearing backlash, [Brown University](#) has removed from its website a study conducted by one of its own professors demonstrating that so-called “rapid-onset gender dysphoria” can be caused by environmental factors. Lisa Littman, an Assistant Professor of Behavioral Health and the study’s author, found that, “The onset of gender dysphoria seemed to occur in the context of belonging to a peer group where one, multiple, or even all of the friends have become gender dysphoric and transgender-identified during the same time frame.” In other words, peer pressure may play an important role in teens identifying as transgender. In a statement defending the university’s decision to remove the study from its website, Bess Marcus, Dean of the School of Public Health, stated that Brown community members had expressed concerns that the study “could be used to discredit efforts to support transgender youth and [to] invalidate the perspectives of members of the transgender community.” Nonetheless, she said Brown continues to affirm “the importance of academic freedom and the value of rigorous debate informed by research.” For further commentary on this study, click [here](#).

Federal Courts

- *Appeals court declares Miss. abortion ban unconstitutional, but there is a bright side:* A three-judge panel of the [11th Circuit Court of Appeals](#) (Atlanta) has upheld an injunction blocking Mississippi’s ban on dilation and extraction (D&E or “dismemberment”) abortion procedures from taking effect, however this was not the whole story. Two of the justices used the case to raise questions about the legitimacy of abortion as a constitutional right. Chief justice Ed Carnes ruled the Mississippi law imposed an “undue burden” on the so-called right to abortion, but in doing so clarified that he ruled as he did because he had to. Citing the flawed jurisprudence of *Roe v. Wade*, Carnes stated:

“Some Supreme Court Justices have been of the view that there is constitutional law and then there is the aberration of constitutional law relating to abortion. If so, what we must apply here is the aberration ... In our judicial system, there is only one Supreme Court, and we are not it. As one of the ‘inferior Courts,’ we follow its decisions.”

A second justice, Joel Dubina, wrote a separate opinion stating that the so-called right to abortion “has no basis in the Constitution.” He then added: “The problem I have, as noted in the Chief Judge’s opinion, is that I am not on the Supreme Court, and as a federal appellate judge, I am bound by my oath to follow all of the Supreme Court’s precedents, whether I agree with them or not. Therefore, I concur.” Alabama Attorney General Steve Marshall indicated his office may appeal the decision to the Supreme Court.

State by State

- *Golden state continues attacks on religious freedom, free speech:* On August 16, the [California](#) Senate passed AB2943, a change to the state’s consumer fraud law that expands restrictions on counseling for people seeking to change their same-sex attraction. If enacted, the new bill will expand such counseling

restrictions for people of any age and will apply to any counselor who advertises or provides such counseling. Opponents argue that the proposed amended law not only violates counselors' right to free speech, but it could also ban the sale of any book—including the Bible—that instructs people with a homosexual orientation “to change behaviors.” Opponents also argue that people who freely pursue counseling to change the sexual orientation are doing so because they want to live according to their faith. As such, AB2943 constitutes an attack on religious liberty. For a further perspective on AB2943, click [here](#).

- *Golden state legislature forcing abortion:* The [California](#) State Assembly has passed SB 320, a law that requires community colleges and public universities in the state to provide abortion pills up to 10 weeks of pregnancy. The bill also requires state university health centers to arrange for abortions—including providing transportation to an abortion provider—if they do not already provide the pills. The bill now goes to Governor Jerry Brown who is expected to sign it.
- *Wisconsin taxpayers to again pay for “transitioning:”* The [Wisconsin](#) Group Insurance Board, the entity that manages the state’s insurance program for public workers and retirees, has voted 5–4 to reinstate insurance coverage for “transgender” state employees who seek hormones and so-called “sex-reassignment” surgery. The change takes effect January 1st.
- *Catholic Charities in Buffalo ends foster care and adoption services:* Catholic Charities of Buffalo has announced that it will end its foster care and adoption programs because [New York](#) state law would force it to place children with same-sex couples. The decision came after a same-sex couple recently approached Catholic Charities seeking to be placed with a child. “We’re a Catholic organization, so we have to practice what we do consistent with the teaching of the church,” said Dennis C. Walczyk, CEO of Catholic Charities. Catholic Charities Buffalo currently has 55 certified foster homes, with 34 children in care in 24 of those homes. “They [the children] will stay with their parents,” Walczyk said. “They will stay in their homes.”
- *Judge blocks defunding efforts:* US District Judge Mary Geiger Lewis has granted a preliminary injunction against [South Carolina](#) Gov. Henry McMaster’s efforts to end public funding for abortion. Gov. McMaster has sought to prevent abortion clinics from receiving Medicare payments, but Planned Parenthood sued. The judge’s ruling allows state residents to continue using Medicare at Planned Parenthood clinics, at least until a final decision in the case is reached. Brian Symmes, a spokesperson for McMaster, said the governor was disappointed with the decision, “But he [McMaster] will continue to do all that he can to make sure no taxpayer dollars either directly or indirectly subsidize abortions in South Carolina.”

Conscience/Religious Liberty

- *Colorado cakebaker back in court:* [Jack Phillips](#), owner of Masterpiece Cake, is suing Colorado Governor John Hickenlooper (D) and members of the state's Civil Rights Commission in federal court claiming that state officials are still trying to force him to bake cakes he finds objectionable, despite the Supreme Court ruling in June that found previous attempts to force him to make a cake for a same-sex “wedding” amounted to religious persecution. The suit claims that on the day the US Supreme Court agreed to hear the same-sex “marriage” case, a lawyer called Phillip’s shop requesting a pink and blue “gender transition” cake. When Phillips refused, state officials “found probable cause” that Colorado law required him to bake such a cake. Phillips’ filing reads, in part: “It is now clear that Colorado will not rest until Phillips either closes Masterpiece Cakeshop or agrees to violate his religious beliefs. The state’s continuing efforts to target Phillips do not just violate the Constitution; they cross the line into bad faith. This Court should put a stop to Colorado’s unconstitutional bullying.” Phillips is seeking restitution for legal fees

and \$100,000 from the director of the civil rights commission in “punitive damages.”

- *Trump Admin expands religious exemptions in federal contracts:* The US Department of Labor has [issued](#) a new directive that offers federal contractors greater religious liberty protections. [Directive 2018-03](#), which was issued on August 10, expands the circumstances under which contractors can claim a religious exemption when faced with a discrimination charge, particularly from gay, lesbian, bisexual, and transgender groups. The new directive cites the Supreme Court cases *Masterpiece Cakeshop vs. Colorado Civil Rights Commission* and *Burwell v. Hobby Lobby*, as well as various Trump administration executive orders. A Labor Department official stated that the purpose of the new directive is to “ensure [the Office of Federal Contract Compliance Programs] guidance on the religious exemption is consistent with federal law related to religious freedom and religious accommodation, including recent US Supreme Court precedents and Executive Orders, which OFCCP is obligated to follow.”

International

- *Aussie Senate says NO to assisted suicide:* By a vote of 36–34, the [Australian](#) Senate has rejected a bill that would have allowed two territories—the Australian Capital Territory (ACT) and the Northern Territory—to legalize euthanasia. The vote followed several days of debate where some senators who previously were either neutral or even in favor of the bill ultimately chose to vote against it. If the bill had passed, it would have overturned the Euthanasia Laws Act of 1997 which was passed in response to the Northern Territory legalizing the practice in 1995.

Of Note

- *“In God We Trust” is constitutional:* The [8th Circuit Court of Appeals](#) (St. Paul, MN) has ruled that printing “In God We Trust” on US currency is constitutional. The decision marked a defeat for the atheist plaintiffs who argued that the phrase violated their First Amendment free speech and religious rights.

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.

Sharing the Resources: The web page of The National Catholic Bioethics Center, 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.

Previous editions of the Bioethics Public Policy Report are available on the NCBC website at <https://www.ncbcenter.org/advocacy/public-policy-reports/>.