



United States Conference of Catholic Bishops

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December 5, 2019

Hon. Chris Stewart
Member of Congress
2242 Rayburn House Office Building
Washington, DC 20515

Dear Representative Stewart:

As chairmen of the United States Conference of Catholic Bishops (USCCB) Religious Liberty; Pro-Life; Laity, Marriage, Family Life and Youth; Catholic Education; and Domestic Justice Committees, we write to you with mutual hope for a society and public policy that protects the dignity of every human person as made in the image of God. We are -- and always have been -- *for* fairness and dignity for all people. Unfortunately, your “Fairness for All Act” (FFA), effectively establishes “gender” ideologies as a basis for federal laws, relegating fundamental truths about biology and marriage to often narrowly-prescribed exemptions. This does not advance the common good. We ask you to reconsider your current approach and consider our significant concerns with the proposal.

We are aware that you, as well as respected legal scholars, and some religious groups who are our friends, endorse this legislation as the best and perhaps last chance to protect religious freedom. We share the urgent concern that religious freedom, our first and most cherished of American freedoms, is being weakened and devalued in American society, and we agree that solutions are needed.

But we affirm what Pope Francis has said, that “the removal of [sexual] difference creates a problem, not a solution” (General Audience, April 22, 2015). The institution of marriage, upon which the family and thereby society is founded, is further undermined by the ideology of “gender” that dismisses sexual difference and falsely presents “gender” as nothing more than a social construct. “Thus the Church reaffirms . . . her no to ‘gender’ philosophies, because the reciprocity between male and female is an expression of the beauty of nature willed by the Creator” (Pope Benedict XVI, Address to the Pontifical Council Cor Unum, Jan. 19, 2013). This affirmation in no way compromises the Church’s opposition to unjust discrimination against persons who experience gender incongruence, or those with “deep-seated homosexual tendencies” who “must be accepted with respect, compassion, and sensitivity” (Catechism of the Catholic Church, no. 2358).¹

Our friends counsel that we should support your proposal due to the many new protections for religious individuals and institutions that are included in the text. To be sure, we support many of these protections and are grateful for some of the proposed improvements to current federal law. However, FFA is insufficient to protect much of the Church’s charitable work, institutions, and people. Just a few of our numerous specific concerns in this respect follow:

- **Charitable programs and social services**, particularly for vulnerable women (such as shelters, counseling, and programs for mothers in need), would have both their activities and spaces opened to the opposite sex based on “gender identity” if they make use of any federal funds, with little to no exemptions for religious entities. § 3.

- **Doctors and other health care providers**, who serve everyone, would be forced to perform procedures for “gender transitions” if they perform the same for other indications (e.g., hysterectomies for cancer patients), even if it is against their conscience or faith generally, or against their professional judgment as to the wellbeing of a particular patient. §§ 2, 3.
- **Contraception (including abortifacients)** provision and coverage could be required of health care providers connected to federal funding (e.g., those that take Medicare or Medicaid) and pharmaceutical retailers, as well as health insurance companies. FFA’s adding “sex” to the public accommodations and federal funding titles of the Civil Rights Act would, as in past experience with Title VII, likely give rise to much litigation with differing outcomes on this matter. §§ 2, 3.
- **Religiously-affiliated schools (including single-sex schools)** that make use of pertinent federal funds, and whose beliefs forbid them from opening their programs, athletics, intimate spaces, and housing on the basis of “gender identity,” would be subject to a government assessment of whether they are “substantially religious” or controlled by a religion, and whether their practices are “religious standards” enforced with “reasonable consistency.” Leaving Title IX of the Education Amendments in place is immaterial, as FFA’s amendments to Title VI of the Civil Rights Act would subsume it. § 3.
- **Religiously-affiliated employers**, including potentially thousands of organizations not within the selective web of exemptions proposed by FFA, would be required to hire and retain personnel who may live in contradiction to their mission and beliefs, and to cover “gender transition” procedures in their health insurance plans. § 4.
- **The freedom of speech and belief** for all Americans, whether in customer-facing services, schools, intimate spaces, or the workplace, could be put at risk by requiring them to publicly speak and act in accord with the “gender identity” of another that they know to be untrue. Ultimately, this may even affect parents’ rights with respect to their own children if state agencies and judges take the signal from the FFA’s foster care provisions that it is best for a child to have a new “gender identity” affirmed immediately, without question or exploration. §§ 2 – 6.

Even if FFA were sufficient to avoid creating these and other challenges, the ends (securing the included religious freedom protections) do not justify the means (establishing gender ideology as a basis for a national policy, further undermining the anthropological basis of the family).

We thank you for taking our views and concerns into consideration, and for continuing to devote much thought and effort to upholding the common good, individual dignity, and liberties. We pray for you in your continuing work on these and many important matters.

Sincerely,



Most Rev. Michael C. Barber, SJ
Bishop of Oakland
Chairman, Committee on Catholic Education



Most Rev. Paul S. Coakley
Archbishop of Oklahoma City
Chairman, Committee on Domestic Justice
and Human Development



Most. Rev. Salvatore J. Cordileone
Archbishop of San Francisco
Chairman, Committee on Laity, Marriage,
Family Life and Youth



Most. Rev. George V. Murry, SJ
Bishop of Youngstown
Chairman, Committee for Religious
Liberty



Most Rev. Joseph F. Naumann
Archbishop of Kansas City, KS
Chairman, Committee on Pro-Life Activities

ⁱ See United States Conference of Catholic Bishops, “Forming Consciences for Faithful Citizenship,” ¶ 70, 2015.