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Remarks at a Forum on the Conscience Protection Act (HR 4828)
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It is clear why conscience rights on abortion should be important to Congress. Our Declaration of Independence, which we celebrate this week, cites the unalienable rights that governments must respect because they are bestowed by our Creator. Those rights begin with life and liberty. If government can take away our liberty to respect life, there is no right it cannot take away.

Congress and the states have passed laws to protect conscience rights since the Supreme Court legalized abortion in 1973. And until very recently, in this Administration, support for such laws has been strong and thoroughly bipartisan.

The first such federal law is the Church amendment of 1973 – named for its prime sponsor, Democratic Senator Frank Church of Idaho. It was needed for two reasons. First, after *Roe v. Wade*, abortion supporters claimed that medical students, health professionals and hospitals legally *must* perform abortions; second, a federal court had ruled that even a Catholic hospital must do sterilizations if it receives federal funds. The Church amendment protected moral and religious objections to these procedures, and in some circumstances to any procedure.

In 1996 Congress acted again, because a national accrediting body was trying to force all ob/gyn residency programs to provide abortion training. The Coats/Snowe amendment said the government would not discriminate against residents and residency programs that do not perform abortions as regards accreditation and federal aid. It passed the Senate 63-37, supported by Democrats such as Patrick Leahy and Joseph Biden, and remains law today (42 USC 238n). It is not limited to objections based on morality or religion, for reasons I would be happy to discuss.

In 2002 the Abortion Non-Discrimination Act sought to ensure that this policy would apply in non-training contexts. It passed the House 229-189, supported by 37 Democrats, but was not taken up by the Senate. Its policy was finally written into law in 2004 through the Labor/HHS appropriations rider known as the Weldon amendment.

We now know these laws have a serious deficiency: None of them includes a private right of action, allowing victims of discrimination to go to court. All enforcement has been by the HHS Office for Civil Rights. This deficiency is now fatal, since this Administration refuses to enforce the law as written and is itself a perpetrator of discrimination, as in the domestic program for victims of human trafficking.

Pro-abortion forces are now exploiting what they claim are additional ambiguities in the Weldon amendment. They even think they can have it declared unconstitutional because of its enforcement mechanism, and the Obama administration now gives credence to that claim. To defend pro-life Americans' fundamental rights we need a clear definition of who is protected, and a method of enforcement that is legally secure and workable. This would be provided by the Conscience Protection Act, HR 4828.