



3 February 2010

Statement of Bishop Larry Silva on Emergency Contraceptives

As Bishop of Honolulu, I offer this statement with respect to proposed legislation which would require hospitals to provide information about emergency contraception to women who are sexually assaulted and to provide emergency contraception when requested. I respectfully request that you do NOT approve such legislation in any form, especially if it does not contain an exemption for the Hawaii Medical Center – and anyone else who shares its beliefs.

GOVERNMENT COMPULSION TO VIOLATE RELIGIOUS BELIEFS

First and foremost, we operate our hospitals guided by our belief that compassionate and understanding care should be given to sexual assault victims. At the same time, we are bound by ethical and religious principles which set forth the parameters of treatment.

Because of its religious tenets, the St. Francis Healthcare System does not provide abortion services, including “emergency contraception,” which is almost always an agent of chemical abortion. A very large portion of the people of Hawaii, both Catholics and others, oppose abortion because it violates the human rights of unborn children. The “emergency contraceptive” is, in effect, a non-surgical method of abortion.

While it is true that the former St. Francis hospitals are now the Hawaii Medical Centers (HMCs), there are two crucial legal items that merit attention:

- St. Francis Healthcare System still owns the land upon which the HMC’s operate.
- The legal relationship between HMC and St. Francis is governed by a contract binding HMC to operate the hospitals in a manner consistent with Catholic ethical and religious directives. Those directives prohibit complicity in the termination of life, beginning at the moment of conception, fertilization. Emergency contraceptives sometimes work post-fertilization, resulting in the termination of the new young life and the ending of the pregnancy. This violates a core religious directive. Passage of any legislation on emergency contraception would use government force to effectively compel St. Francis Healthcare Systems to condone, on its own property, this procedure which can act as an abortifacient – something that would be directly contrary to St. Francis Healthcare System’s beliefs in the sanctity of human life, contained in natural law and articulated clearly by our religious beliefs.

St. Francis has publicly stated in previous testimony that they will close existing emergency rooms rather than be forced to act contrary to their religious tenets. Although I oppose its use in any place, if you insist on passing such legislation, I urge you to allow at least the Hawaii Medical Center to honor the terms of its lease with the St. Francis Healthcare System by granting an exemption from the requirement that it dispense emergency contraceptives. It would be ironic if “pro-Choice” legislation were to eliminate a crucial choice of conscience.

FIRST AMENDMENT ISSUES AT STAKE - DISCONCERTING LEGAL PRECEDENT

One need not support the position of St. Francis and HMC on emergency contraception to support their rights to assist the community in a manner that comports with their religious beliefs.

If the government can compel that which religion prohibits in this instance, there is no legal or public policy justification left to stop this state legislature from requiring religious hospitals to perform surgical abortions, for example. Catholic hospitals must always be free to rely on the best and most up-to-date facts and the moral obligations those facts place on them in accord with their respect for nascent human life.

DIVERSITY & TOLERANCE ACHIEVED WITH A RELIGIOUS EXEMPTION

Indeed, the Hawaii legislature has recognized the importance of religious freedom protections as a part of otherwise generally applicable law. For example, Hawaii's employment non-discrimination law (H.R.S. 378-3) contains a religious exemption. This balance in the law reflects Hawaii's tradition of tolerance and pluralism. Through the religious exemption, consideration is given to diverse points of view.

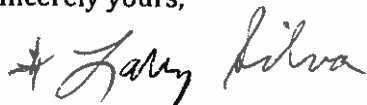
Legislation can be crafted to accommodate the broader public policy goal, while at the same time respecting the constitutionally protected sincerely held religious beliefs of others in the community. At issue is the balancing of rights – the constitutional right to freely exercise one's religion versus what some are hoping to make a statutory right to force religious institutions to violate their core beliefs. We believe that this right can be balanced through the adoption of a religious exemption.

RELIGIOUS EXEMPTION LANGUAGE

Consistent with the spirit and intent of a religious exemption, we submit that if such legislation is considered it should include a conscience clause protection covering those kinds of emergency contraception which are abortifacient. The text of such a conscience clause should read as follows:

"Nothing in this act shall compel a nonprofit hospital to provide any emergency contraception which has as its purpose or direct effect the removal, destruction or interference with the implantation of a fertilized ovum when such action violates its ethical, moral or religious beliefs, and the refusal to so provide shall not constitute grounds for civil or criminal liability, disciplinary action or discriminatory treatment."

Sincerely yours,



Most Reverend Larry Silva
Bishop of Honolulu