



Written by [Jack Kenny](#) on December 3, 2013

ACLU Sues Bishops Over Abortion Ban at Catholic Hospitals

The American Civil Liberties Union has filed suit against the U.S. Conference of Catholic Bishops over the bishops' ethical guidelines for Catholic hospitals, the Associated Press [reported](#).

The suit, filed last Friday, claims the guidelines — which prohibit abortion, contraception, sterilization, and some infertility therapies — were responsible for negligent treatment of a Michigan woman whose child died hours after birth. Because of the religious directives, the suit alleges, the woman was not told that her pregnancy posed grave risks to her health and that her child was not likely to survive.



UNITED STATES CONFERENCE OF
CATHOLIC BISHOPS

The suit, filed in U.S. District Court in Michigan, is over the treatment in 2010 of a woman who was 18 weeks pregnant when her water broke, and she went to the nearest hospital, Mercy Health Muskegon. The ACLU alleges that because of the ethical directives the woman was never told during several emergency visits that “the safest treatment option was to induce labor and terminate the pregnancy.” The pathology report found the woman had infections that could result in infertility and other damage, the ACLU says. The baby later died within three hours of birth.

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“It’s not just about one woman,” said Kary Moss, executive director of the Michigan ACLU. “It’s about a nationwide policy created by non-medical professionals putting patients in harm’s way.”

Neither Mercy Health Muskegon nor its corporate parent, Trinity Health in Livonia, would comment Monday, the AP reported. Sister Mary Ann Walsh, a spokeswoman for the bishops conference in Washington, said the conference had not been officially notified of the suit and couldn’t comment until it received the complaint.

While roughly 13 percent of all hospitals in the United States are Catholic, a number of mergers between Catholic and lay hospitals in recent years have sparked controversies over the extent to which the merged institutions retain a Catholic identity and the range of reproductive services they offer. Trinity Health and Catholic Health East completed a merger earlier this year of more than 80 hospitals in 21 states, the AP reported. The ACLU and other organizations claim the mergers have resulted in a shrinking access of women to abortion and other medical procedures that the Catholic Church opposes.

The suit is likely to raise issues similar to those still being litigated over the Department of Health and Human Services mandate under ObamaCare, requiring employers at institutions other than houses of worship to include abortifacient and contraceptive services in healthcare coverage for their employees. While supporters of the mandate claim it falls within a woman’s legal right of access to abortion and other reproductive services, opponents argue it is the right of employers to refrain from offering



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coverage for medical procedures that violate their moral or religious beliefs. The Conference of Catholic Bishops is among the organizations that have filed suit over the mandate as it applies to religious-affiliated institutions, claiming it violates the rights of conscience and the freedom of religion guaranteed by the First Amendment.

Robin Fretwell Wilson, a University of Illinois professor who specializes in family and health law, told the AP that the negligence claim the ACLU filed against the bishops would require a court to find that the conference has some direct control over the hospital. The bishops exercise a moral authority over Catholic hospitals but are not involved in case-by-case decisions or the administration of the facilities.



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