

IN THE SENATE

SENATE JOINT MEMORIAL NO. 104

BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

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2 TO THE PRESIDENT OF THE UNITED STATES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

6 We, your Memorialists, the Senate and the House of Representatives of the State of Idaho assembled in the Second Regular Session of the Sixty-first Idaho Legislature, do hereby respectfully represent that:

9 WHEREAS, all Idahoans have the right to life, liberty and the pursuit of happiness, as provided in the Declaration of Independence; and

11 WHEREAS, the Continental Congress of 1787 declared that "Religion, Morality and knowledge being necessary to good government and the happiness of mankind ..."; and

14 WHEREAS, James Madison, a key defender of religious freedom and author of the First Amendment, said "Conscience is the most sacred of all property"; and

17 WHEREAS, the Executive Branch of the United States government has directed the U.S. Department of Health and Human Services (HHS) to promulgate a new, "preventive services" mandate that violates the rights of conscience of a majority of U.S. citizens; and

21 WHEREAS, Thomas Jefferson in 1809 stated that "No provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of the civil authority"; and

24 WHEREAS, this new mandate has been written into an HHS regulation requiring private health insurance plans to cover costs of female surgical sterilization and all drugs and devices approved by the U.S. Food and Drug Administration, including contraceptives and drugs that can attack an unborn child before and after implantation in the mother's womb, in effect taking away the right to life; and

30 WHEREAS, under this new regulation, the United States government forces individuals and organizations to go into the marketplace and purchase a product that violates their conscience; and

33 WHEREAS, this should not happen in a land where free exercise of religion ranks first in the Bill of Rights; and

35 WHEREAS, the new HHS regulation covers all Americans and provides for only a miniscule amount of agency discretion to authorize "religious" exemptions that will exclude many religious social service agencies and health care providers and other groups that believe in the sanctity of life; and

39 WHEREAS, using this exemption, organizations would be free to act in accord with their religious teachings on life and procreation only if they were to stop hiring and serving those that object on religious grounds; and

42 WHEREAS, by implementing this regulation, the United States government appears to place pressure on institutions that consider life to be sacred,

1 directing them to cease providing health care, education and charitable ser-  
2 vices to the general public; and

3 WHEREAS, the new HHS regulation fails to create a meaningful "con-  
4 science exemption" to the preventive services mandate; and

5 WHEREAS, this regulation underscores the need for Congress to approve  
6 the Respect for Rights of Conscience Act that would prevent mandates under  
7 the new federal health care reform law from undermining rights of con-  
8 science; and

9 WHEREAS, this new federal regulation applies to all religions and  
10 faiths in America that contain members who are conscientiously objecting  
11 to any mandate that violates the rights of the unborn by forcing American  
12 taxpayers to subsidize the costs of drugs and procedures under the new term  
13 "emergency contraceptive"; and

14 WHEREAS, regarding the HHS regulation, Cardinal-designate Timothy  
15 Dolan, Archbishop of New York and president of the U.S. Conference of  
16 Catholic Bishops, stated "In effect the president is saying we have a year  
17 to figure out how to violate our consciences. To force Americans to choose  
18 between violating their consciences and forgoing their health care is liter-  
19 ally unconscionable .... It is as much an attack on access to health care as  
20 on religious freedom"; and

21 WHEREAS, the pro-life majority of Americans would be outraged to learn  
22 that their health insurance premiums must be used for these purposes.

23 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-  
24 sion of the Sixty-first Idaho Legislature, the Senate and the House of Rep-  
25 resentatives concurring therein, that we request the President of the United  
26 States and the Congress of the United States to reverse and reject the HHS  
27 regulation so that those who sponsor, purchase and issue health insurance  
28 plans should not be forced to violate their deeply held moral and religious  
29 convictions in order to take part in any health care system that violates  
30 their belief in the sanctity of life.

31 BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she  
32 is hereby authorized and directed to forward a copy of this Memorial to  
33 the President of the United States, to the President of the Senate and the  
34 Speaker of the House of Representatives of Congress, and the congressional  
35 delegation representing the State of Idaho in the Congress of the United  
36 States.