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“Nurses of Conscience” say NO to abortion coercion at UMDNJ

By Rep. Chris Smith

Press Conference with UMDNJ Nurses
UMDNJ, Newark, NJ
November 14, 2011

It is an honor and privilege to join these courageous “nurses of conscience” who at great risk of being fired, demoted or otherwise retaliated against, have asserted their fundamental civil rights guaranteed by both federal and state law by saying “no” to coerced participation in the killing of unborn children at the University of Medicine and Dentistry of New Jersey (UMDNJ).

UMDNJ’s coercive anti-conscience policy is not only highly unethical but blatantly illegal.

Federal and state law couldn’t be clearer on this matter.

Even the US Supreme Court that handed down *Roe vs. Wade*—the decision that legalized abortion on demand—said in 1973 in its companion opinion *Doe v Bolton* that “appropriate protection” was needed in America to ensure that “a physician or any other employee has the right to refrain, for moral or religious reasons, from participating in the abortion procedure” (*Doe v Bolton* 410 U.S. at 198)

Congress immediately responded to the Supreme Court's engraved invitation with enactment of the 1974 Church Amendment.

The Church Amendment makes absolutely clear that “ no entity (and that includes UMDNJ) which receives a grant, contract, loan or loan guarantee under the Public Health Service Act, the Community Mental Health Centers Act, or the Developmental Disabilities Services and Facilities Construction Act may discriminate in the employment, promotion or termination of employment of any physician or other health care personnel or discriminate in the extension of staff or other privileges to any physician or other health care personnel...because he refused to perform or assist in the performance of... abortion on the grounds that his performance or assistance in the performance of ...abortion would be contrary to his religious beliefs or moral convictions...”

To further protect conscience rights, the U.S. Congress enacted the Hyde-Weldon conscience law in 2005 that bars funds appropriated under the entire Health and Human Services Appropriations Act to any federal agency or program or to a state or local government if they engage in discrimination by violating conscience rights.

It should be noted that the relevant NJ statute states unambiguously that “no person shall be required to perform or assist in the performance of abortion... .”

New Jersey law further states that “the refusal to perform, assist in the performance of, or provide abortion... shall not constitute grounds for civil or criminal liability, disciplinary action or discriminatory treatment.”

In pursuit of an illegal and highly unethical policy to coerce its own nurses to participate in abortions including support activities such as pre- and post-procedure complicity in abortion, UMDNJ has not only imposed irreparable harm and suffering on its own nurses, but has willfully and recklessly put federal funding for the institution at risk.

Because the nurses recognize the innate value and dignity and preciousness of the child in the womb and have refused to participate or be complicit in an act of violence against a vulnerable child, they are punished.

Because the nurses have deep religious and moral convictions and believe women deserve better than abortion, they are punished.

Because the nurses are compassionate and care deeply for every human life, regardless of age or condition of dependence, they are punished.

The illegal and highly unethical policy of coercion by UMDNJ must cease immediately.