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October 13, 2021

The Honorable J.B. Pritzker  
Governor  
State of Illinois  
207 State House  
Springfield, IL 62706

The Honorable Don Harmon  
Senate President  
State of Illinois  
327 Capitol Building  
Springfield, IL 62706

The Honorable Emanuel Chris Welch  
Speaker of the House  
State of Illinois  
300 Capitol Building  
Springfield, IL 62706

The Honorable Dan McConchie  
Senate Minority Leader  
State of Illinois  
309G Capitol Building  
Springfield, IL 62706

The Honorable Jim Durkin  
House Minority Leader  
State of Illinois  
316 Capitol Building  
Springfield, IL 62706

Dear Governor Pritzker, President Harmon, Speaker Welch, Leader McConchie, and Leader Durkin,

We are writing to you to express our concerns about proposals under discussion to amend the Illinois Health Care Right of Conscience Act (“HCRCA” or “the Act”). This Act is vital to the integrity of those serving in health care, and it should not be amended or altered to deal with the exigencies of the current tragic pandemic. Indeed, the Act has been a model for the nation as a bulwark against attempts to coerce health care providers and their employees to engage in practices that violate their sincerely held religious or moral beliefs. Piecemeal amendment of the Act would violate the fundamental principles for which the Act was adopted and would infringe upon the freedom not only of those currently making objections, but also of those who would seek to follow their conscience in the future.

The Catholic Church and many other faith traditions have been very clear about the need to be vaccinated against COVID-19. We are conducting public awareness campaigns and urging our own employees to be vaccinated, and the number of the vaccinated is rising. The Church views receiving the vaccine as an act of charity toward other members of our community and should be considered an act of love of our neighbor and part of our moral responsibility for the common good.

Nonetheless, we are aware that there are individuals citing the Act as legal justification for not being vaccinated for COVID-19, and some are relying on the Act to object to testing. Although these conscience objections by employees can cause difficulty for health care institutions, this difficulty does not justify amending the law. There is a better way forward. Rather than amend the Act (and thereby sacrifice the principle of conscience protection), it makes more sense to consider how best to apply the Act in a reasonable way.

First, we should carefully scrutinize any conscience-based objection to testing for COVID-19. The tests are quick, non-invasive and do not appear to present any religious or moral conflicts. There is nothing about the test itself or the purpose for which it is being administered that could even arguably violate a person's conscience. The tests are similar to mandatory tests to determine if one operating a motor vehicle or machinery is impaired. We find there is no valid reason an employer cannot require them, and the Act should be interpreted to make this clear. It is worth noting that cost, burden, or belief that a test is not "necessary" are policy objections, not conscience objections.

In contrast, we oppose any amendment of the Act that would categorically "carve out" vaccines, or anything else, from the fundamental right of conscience. Notwithstanding our own Church's belief that the COVID-19 vaccine is both morally acceptable and an expression of love of neighbor, we are called to respect the sincerely held religious or moral objection that some may have to the vaccine. The purpose of the HCRCA is not to protect only the conscience objections of those who share the majority's beliefs; to the contrary, it is specifically intended to protect those whose consciences demand that they abstain from a medicine or practice favored by the majority. Neither the Church nor the State should coerce an individual with sincere conscientious objections to receive a COVID-19 vaccine.

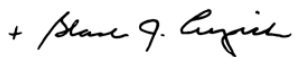
In addition to our concern about attempts to coerce citizens to violate their consciences, we are deeply concerned about the breadth and thus the perhaps unintended consequences of the proposed amendment to HCRCA. A categorical exclusion of all vaccine mandates from conscience protection would strip Catholic entities and Catholic employees of the right to abstain from receiving or administering other non-COVID vaccines developed in ways that directly violate the most fundamental moral teachings of our Church. The same would be true for members of other religious denominations or those who are not religious but hold sincere moral beliefs. Mandating that someone receive such a vaccine would create a choice between one's conscience and one's employment. A broad "carve out" therefore violates the very purpose of the HCRCA. The fundamental conscience rights protected by the Act are too important to sacrifice for the expediency of a broad carve out.

The best approach to the challenges created by sincere conscience objections is not to simply eliminate the right to make conscience objections, but rather to formulate reasonable accommodations that both respect the right of conscience and protect health care workers and patients. The citizens of this State do not have to choose between violating their consciences and maintaining a safe environment for workers; we can do both. In cases involving sincere conscience objections under the HCRCA, we can accomplish this by requiring stringent testing, masking, and appropriate distancing. In some health care settings, other restrictions might be required to ensure patient safety. We have confidence that the courts of this State will apply the HCRCA to permit health care providers to take whatever steps are necessary (such as restricting access to patients, etc.), without treating such actions as prohibited adverse employment actions. Federal law already guarantees employees the right to reasonable accommodations for

sincerely held religious beliefs. Amending the HCRCA will not eliminate this federal legal duty. By the same token, the “reasonable accommodation” approach can work under the HCRCA as well.

Community leaders, sports figures, celebrities, political leaders, and many others continue to advocate for people to be vaccinated against COVID-19 and these efforts are working. The vaccination rate in Illinois is now 67 percent (six months ago it was 26 percent) and our current seven-day rolling average case positivity rate is 2.1 percent. We are aware this trend can be reversed, but there are more reasons to be optimistic about our ability to address this pandemic. In addition, there are reasons to be optimistic that new treatments for COVID-19 cases will significantly reduce the lethality of this virus.

In summary, the General Assembly should not amend the Health Care Right of Conscience Act. There are better ways to increase vaccination rates and ensure patient safety without sacrificing the fundamental right of conscience.



His Eminence Cardinal Blase J. Cupich  
Archbishop of Chicago



Most Reverend David J. Malloy  
Bishop of Rockford



Most Reverend Daniel R. Jenky C.S.C.  
Bishop of Peoria



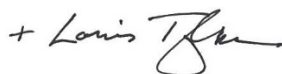
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Bishop of Joliet



Most Reverend Thomas John Paprocki  
Bishop of Springfield in Illinois



Most Reverend Michael McGovern  
Bishop of Belleville



Most Reverend Louis Tylka  
Coadjutor Bishop of Peoria