

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

**Vita Nuova Inc.**, on behalf of itself and  
others similarly situated,

Plaintiff,

v.

**Alex M. Azar II**, in his official capacity  
as Secretary of Health and Human  
Services; **United States of America**,

Defendants.

Case No. 4:19-cv-00532-O

**PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT  
AND PERMANENT INJUNCTION**

Plaintiff Vita Nuova Inc. respectfully moves summary judgment and permanent injunction. The elements of the plaintiff's RFRA claim will be set forth in the accompanying brief.

Respectfully submitted.

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Dated: June 30, 2020

*Counsel for Plaintiff  
and the Proposed Class*

### CERTIFICATE OF CONFERENCE

I certify that on June 29, 2020, I conferred with Bradley Humphreys, counsel for the defendants, and he informed me that the defendants oppose this motion.

/s/ Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
*Counsel for Plaintiff*  
*and the Proposed Class*

### CERTIFICATE OF SERVICE

I certify that on June 30, 2020, I served this document through CM/ECF upon:

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v.

**Alex M. Azar II**, in his official capacity  
as Secretary of Health and Human  
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Defendants.

Case No. 4:19-cv-00532-O

**BRIEF IN SUPPORT OF PLAINTIFF'S MOTION FOR  
SUMMARY JUDGMENT AND PERMANENT INJUNCTION**

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Plaintiff Vita Nuova Inc. respectfully moves for summary judgment on behalf of itself and the class that it seeks to represent. Vita Nuova also requests a permanent injunction that will prevent the defendants from enforcing 42 U.S.C. § 300a-7(c) against health-care providers that oppose abortion for sincere religious reasons.

### **UNDISPUTED FACTS**

Vita Nuova is a Christian, pro-life organization that wishes to participate in the federal government's Title X program. *See* Affidavit of Carol Everett (ECF No. 34-2) at ¶¶ 3, 11. But 42 U.S.C. § 300a-7(c) prohibits entities from receiving federal funds unless they allow their employees to perform or assist abortions, and it makes no exemptions or accommodations for organizations (such as Vita Nuova) that oppose abortion for sincere religious reasons. Vita Nuova, however, requires its employees to respect the sanctity of human life at all times, both on and off the job. *See* Affidavit of Carol Everett (ECF No. 34-2) at ¶ 7. Vita Nuova will not allow its doctors to perform elective abortions, nor will it allow its employees to assist elective abortions, consistent with the employment practices of Catholic hospitals and other Christian health-care entities that oppose abortion for sincere religious reasons. *See id.*

Vita Nuova believes that 42 U.S.C. § 300a-7(c) violates the Religious Freedom Restoration Act by failing to exempt health-care providers that oppose abortion for sincere religious reasons, and it seeks summary judgment and a permanent injunction that will prevent the defendants from enforcing the statute against Vita Nuova and the putative class members.

### **VITA NUOVA IS ENTITLED TO SUMMARY JUDGMENT**

The Religious Freedom Restoration Act “was designed to provide very broad protection for religious liberty,” which extends “far beyond what this Court has held is constitutionally required.” *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 706 (2014); *id.* at 695 n.3 (“RFRA did more than merely restore the balancing test used

in the *Sherbert* line of cases; it provided even broader protection for religious liberty than was available under those decisions.”). To prevail on a RFRA claim, a plaintiff need only show that 42 U.S.C. § 300a-7(c) substantially burdens its exercise of religion. 42 U.S.C. § 2000bb-1(a). Then the burden shifts to the government to demonstrate that its imposition furthers a “compelling governmental interest” and is the “least restrictive means” of doing so. 42 U.S.C. § 2000bb-1(b)(1)–(2).

**I. 42 U.S.C. § 300a-7(c) SUBSTANTIALLY BURDENS VITA NUOVA’S EXERCISE OF RELIGION**

42 U.S.C. § 300a-7(c) forces Vita Nuova and the putative class members to choose between: (1) allowing the employment of individuals who perform or assist elective abortions; or (2) disqualifying themselves from federal funding. This substantially burdens their exercise of religion.

Vita Nuova, like other Christian health-care providers, offers its services as an act of Christian ministry. *See* Affidavit of Carol Everett (ECF No. 34-2) at ¶ 8 (“Jesus instructed his disciples to heal the sick. . . . Vita Nuova seeks to provide needed health-care services to women to fulfill this divine command, and to do so as a component of Christian ministry.”); *see also* United States Conference of Catholic Bishops, *Ethical and Religious Directives for Catholic Health Care Services* (6th ed. 2018), “General Introduction,” page 6 (“The Church has always sought to embody our Savior’s concern for the sick. . . . The mystery of Christ casts light on every facet of Catholic health care: to see Christian love as the animating principle of health care; to see healing and compassion as a continuation of Christ’s mission; to see suffering as a participation in the redemptive power of Christ’s passion, death, and resurrection; and to see death, transformed by the resurrection, as an opportunity for a final act of communion with Christ.”), available at <http://www.usccb.org/about/doctrine/ethical-and-religious-directives/upload/ethical-religious-directives-catholic-health-service-sixth-edition->

2016-06.pdf (last visited on June 30, 2020).<sup>1</sup> The provision of health care by Vita Nuova and the putative class members—which is done to imitate the example of Christ and to provide Christian love to those in need—undoubtedly qualifies as an “exercise of religion” within the meaning of the Religious Freedom Restoration Act. *See* 42 U.S.C. § 2000bb-2(4) (“[T]he term ‘exercise of religion’ means religious exercise, as defined in section 2000cc-5 of this title.”); 42 U.S.C. § 2000cc-5(7)(A) (“The term ‘religious exercise’ includes any exercise of religion, whether or not compelled by, or central to, a system of religious belief.”); 42 U.S.C.A. § 2000cc-3(g) (“This chapter shall be construed in favor of a broad protection of religious exercise, to the maximum extent permitted by the terms of this chapter and the Constitution.”); *see also Hobby Lobby*, 573 U.S. at 696. Vita Nuova’s insistence that its employees refrain from performing or assisting abortions is likewise an “exercise of religion” under section 2000bb-2(4). *See Hobby Lobby*, 573 U.S. at 691 (unwillingness to fund abortifacient contraception is an “exercise of religion” protected by RFRA). Vita Nuova’s belief in the sanctity of human life and its opposition to abortion is rooted in the Bible and millennia of Christian teaching on the subject. *See* Affidavit of Carol Everett (ECF No. 34-2) at ¶¶ 6–10; *see also* Affidavit of E. Christian Brugger (ECF No. 34-3) at ¶ 14–15 (citing the Bible and authorities from the early Christian church).

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1. *See also* Ron Hamel, *Healing Begins With Our Hearts*, 93 *Health Progress* 70, 70–71 (2012) (“Healing is integral to the mission and ministry of Jesus. . . . Jesus’ special concern for and healing of the sick is integral to the reign of God, to making God’s way present in the world. He tells the 12 apostles: ‘The kingdom of heaven is at hand. Cure the sick, raise the dead, cleanse lepers, drive out demons’ (Matthew 10:7–8; 11:2–5). This work he handed over to his followers and sent them forth into the world to be God’s healing and reconciling presence in the world.”), available at: <https://www.chausa.org/docs/default-source/health-progress/580ebb11f8b648efa6d6a0720f557fd11-pdf.pdf?sfvrsn=0> (last visited on June 30, 2020).



42 U.S.C. § 300a-7(c) substantially burdens this exercise of religion by disqualifying Vita Nuova—and every other religious health-care provider that opposes abortion—from federal funds unless they allow the employment of individuals who perform or assist elective abortions. See *Sherbert v. Verner*, 374 U.S. 398, 406 (1963) (“[T]o condition the availability of benefits upon this appellant’s willingness to violate a cardinal principle of her religious faith effectively penalizes the free exercise of her constitutional liberties.”); *Hobby Lobby*, 573 U.S. at 710 (“[A] law that ‘operates so as to make the practice of . . . religious beliefs more expensive’ in the context of business activities imposes a burden on the exercise of religion.” (quoting *Braunfeld v. Brown*, 366 U.S. 599, 605 (1961))). As the Supreme Court explained in *Sherbert*:

Here not only is it apparent that appellant’s declared ineligibility for benefits derives solely from the practice of her religion, but the pressure upon her to forego that practice is unmistakable. The ruling forces her to choose between following the precepts of her religion and forfeiting benefits, on the one hand, and abandoning one of the precepts of her religion in order to accept work, on the other hand. Governmental imposition of such a choice puts the same kind of burden upon the free exercise of religion as would a fine imposed against appellant for her Saturday worship.

*Sherbert*, 374 U.S. at 406. So too here. The statute forces Vita Nuova and the putative class members “to choose between” following the precepts of their religion and forfeiting their eligibility for federal funding, on the one hand, and abandoning a precept of their religion in order to preserve their eligibility for federal funds, on the other. The “imposition of such a choice” substantially burdens their exercise of religion. See *id.*; *Sharpe Holdings, Inc. v. U.S. Dep’t of Health and Human Services*, 801 F.3d 927, 937 (8th Cir. 2015) (“Under RFRA, the government substantially burdens the exercise of religion when it ‘conditions receipt of an important benefit upon conduct proscribed by a religious faith’ or ‘denies such a benefit because of conduct mandated by religious belief, thereby putting substantial pressure on an adherent to modify his behavior and to violate his beliefs.’” (quoting *Thomas v. Review Bd. of Ind. Emp’t Sec.*

*Div.*, 450 U.S. 707, 717–18 (1981)); *see also* Affidavit of E. Christian Brugger (ECF No. 34-3) at ¶ 19 (explaining how a decision to “relinquish and forgo federal funding” can “destroy an institution’s financial viability” when the federal government pays for 28% of health-care spending in the United States); *cf. Espinoza v. Montana Dept. of Revenue*, No. 18-1195, slip op. at 8 (2020) (“[T]he Free Exercise Clause protects against laws that penalize religious activity by denying any person an equal share of the rights, benefits, and privileges enjoyed by other citizens” (citation and internal quotation marks omitted)).

If Vita Nuova allowed its employees to perform or assist elective abortions, it would undermine Vita Nuova’s Christian witness. *See* Affidavit of Carol Everett (ECF No. 34-2) at ¶ 8. An organization cannot credibly maintain that it promotes Christian values—including the sanctity of human life at all stages—if it allows its employees to behave in a manner that directly contradicts the values that the organization purports to uphold. *See id.* This is true not only for Vita Nuova, but for every health-care provider affiliated with the Catholic Church, which prohibits “cooperation” with abortion in any form. As Professor Brugger explains:

[T]he Catholic Church in the United States prohibits all of its more than 2,000 healthcare facilities from any kind of moral “cooperation” with abortion. . . . This prohibition extends to the performance of abortions on the premises of Catholic facilities, the hiring of doctors who perform abortions, including those who perform them off premises, and even the granting of hospital privileges to doctors who perform abortions, even should they promise that their visits would be unrelated to abortion. The dangers of scandal and of the undermining of a Catholic institution’s witness to the sanctity of human life are serious enough to justify a total prohibition: no cooperation—no complicity—with abortion is permissible.

Affidavit of E. Christian Brugger (ECF No. 34-3) at ¶ 16–17 (citing *Ethical and Religious Directives for Catholic Health Care Services*, Directive No. 45; *see also id.*, Directive Nos. 67, 68, 70–71, 76; Part VI, “Introduction,” pp. 24–25.). 42 U.S.C.

§ 300a-7(c) substantially burdens the exercise of religion by imposing this “toxic dilemma between the Scylla of institutional conscience violation and the Charybdis of financial non-viability.” Affidavit of E. Christian Brugger (ECF No. 34-3) at 22.

\* \* \*

Having shown a “substantial burden” on the plaintiffs’ religious liberty, the burden now shifts to the government to demonstrate that 42 U.S.C. § 300a-7(c) advances a “compelling governmental interest” and is “the least restrictive means of furthering that compelling governmental interest.” 42 U.S.C. § 2000bb-1(b). This is “the most demanding test known to constitutional law,” *City of Boerne v. Flores*, 521 U.S. 507, 534 (1997), and 42 U.S.C. § 300a-7(c) comes nowhere close to satisfying this standard.

## **II. THERE IS NO “COMPELLING GOVERNMENTAL INTEREST” IN REQUIRING RELIGIOUS HEALTH-CARE PROVIDERS TO EMPLOY INDIVIDUALS WHO PERFORM OR ASSIST ABORTIONS**

The relevant “governmental interest” cannot be described with vague abstractions, such as promoting “nondiscrimination.” *See Hobby Lobby*, 573 U.S. at 726 (rejecting the government’s attempt to frame the “governmental interests” in abstract terms such as “promoting public health” or “gender equality”). Instead, a court must “look beyond broadly formulated interests’ and . . . ‘scrutinize the asserted harm of granting specific exemptions to particular religious claimants’—in other words, to look to the marginal interest in enforcing the [statute] in these cases.” *Id.* (quoting *Gonzales v. O Centro Espirita Beneficente Uniao do Vegetal*, 546 U.S. 418, 431 (2006)). The relevant question is not whether 42 U.S.C. § 300a-7(c) advances a compelling governmental interest, but whether its *refusal to exempt religious objectors* advances such an interest. *See Tagore v. United States*, 735 F.3d 324, 330–31 (5th Cir. 2013) (“RFRA requires the government to explain how applying the statutory burden “to the person” whose sincere exercise of religion is being seriously impaired

further the compelling governmental interest.”). And the government cannot show that its desire to protect health-care workers who perform or assist abortions from discrimination is a policy of such overriding importance that no religious exemptions can be made.

The first and most obvious problem is that 42 U.S.C. § 300a-7(c)’s anti-discrimination rule applies only to entities that receive federal funding; the government is content to allow health-care providers who decline federal money and other employers to discriminate against health-care workers who perform or assist abortions. If there truly were a “compelling governmental interest” in protecting health-care workers who perform or assist abortions from discrimination—an interest so compelling as to allow for *no* exemptions, not even for religious objectors—then Congress would enact legislation under its commerce-clause powers to prohibit *any* employer from discriminating against individuals based on their involvement in abortion, regardless of whether they receive federal funds. When the government is giving *carte blanche* to health-care providers to discriminate against abortionists, so long as those providers are not accepting federal money, it cannot credibly assert that it has a “compelling” interest in suppressing this behavior by religious institutions as soon as they accept federal funds. A “compelling governmental interest” is found in laws that impose universal obligations; a requirement that attaches only after federal money is accepted is not the stuff of which “compelling governmental interests” are made.<sup>2</sup>

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2. See, e.g., *See McAllen Grace Brethren Church v. Salazar*, 764 F.3d 465, 472 (5th Cir. 2014) (“Where a regulation already provides an exception from the law for a particular group, the government will have a higher burden in showing that the law, as applied, furthers the compelling interest.”); *United Farmworkers of Florida Housing Project, Inc. v. City of Delray Beach*, 493 F.2d 799, 809 (5th Cir. 1974) (“The only interests which City has seriously suggested as ‘compelling’ are faithfulness to its Master Plan and faithfulness to its annexation policy. But when we recall that the City has already made significant exceptions to both its land use and its annexation policies, this contention loses much of its force.”).

The second problem is that *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000), is incompatible with the notion that non-racial anti-discrimination laws establish “compelling governmental interests” that override First Amendment freedoms. The Boy Scouts of America excluded homosexuals from membership because it regarded homosexual conduct as “inconsistent with the values it seeks to instill.” *Id.* at 644; *see also id.* at 650 (“[H]omosexual conduct is inconsistent with the values embodied in the Scout Oath and Law, particularly with the values represented by the terms ‘morally straight’ and ‘clean.’”). The New Jersey Supreme Court held that this policy violated the state’s anti-discrimination laws, and it held that the State had “a compelling interest” in eliminating discrimination—which trumps whatever First Amendment interests the Boy Scouts might assert. *See id.* at 647 (citing *Dale v. Boy Scouts of America*, 734 A.2d 1196, 1227 (N.J. 1999)). The Supreme Court of the United States, however, reversed the New Jersey Supreme Court and held that New Jersey’s anti-discrimination laws violated the Boy Scouts’ constitutional right of expressive association. *See id.* at 659.

In ruling that the Boy Scouts’ First Amendment rights trumped New Jersey’s anti-discrimination laws, the Supreme Court acknowledged that the constitutional right of expressive association is “not absolute,” and “could be overridden by regulations adopted to serve compelling state interests.” *Id.* at 648 (quoting *Roberts v. U.S. Jaycees*, 468 U.S. 609, 623 (1984) (internal quotation marks omitted)); *see also id.* (“We have held that the freedom could be overridden ‘by regulations adopted to serve compelling state interests, unrelated to the suppression of ideas, that cannot be achieved through means significantly less restrictive of associational freedoms.’” (quoting *Roberts*, 468 U.S. at 623 (internal quotation marks omitted))). But the Court ruled for the Boy Scouts anyway, and in doing so it rejected the notion of a “compelling governmental interest” in deterring or suppressing discrimination against homosexuals by private organizations.

The *Boy Scouts* case would surely have been decided differently if the Boy Scouts were discriminating on the basis of race rather than homosexuality, and the Supreme Court has consistently held that the government’s interest in eradicating racial discrimination is sufficiently “compelling” to prevail over any claim of religious liberty. See *Bob Jones University v. United States*, 461 U.S. 574, 604 (1983); *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 733 (2014) (“The Government has a compelling interest in providing an equal opportunity to participate in the workforce without regard to race, and prohibitions on racial discrimination are precisely tailored to achieve that critical goal.”). But the Supreme Court’s refusal to allow a non-racial anti-discrimination law to trump the Boy Scouts’ associational freedom defeats any claim that the government will have a “compelling interest” in preventing discrimination whenever it enacts a statute to achieve such a goal.

Indeed, the situation in *Boy Scouts* is almost indistinguishable from the situation in this case. The Boy Scouts of America excluded homosexuals from membership because homosexual conduct was incompatible with the values that the Boy Scouts sought to instill and express. See *Boy Scouts*, 530 U.S. at 644 (“The Boy Scouts is a private, not-for-profit organization engaged in instilling its system of values in young people. The Boy Scouts asserts that homosexual conduct is inconsistent with the values it seeks to instill.”). In like manner, Vita Nuova and the putative class members refuse to employ individuals who perform or assist abortions because abortion is contrary to the values and religious mission of their organizations. See Affidavit of Carol Everett (ECF No. 34-2) at ¶¶ 3, 6–10; Affidavit of E. Christian Brugger (ECF No. 34-3) at ¶ 14–17.

The Boy Scouts also insisted that the presence of a homosexual scoutmaster “would significantly burden the Boy Scouts’ desire to not promote homosexual conduct as a legitimate form of behavior” —even if the scoutmaster’s homosexual conduct and expressions of pro-homosexual viewpoints took place entirely outside his

work with the Boy Scouts. *Boy Scouts*, 530 U.S. at 653 (citation and internal quotation marks omitted). In like manner, Vita Nuova and the putative class members claim that the employment of practicing abortionists or individuals who assist abortions would interfere with their efforts to discourage abortion, and would undermine their ability to operate as overtly Christian and pro-life health-care providers. *See* Affidavit of Carol Everett (ECF No. 34-2) at ¶¶ 8 (“Allowing our employees to perform or assist elective abortions—even if they do so while off the job—would directly undermine Vita Nuova’s Christian witness. . . . An organization cannot credibly maintain that it promotes Christian values—including the sanctity of human life at all stages—if it is willing to employ individuals who behave in a manner that directly contradicts the organization’s values.”); Affidavit of E. Christian Brugger (ECF No. 34-3) at ¶ 17 (“The dangers of scandal and of the undermining of a Catholic institution’s witness to the sanctity of human life are serious enough to justify a total prohibition: no cooperation—no complicity—with abortion is permissible.”).

Of course, Vita Nuova is not asserting a First Amendment claim rooted in the right of expressive association; it is asserting a claim under the Religious Freedom Restoration Act. And the Boy Scouts’ refusal to accept homosexual scoutmasters was not an exercise of religion; it was a secular conviction that regarded homosexual behavior as incompatible with the Scout Oath and Law, which require a Scout to be “morally straight” and “clean.” *Boy Scouts*, 530 U.S. at 667. But the need for the government to show a “compelling interest” is the same in each of these cases. And if New Jersey lacked a compelling interest in enforcing its anti-discrimination laws against the Boy Scouts, then it is hard to see how the government can possibly have a “compelling governmental interest” in enforcing 42 U.S.C. § 300a-7(c) against Vita Nuova and other health-care providers who object to abortion for sincere religious reasons.

## CONCLUSION

The plaintiff's motion for summary judgment and permanent injunction should be granted.

Respectfully submitted.

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*Counsel for Plaintiff and  
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### CERTIFICATE OF CONFERENCE

I certify that on June 29, 2020, I conferred with Bradley Humphreys, counsel for the defendants, and he informed me that the defendants oppose this motion.

/s/ Jonathan F. Mitchell  
JONATHAN F. MITCHELL  
*Counsel for Plaintiff*  
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### CERTIFICATE OF SERVICE

I certify that on June 30, 2020, I served this document through CM/ECF upon:

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UNITED STATES DISTRICT COURT  
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**Alex M. Azar II**, et al.,

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Case No. 4:19-cv-00532-O

**AFFIDAVIT OF CAROL EVERETT**

I, Carol Everett, being duly sworn, state as follows:

1. My name is Carol Everett. I am over 21 years old and fully competent to make this affidavit. I submit this affidavit in support of the plaintiff's motion for summary judgment and permanent injunction.

2. I have personal knowledge of the matters contained in this affidavit, and all of the facts stated in this affidavit are true and correct.

3. I am the founder and CEO of Vita Nuova, Inc. Vita Nuova is a Christian, pro-life organization that provides health-care services to women, including family-planning services. Vita Nuova will serve five counties with hidden pockets of low-income women and men in desperate need of comprehensive and reproductive health care. Quality health care offered through low-income programs is limited to some of the target counties because of the lower populations and rural locations. Bastrop, Bell, Burnet, Caldwell, Lee, and Milam counties would be considered rural. Williamson and Travis counties are served but pockets of under- and unserved still exist. Women and men delay needed health care or go to emergency rooms (which do not provide

long-term care) and medical homes. Vita Nuova will be a medical home for men, women, and families of these counties.

4. Before I founded Vita Nuova, I served as founder and CEO of the Heidi Group, which I continue to lead today. Like Vita Nuova, the Heidi Group is a Christian, pro-life organization that provides health-care services to women, including family-planning services, but does not provide abortions or abortion referrals. The Heidi Group provided prenatal care in two Dallas zip codes: 75212—the 11th most severely poverty-stricken zip code in the nation—and 75210, which is considered the most poverty-stricken zip code in the nation. Patient counts grew from 16 per day to 60 patients per day. The Heidi Group developed relationships with two hospitals to facilitate safe deliveries for patients. Two physicians, both medical doctors, oversaw three nurse practitioners to offer quality medical care free of charge to uninsured patients and patients waiting for Medicaid approval. (Upon Medicaid approval, patients were transferred to the offices of The Heidi Group’s medical directors, who were obstetric specialists.)

5. Vita Nuova will offer the following services in Bastrop, Bell, Burnet, Caldwell, Lee, Milan, Tarrant, and Williamson through an office located in Round Rock and a mobile medical unit to serve other counties:

Comprehensive Health Care	Contraceptive Services
Well Woman Health Care	Pregnancy Testing and Counseling
STD Testing and Treatment	
Basic Infertility Services	Preconception Health Services
Annual Well Woman Exams	Prenatal Care
Contraceptive Services and Counseling	

6. Vita Nuova will not perform abortions, and it will not provide abortion referrals or abortion counseling. Vita Nuova's opposition to abortion is rooted in its Christian faith, which teaches human life is made in the "image" and "likeness" of God (Genesis 1:26), and that human life is sacred from conception to natural death.

7. Vita Nuova also requires its employees to respect the sanctity of human life at all times, both on and off the job. Vita Nuova will not allow its doctors to perform elective abortions, nor will it allow its employees to assist elective abortions, consistent with the employment practices of Catholic hospitals and other Christian health-care entities that oppose abortion for sincere religious reasons.

8. Allowing our employees to perform or assist elective abortions—even if they do so while off the job—would directly undermine Vita Nuova's Christian witness. Jesus instructed his disciples to heal the sick. *See* Luke 9:2 (KJV) ("And he sent them to preach the kingdom of God, and to heal the sick."). Vita Nuova seeks to provide needed health-care services to women to fulfill this divine command, and to do so as a component of Christian ministry. That mission would be obliterated if we were unable to exclude practicing abortionists and individuals who assist abortions from our ministry. An organization cannot credibly maintain that it promotes Christian values—including the sanctity of human life at all stages—if it is willing to employ individuals who behave in a manner that directly contradicts the organization's values.

9. The Bible also warns Christians not to cooperate in evil, or to show approval to those who perform or assist in violent and murderous acts such as abortion. *See* Romans 1:32 (NKJV) ("[W]ho, knowing the righteous judgment of God, that those who practice such things are deserving of death, not only do the same but also approve of those who practice them."). Vita Nuova cannot, consistent with this Biblical instruction, employ practicing abortionists or individuals who assist abortions, any more than it could employ a doctor or health-care worker who practices euthanasia or assisted suicide.

10. Vita Nuova intends to apply for Title X funding from the U.S. Department of Health and Human Services at the next available opportunity. The next round for applying for Title X funding will begin in November 2020, and the Department will select the grantees in the spring of 2021.

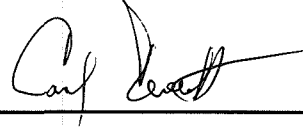
11. 42 U.S.C. § 300a-7(c)(1), however, prohibits entities from receiving federal funds unless they allow their employees to perform or assist in abortions, and it makes no exemptions or accommodations for organizations (such as Vita Nuova) that oppose abortion for sincere religious reasons.

12. 42 U.S.C. § 300a-7(c)(1) requires Vita Nuova to choose between: (1) allowing the employment of individuals who perform or assist elective abortions, in violation of our organization's religious beliefs; or (2) disqualifying ourselves from federal funding.

13. The Supreme Court held in *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014), that “a law that ‘operates so as to make the practice of . . . religious beliefs more expensive’ in the context of business activities imposes a burden on the exercise of religion.” *Id.* at 2770 (quoting *Braunfeld v. Brown*, 366 U.S. 599, 605 (1961)).

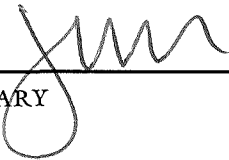
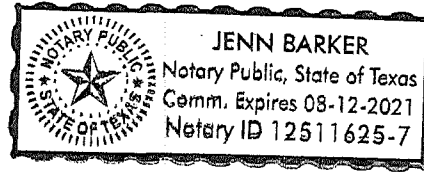
14. 42 U.S.C. § 300a-7(c)(1) makes the “‘practice of . . . religious beliefs more expensive’ in the context of business activities” because it disqualifies Vita Nuova from federal funding unless we abandon our policy of requiring employees to refrain from performing or assisting elective abortions—a policy which is compelled by the Christian beliefs of our organization. This imposes a substantial burden on Vita Nuova's exercise of religion.

This concludes my sworn statement. I swear under penalty of perjury that, to the best of my knowledge, the facts stated in this affidavit are true and complete.



CAROL EVERETT

Subscribed and sworn to me  
this 30 day of June, 2020

  
\_\_\_\_\_  
NOTARY

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION

**Vita Nuova Inc.**, on behalf of itself and  
others similarly situated,

Plaintiff,

v.

**Alex M. Azar II**, et al.,

Defendants.

Case No. 4:19-cv-532-O

**AFFIDAVIT OF E. CHRISTIAN BRUGGER**

I, E. Christian Brugger, being duly sworn, states as follows:

1. My name is E. Christian Brugger. I am over 21 years old and fully competent to make this affidavit. I submit this affidavit in support of the plaintiff's motion for class certification and motion for summary judgment and permanent injunction.

2. I have personal knowledge of the matters contained in this affidavit, and all of the facts stated in this affidavit are true and correct.

3. After graduating from college in 1987, I obtained a masters degree in moral theology from Seton Hall University, and a second masters degree in moral philosophy from Harvard Divinity School.

4. In 1997, I received a Masters in Christian Ethics from Oriel College, Oxford. In 2000, I received my D. Phil. from St. Hugh's College, Oxford. My dissertation supervisors were John M. Finnis of University College, Oxford, and Oliver O'Donovan of Christ Church College. I spent my fourth and final year of doctoral study with the Jesuits at Die Hochschule für Philosophie in Munich, generously funded by fellowships from the Earhart Foundation and the Intercollegiate Studies Institute.

5. In 2000, I became an Assistant Professor of Ethics in the Religious Studies Department at Loyola University New Orleans. In 2004, I moved to the Institute for the Psychological Sciences (IPS), a Catholic graduate school of clinical psychology in Arlington, Virginia, and began teaching courses in theology and philosophy. In 2006, I was promoted to Associate Professor and became the Director of Integrative Research overseeing the IPS's scholarly effort to integrate clinical psychology with relevant truths of philosophical and theological anthropology. I also taught in 2008 as an adjunct professor of bioethics for the School of Philosophy at the Catholic University of America. In July 2008, I became an Associate Professor of Moral Theology at St. John Vianney Theological Seminary in Denver, Colorado. In 2011, I was awarded the J. Francis Stafford Chair of Moral Theology, the first endowed chair in the seminary's history. In 2013 I was promoted to Full Professor.

6. In July 2019 I became a Full Professor of Moral Theology at St. Vincent de Paul Regional Seminary in Boynton Beach, Fl, where I am presently on faculty.

7. In addition, from 2002 through 2011, I was a Senior Fellow at the Westchester Institute for Ethics and the Human Person, where I focused my attention on bioethics. And from 2007 through 2019, I was a Senior Fellow of Ethics at the Culture of Life Foundation in Washington, D.C., where I published a bi-monthly article in bioethics.

8. Moreover, I served as a bioethical advisor to the Archbishops of Denver and the Colorado Catholic Conference of Bishops from 2008 through 2016. I served as an ethical consultant to the Committee on Doctrine of the United States Catholic Conference of Bishops from 2015 through 2107. And I have served since 2012 as a bioethical advisor to the Catholic Medical Association.

9. I have published three books, *Capital Punishment and Roman Catholic Moral Tradition* (Notre Dame University Press, 2003), *The Indissolubility of Marriage and the Council of Trent* (Catholic University of America Press, 2017), and with Gerard



V. Bradley, *Catholic Social Teaching: A Volume of Scholarly Essays* (Cambridge University Press, 2019) and over 500 articles in scholarly and popular periodicals on topics in bioethics, sexual ethics, natural-law theory, and the interdisciplinary field of psychology and Christian anthropology.

10. A copy of my curriculum vitae is attached to this affidavit as Exhibit A.

11. Under the federal Church Amendment, a Catholic health-care provider that accepts federal money is forbidden to “discriminate in the employment, promotion, or termination of employment of any physician or other health care professional” who performs or assists in elective abortions. 42 U.S.C. § 300a-7(c)(1).

12. A separate statutory provision imposes similar requirements on every entity that receives a grant or contract for biomedical or behavioral research under any program administered by the Secretary of Health and Human Services. *See* 42 U.S.C. § 300a-7(c)(2).

13. 42 U.S.C. § 300a-7(c)(1) and (c)(2) contain no exemptions or accommodations for religious entities that oppose abortion for sincere religious reasons.

14. This places a disproportionate burden on Catholic healthcare institutions. The Catholic Church, following Judaism, believes that human life is made in the “image” and “likeness” of God (Genesis 1:26). Consequently, the Church teaches that “human life, as a gift of God, is sacred and inviolable.” *See* Pope Saint John Paul II, *Encyclical Letter On the Value and Inviolability of Human Life (Evangelium Vitae)* (1995) ¶ 81. This has always been the basis of the Catholic Church’s opposition to abortion. From this foundation, St. John Paul II, in the most solemn declaration of his 27-year pontificate, concluded, “Therefore, by the authority which Christ conferred upon Peter and his Successors, in communion with the Bishops—who on various occasions have condemned abortion and who [. . .], albeit dispersed throughout the world, have shown unanimous agreement concerning this doctrine—I declare that direct abortion, that is, abortion willed as an end or as a means, always constitutes

a grave moral disorder, since it is the deliberate killing of an innocent human being.”  
*See id.* at ¶ 62.

15. The Catholic Church has never wavered from this judgment. Literally from biblical times to the present it has condemned every deliberate attempt to terminate the life of an unborn child. *See, e.g., Didache Apostolorum* (100AD), V, ch. 2; *Letter of Barnabas* (ca. 130 AD), ch. 19; Athenagoras (2nd century), *A Plea for the Christians*, ch. 35; Tertullian (died ca. 220AD), *Apology* ch. 9, *A Treatise on the Soul*, ch. 25; Clement of Alexandria (d. ca. 215), *Christ the Educator* bk. 2, ch. 10; St. Cyprian (d. ca. 258), *Epistle* 48, no. 2; St. Basil the Great (d. 379), *First Canonical Epistle*, canons 2, 8; St. Ambrose of Milan (d. 397), *Hexameron* bk. 5, ch. 18, no. 58; St. Jerome (d. 420), “Letter 22”; St. Augustine (d. 430), “Marriage and Desire,” bk. I, no. 17. Contemporary instances include: Pope Pius XI, Encyclical Letter *Casti Conubii* (1930), ¶¶ 54, 63; Pius XII, *Address to Italian Midwives* (Oct. 29, 1951); Second Vatican Council, *Pastoral Constitution on the Church in the Modern World (Gaudium et spes)* (1965), ¶ 27; St. Paul VI, Encyclical Letter on the Regulation of Birth (*Humanae Vitae*) (1968), ¶¶ 12, 14; Sacred Congregation for the Doctrine of the Faith, Declaration On Procured Abortion (1974); Saint John Paul II, *Apostolic Exhortation On the Christian Family in the Modern World (Familiaris Consortio)* (1981), ¶ 30; Congregation for the Doctrine of the Faith, *Instruction on Respect for Human life (Donum Vitae)* (1987), Part I, section 1, ¶¶ 2–3 and sections 2, 4, Part II, ¶ 2; St. John Paul II, *Encyclical Letter On the Value and Inviolability of Human Life (Evangelium Vitae)* (1995), ¶ 62; Congregation for the Doctrine of the Faith, *Instruction on Certain Bioethics Questions (Dignitas Personae)* (2008), ¶ 23).

16. Given the absoluteness, unanimity and perpetuity of this moral condemnation of abortion, it is understandable that the Catholic Church in the United States prohibits all of its more than 2,000 healthcare facilities from any kind of moral “cooperation” with abortion.

17. *Cooperation* is a theological term meaning complicity in the wrongdoing of another. I cooperate by doing something that facilitates or contributes to the success of another's bad act. Cooperation is called "formal" when the act by which I cooperate agrees in the wrongdoer's bad intending: I do what I do *in order to* facilitate his wrongdoing. The Catholic Church condemns this outright and always: "formal cooperation, in whatever form, is always morally wrong." See United States Conference of Catholic Bishops, *Ethical and Religious Directives for Catholic Health Care Services*, "Part VI: Introduction," p. 24.<sup>1</sup> If, however, a cooperator disagrees with what the wrongdoer does, yet in some way still advances his bad acts (*e.g.*, he pays taxes to a government that uses some of the money in wrongful ways), his cooperation is called "material." "Some instances of material cooperation are morally wrong, others are morally justified." *Id.* But in relation to the evil of abortion, the Catholic Church prohibits its healthcare facilities from *all* cooperation, material or otherwise: "Catholic health care institutions are not to provide abortion services, even based upon the principle of material cooperation." See *Ethical and Religious Directives for Catholic Health Care Services*, Directive no. 45; see also no. 70. This prohibition extends to the performance of abortions on the premises of Catholic facilities, the hiring of doctors who perform abortions, including those who perform them off premises, and even the granting of hospital privileges to doctors who perform abortions, even should they promise that their visits would be unrelated to abortion. The dangers of scandal and of the undermining of a Catholic institution's witness to the sanctity of

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1. The Ethical and Religious Directives (ERDs) are authoritative ethical directives that morally and legally bind all of the more than 2,000 Catholic healthcare institutions in the United States. They are available at: <http://www.usccb.org/about/doctrine/ethical-and-religious-directives/upload/ethical-religious-directives-catholic-health-service-sixth-edition-2016-06.pdf> (last visited on June 30, 2020).

human life are serious enough to justify a total prohibition: no cooperation—no complicity—with abortion is permissible. See *Ethical and Religious Directives for Catholic Health Care Services*, Directive No. 45; see also *id.*, Directive Nos. 67, 68, 70–71, 76; Part VI, “Introduction,” pp. 24–25.

18. According to the Supreme Court’s ruling in *Burwell v. Hobby Lobby Stores, Inc.*, 134 S. Ct. 2751 (2014), “a law that ‘operates so as to make the practice of . . . religious beliefs more expensive’ in the context of business activities imposes a burden on the exercise of religion.” *Id.* at 2770 (citation omitted).

19. But under the Church Amendment, a Catholic health-care institution cannot adhere to its Church’s “no cooperation” teaching by excluding practicing abortionists or others who aid and abet abortions from employment or visitation privileges unless it agrees to relinquish and forgo federal funding. With expanding healthcare costs, this can destroy an institution’s financial viability. In 2017, health-care spending in the United States skyrocketed to \$3.5 trillion, 28% of which was paid by the federal government.<sup>2</sup> By making the price of institutional financial viability the violation of an institution’s founding religious commitments, the Church Amendment “‘make[s] the practice of . . . religious beliefs more expensive’ in the context of business activities” and therefore greatly burdens the exercise of religion.

20. The Catholic Church’s prohibition from complicity with abortion is not merely a petty regulation that can be abrogated depending on the local bishop. It is a grave moral teaching directed to—and meant to bind—the consciences of Catholics, especially those who administer health-care facilities. The Second Vatican Council teaches that “conscience is the most secret core and sanctuary of a man.” See *Gaudium et spes* (1965), ¶ 16. And the *Catechism of the Catholic Church* (1997) teaches, “in all

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2. See <https://www.cms.gov/Research-Statistics-Data-and-Systems/Statistics-Trends-and-Reports/NationalHealthExpendData/Downloads/highlights.pdf> (last visited on June 30, 2020).

he says and does, man is obliged to follow faithfully what he knows to be just and right . . . , the judgment of his conscience.” *Id.* at ¶ 1778. There is hardly a teaching more sacred in all Catholic theology than the integrity of conscience: “He who acts against his conscience loses his soul” said the great Oxford scholar and Catholic saint, John Henry Newman.<sup>3</sup> But the federal government stands by and says to the leadership of Catholic healthcare institutions: “lose your soul or forgo our critical assistance.”

21. We should note that we are not talking about a few marginal healthcare centers scattered throughout obscure areas of our country. The Catholic Church runs over 660 hospitals (74% in urban areas) and over 1,600 continuing care facilities (85% in urban areas), including three of the four largest non-profit hospital systems in the United States. It is by far the largest network of nonprofit healthcare facilities in the country. *See* Catholic Health Association, *Catholic Health Care in the United States*, January 2020 update, at <https://www.chausa.org/about/about/facts-statistics>; Becker’s Hospital Review, at <https://www.beckershospitalreview.com/lists-and-statistics/13-largest-non-profit-hospital-systems-by-number-of-hospitals.html> (last visited on June 30, 2020).

22. The federal government’s imposed toxic dilemma between the Scylla of institutional conscience violation and the Charybdis of financial non-viability imposes a substantial burden on Catholic institutional exercise of religion in the United States.

This concludes my sworn statement. I swear under penalty of perjury that the facts stated in this affidavit are true and correct.

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3. J.H. Newman, *Letter to the Duke of Norfolk*, ch. 5 {sec. 259}. Newman was quoting with approval the influential 19th century French Cardinal and theologian, Thomas-Marie Gousset.

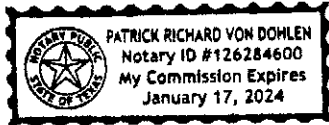
*Christian Brugger*

E. CHRISTIAN BRUGGER, D. PHIL.

Subscribed and sworn to me  
this 30<sup>th</sup> day of June, 2020

*Patrick Richard Von Dohlen*

NOTARY



**Exhibit A to  
Affidavit of E. Christian Brugger, D. Phil.**

June 2020

**E. CHRISTIAN BRUGGER, D.PHIL**

[ecbrugger7@gmail.com](mailto:ecbrugger7@gmail.com)

(904) 910-3293

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**ACADEMIC & RESEARCH POSITIONS**

- 2019 -** **St. Vincent de Paul Regional Seminary**, Boynton Beach, FL  
- *Professor of Moral Theology*
- 2007 - 2019** **Culture of Life Foundation**, Washington, D.C.  
- *Senior Research Fellow of Ethics*
- 2107** **University of Notre Dame Australia**, Sydney  
Jan - July - *Professor and Dean*, School of Philosophy and Theology  
July '17–Dec. '18 - *Adjunct Professor*
- 2008 – 2016** **Saint John Vianney Theological Seminary**, Denver  
2013 - *Full Professor*  
2011 - *J. Francis Cardinal Stafford Chair of Moral Theology*  
2008 - *Associate Professor of Moral Theology*, Theology Department
- Spring 2014, 2016** **University of Mary**, Bismarck (courses taught in Denver)  
- *Catholic Social Teaching Instructor*, Department of Theology
- 2008** **Catholic University of America**, Washington, D.C.  
- *Bioethics Lecturer*, School of Philosophy
- 2004 – 2008** **Institute for the Psychological Sciences**, Arlington, VA  
2006 - *Associate Professor of Theology*, Department of Psychology  
- *Director of Integration Research*  
2004 - *Assistant Professor of Theology*, Department of Psychology
- 2000 – 2004** **Loyola University New Orleans**  
- *Assistant Professor of Ethics*, Department of Religious Studies

**EDUCATION AND QUALIFICATIONS**

- 2000** **University of Oxford, St. Hugh's College**  
- Doctor of Philosophy (DPhil), Christian Ethics, Faculty of Theology  
supervisors: John M. Finnis, Oliver O'Donovan  
1998-2000 - *St. Hugh's College Yates Senior Scholar of Theology*
- 1999-00** **Hochschule für Philosophie**, Munich, Germany. PhD student in residence
- 1997** **University of Oxford, Oriel College**  
- Master of Studies, Christian Ethics



**1996**                    **Harvard University, The Divinity School**  
- Master of Theology, Christian Ethics

**1994**                    **Seton Hall University, School of Theology**  
- Master of Arts, Moral theology

**1987**                    **Rutgers University, Livingston College**  
- Bachelor of Arts, Biological Sciences

## **PROFESSIONAL & ECCLESIAL AFFILIATION**

**2015 – 2017**            **Theological Consultant, *Committee on Doctrine*, United States Catholic  
Conference of Bishops**

**2002 – 2011**            **Westchester Institute for Ethics & the Human Person, Westchester, NY**  
- Senior Fellow in Bioethics

## **SCHOLARSHIP**

### **Publications**

#### **Books**

- “Catholic Social Teaching: A Volume of Scholarly Essays,” edited with Gerard V. Bradley,  
*Cambridge University Press*, 2019.

- “The Indissolubility of Marriage and the Council of Trent,” *The Catholic University of  
America Press*, 2017.

- “Capital Punishment and Roman Catholic Moral Tradition,” *University of Notre Dame Press*,  
2003; 2<sup>nd</sup> edition, 2014.

#### **Editing Projects**

*Guest Editor*: “Psychology and Christian Anthropology,” in *Edification: Journal of the Society  
for Christian Psychology*, vol. 3, no. 1 (Summer 2009); lead essay by Brugger; six scholars  
reply to Brugger; Brugger replies in “The Task of Practical Implementation;” eight additional  
authors apply Brugger’s ideas to clinical psychology.

#### **Essays in Peer/Blind Reviewed Journals**

“How Should Catholic Social Teaching be Taught to Seminarians?” *Nova et Vetera*, vol. 17,  
no. 4 (2019), 957-970.

“St. Thomas’s Natural Law Theory,” *National Catholic Bioethics Quarterly*, vol. 19, no. 2  
(Summer 2019), 181-202.

“Human by Design: An Ethical Framework for Human Augmentation,” Brugger, co-author, *IEEE Technology and Society Magazine*, vol. 36, no. 1 (March 2017), 32-36; DOI: 10.1109/MTS.2017.2654286

“Catholic Hospitals and Sex Reassignment Surgery: A Reply to Bayley and Gremmels,” *National Catholic Bioethics Quarterly*, vol 16, no. 4 (2016), 587-597.

“The First Principles of the Natural Law and Bioethics,” *Christian Bioethics*, vol. 22, no. 2 (2016), 88–103; doi: 10.1093/cb/cbw002.

“Are Brain Dead Individuals Dead? Grounds for Reasonable Doubt,” *Journal of Medicine and Philosophy*, vol. 41, no. 3 (2016), pp. 329-350; doi: 10.1093/jmp/jhw003 (special edition on Brain Death)

“The POLST Paradigm: Assessing Its Utility and Ethos” (invited commentary), *Dignitas*, vol. 22, no. 4 (Supplement: Examining POLST, eds. Michael J. Slesman and Michael Cox) (Winter 2015), S16-S17.

“Bioethics: Ethico-Centric Interdisciplinarity,” *Quaestiones Disputatae*, vol. 5, no. 2 (Spring 2015), pp. 24-37.

“The POLST Paradigm and Form: Facts and Analysis (Catholic Medical Association White Paper),” lead author with ten coauthors, *The Linacre Quarterly*, vol. 80, no. 2 (2013), 103–138; won the **2014 Linacre Award** by the *Catholic Medical Association* for the best essay of the year.

“D. Alan Shewmon and the PCBE’S White Paper on Brain Death: Are Brain-Dead Patients Dead?” *Journal of Medicine and Philosophy*, vol. 38, no. 2 (2013), 205-218.

“The Problem of Fetal Pain and Abortion: Towards an Ethical Consensus for Appropriate Behavior,” *Kennedy Institute of Ethics Journal*, vol. 22, no. 3 (2012), 263–287.

“The Question of Duty in Refusing Life-Sustaining Care,” *National Catholic Bioethics Quarterly*, vol. 12, no. 4 (Winter 2012), 621-630.

“Do Health Care Providers Have a Right to Refuse to Treat Some Patients?” *Christian Bioethics*, vol. 18, no. 1 (2012), 15-29.

“Free Choice and Self-Determination,” *Fellowship of Catholic Scholars Quarterly*, vol. 35, nos. 3 & 4 (Fall/Winter 2012), 24-29.

“A Critique of the National POLST Paradigm through an Analysis of Colorado’s New MOST Legislation,” *The Linacre Quarterly*, vol. 78, no. 2 (May 2011), 157-171.

“Parthenotes, iPS Cells, and the Product of ANT-OAR: A Moral Assessment Using the Principles of Hylomorphism,” *National Catholic Bioethics Quarterly*, vol. 10, no. 1 (Spring 2010), 123-142.

“Introduction,” and “Strengths and Weaknesses of *Dignitas Personae*,” in *Symposium on Dignitas Personae*, guest editor E.C. Brugger, in *National Catholic Bioethics Quarterly*, vol. 9, no. 3 (Autumn 2009), 461-464, 481-483.

“Reply to the Jesuit Consortium,” lead author with fourteen coauthors, *Ethics & Medics*, vol. 34, no. 6 (June 2009), 3-6.

“‘Other Selves’: Moral and Legal Proposals Regarding the Personhood of Cryopreserved Human Embryos,” *Theoretical Medicine and Bioethics*, vol. 30, issue 2 (2009), 105-129; DOI 10.1007/s11017-009-9099-z.

“The 2003 Iraq War: A Catholic Just War Assessment,” *Irish Theological Quarterly*, vol. 79 (2009), 130-154.

“The Concept of *justa causa* in *Humanae Vitae*,” *Linacre Quarterly*, vol. 75, no. 4 (Nov. 2008), 314-326.

“Abortion and Contraception in Catholic Moral Teaching: A Reply to Recent Objections,” with Thomas Berg, LC, *Josephinum Journal*, vol. 15, no. 2 (Summer/Fall 2008), 335-354

“Christian Integrative Reasoning: Reflections on the Nature of Integrating Clinical Psychology with Catholic Theology and Philosophy,” *The Catholic Social Science Review*, vol. 13 (2008), 129-167.

“Anthropological Foundations for Clinical Psychology: A Proposal,” with the IPS faculty, *Journal of Psychology & Theology*, vol. 36, no. 1 (Spring 2008), 3-15.

“Rejecting the Death Penalty: Continuity and Change in Catholic Tradition,” *The Heythrop Journal*, vol. 49, no. 3 (May 2008), 388-404.

“Aquinas on the Immateriality of Intellect: A Non-materialist reply to Materialist Objections,” *The National Catholic Bioethics Quarterly*, vol. 8, no. 1 (Spring 2008), 103-119.

“Dualism and Homosexual ‘Complementarity’: A Reply to Salzman and Lalwer,” *Josephinum Journal*, vol. 14, no. 2 (Summer/Fall 2007), 218-239.

“Altered Nuclear Transfer-Oocyte Assisted Reprogramming (ANT-OAR): A Morally Acceptable Means for Deriving Pluripotent Stem Cells: A Reply to Criticisms,” *Communio: International Catholic Review*, vol. 32, no. 4 (Winter 2005), 753-69.

“Action, Intention and Self-Determination,” *Vera Lex: Journal of the International Natural Law Society*, vol. 6, nos. 1-2 (Winter 2005), 79-106.

“John Paul II’s Moral Theology on Trial: A Reply to Charles E. Curran,” co-authored with William E. May, *The Thomist*, vol. 69, no. 2 (April 2005), 279-312.

“Render to Caesar: A Catholic Ethic on Conscientious Voting,” *Josephinum Journal* vol. 12, no. 2 (Summer/Fall 2005), 154-77.

“In Defense of Transferring Heterologous Embryos,” *The National Catholic Bioethics Quarterly*, vol. 5, no. 1 (Spring 2005), 96-112.

“Introduction to Catholic Social Teaching,” *Josephinum Journal*, Vol. 11, No. 2 (Summer/Fall 2004), 182-215.

“Human Cloning, Theology of the Body & Humanity of the Embryo,” *The Linacre Quarterly*. August 2004, vol. 71, no. 3, 232-41.

“Aquinas and Capital Punishment: The Plausibility of the Traditional Argument,” *Notre Dame Journal of Law, Ethics & Public Policy*, vol. 18, no. 2 (April 2004), 357-72.

“Bioethical Controversies and the Language of Rights,” *Global Virtue Ethics Review*, vol. 5, no. 1 (April 2004), 33-49.

“Catholic Moral Teaching and the Problem of Capital Punishment,” *The Thomist*, vol. 68, no. 1 (Jan 2004), 41-67.

#### **Chapters/Essays in Peer Reviewed Texts**

“Natural Law Foundations in Aquinas: A Systematic and Historical Analysis,” in *Reason and Normativity*, eds. Joaquín García-Huidobro and Cristóbal Orrego (Hildesheim, Germany: Georg Olms Publishers), forthcoming.

“The *Sensus Fidelium*, the Magisterium, and the Formation of Conscience,” in *Christianity and the Laws of Conscience: An Introduction* (Cambridge Introductions in the Law and Christianity Series), eds. Helen Alvaré and Jeff Hammond (Cambridge University Press), forthcoming

“Cloning,” *Catholic Health Care Ethics: A Manual for Practitioners (3<sup>rd</sup> Edition, 2019)* (Philadelphia, PA: The National Catholic Bioethics Center 2019), ch. 9, pp. 13-23.

“Stem Cell Research,” *Catholic Health Care Ethics: A Manual for Practitioners (3<sup>rd</sup> Edition, 2019)* (Philadelphia, PA: The National Catholic Bioethics Center 2019), ch. 9, pp. 23-38.

“Catholic Social Teaching *is* Catholic Moral Teaching,” in *Catholic Social Teaching: A Volume of Scholarly Essays*, eds. Gerard Bradley & Christian Brugger (Cambridge University Press, 2019), ch. 21, pp. 509-527.

“Reason’s “Wax Nose”: Moral Disagreement, Self-Determination, and the Epistemic Death of Natural Law,” in *Living the Catholic Tradition: Philosophical and Theological Considerations*, ed. Renee Kohler-Ryan (Steubenville, OH: Franciscan University Press, 2019), 142-161.

“Reply to Melissa Moschella (“Integrated but not Whole? Applying an Ontological Account of Human Organismal Unity to the Brain Death Debate”)” in *Life and Learning XXVI*:

*Proceedings of the Twenty-Sixth University Faculty for Life Conference*, ed. Joseph Koterski, S.J. (Bronx, New York: University Faculty for Life, 2016), 17-21.

“Reflections on the Moral Foundations of a *Right to Energy*,” Ch. 7 in *International Energy and Poverty: The Emerging Contours*, ed. Lakshman D. Guruswamy (New York: Routledge, 2015), 68-83.

“Moral Disapproval of Abortion Justifies Doctor Refusal to Provide It,” in *Current Controversies: Medical Ethics* (Stamford, CT: Cengage, 2015), 184-190.

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### **Select Scholarly Presentations at National/Regional Meetings, Academic Institutions**

“Is Augmentation a Human Right?”, Panel Discussion at *Human by Design Conference*, Paley Center, NYC, Aug. 3, 2016; Art Kaplan discussion moderator.

“Brain Death as Human Death? A Reply to Melissa Moschella,” delivered at Symposium on Brain Death, *University Faculty for Life Conference*, Marquette University, Milwaukee, WI, June 11, 2016.

“Catholic Social Teaching as Catholic Moral Teaching,” delivered at University of Dallas, Feb. 9, 2016.

“The duties of dying Christians (or Christian principles for conscientiously living the dying phase of life),” delivered at University of St. Thomas, joint sponsored by *Catholic Studies Program* and *Curatio* Apostolate to Catholic Healthcare workers, St. Paul, MN, Oct. 2015.

“Are Brain Dead Bodies Corpses? Grounds for Reasonable Doubt,” delivered at Symposium on the Definition of Death, at The Catholic University of America, Washington, D.C., June 2-3, 2014.

“Natural Law Foundations in Aquinas: A Systematic and Historical Analysis,” delivered at conference entitled *Medieval Views of Ethics and Nature and its Reception in European and Latin American Philosophy*, Sponsored by the Alexander von Humbolt Foundation, at the International Catholic University of Santiago, Chile, May 20, 2014.

“Bioethics: Ethico-Centric Interdisciplinarity,” delivered at Institute for Bioethics, Franciscan University of Steubenville, March 19, 2014

“Catholic Social Teaching and Catholic Moral Teaching,” delivered at scholars forum on Catholic Social Teaching sponsored by the Biolchini Chair in Legal Philosophy at Notre Dame Law School; Notre Dame, South Bend, Indiana, Oct. 26, 2013.

“Reason’s “Wax Nose”: Moral Self-Determination and the Epistemic Death of the Natural Law,” delivered at *International Conference on Tradition*, University of Notre Dame Sydney, Australia, July 4, 2013.

“Physician Orders for Life Sustaining Treatment (POLST/MOLST),” delivered at *The Twenty-Fourth Workshop for Bishops (of the US and Latin America)*, Dallas, TX, February 5, 2013.

“The question of duty in refusing life-sustaining care” and “The Problem of the POLST Model and Renewal in Catholic Healthcare Culture”; two keynote lectures delivered at annual conference of the *Catholic Medical Association*, Lexington, KT, November 16-17, 2012.

“Some Reflections on the Moral Foundations of a ‘Right’ to Energy,” delivered at international conference on *Energy Justice*, University of Colorado School of Law, Boulder, Sept. 17, 2012.

“Moral Cooperation,” delivered at *Natural Law Forum*, Sponsored by the James Madison Program in American Ideals and Institutions, Princeton University, April, 1, 2012.

“The Future of the Princeton Model,” delivered at the *Annual Conference of the Society of Christian Ethics*, New Orleans, LA, Jan. 6-9, 2011.

“Dualism in Natural Law Moral Theory,” delivered at *Natural Law Forum*, Sponsored by the James Madison Program in American Ideals and Institutions, Princeton University, October 23, 2010.

“Fetal Pain and the Morality of Abortion,” delivered at *A Conference on Life & Choice in the Abortion Debate*, sponsored by Peter Singer and Francis Kissling, Princeton University, N.J., October 15, 2010.



“The Moral Theology of Pope Benedict XVI After 1997,” delivered at annual convention of the *Fellowship of Catholic Scholars*, Providence, RI, September 27, 2009.

“Catholic Church Teaching on Emigration, Immigration and the Moral Status of National Boundaries,” delivered at scholars forum sponsored by the Biolchini Chair in Legal Philosophy at Notre Dame Law School; Notre Dame, South Bend, Indiana, April 3, 2009.

“The Bible and Morality: Biblical Roots of Christian Conduct,” presentation on new document by Pontifical Biblical Commission, at Westchester Scholars Forum entitled *On the Church’s Competence to Teach on Matters Pertaining to the Natural Law*, Georgetown Suites, Georgetown, Washington, D.C., Nov. 6-7, 2008.

“Free Choice and Self-Determination,” delivered at Conference entitled *The Culture of Life vs. The Culture of Death: from Humanae Vitae to Cloning and Assisted Suicide*, Sponsored by the *Culture of Life Foundation*, September 20, 2008

“Anthropological Foundations to Mental Health and Disorder,” delivered at conference entitled *Sacerdos: Psychology Serving Pastoral Ministry*, Bethesda Retreat Center, Bethesda, MD, August 11, 2008.

“Human Embryos & the Principle of Fairness: Replies to Arguments Against Personhood,” delivered at conference *Emerging Issues in Embryo Donation & Adoption*, Arlington, VA, May 29-31, 2008.

“Christian Integrative Reasoning: Reflections on the Nature of Integrating Psychology with Catholic Theology and Philosophy,” delivered at the 15<sup>th</sup> Annual Meeting of the *Society of Catholic Social Scientists*, St. John’s University School of Law, Jamaica, Queens, N.Y., Oct. 27, 2007.

“On the possibility of identifying the minimum threshold indicators of *totipotency* in human embryos, and establishing reasonable criteria for determining the moral status of biological human constructs,” participant in 3<sup>rd</sup> annual exchange between scientists and philosophers, *The Westchester Institute Scholars Forum*, The Westin Washington Hotel, D.C., May 16-18, 2007.

“Integrating Psychology with Faith and Philosophy: Models in Dialogue,” Paper delivered to the *Society of Catholic Social Scientists* Eastern Regional Meeting, 28 April 2007.

“Capital Punishment and the Papal Teaching of John Paul II: Continuity and Change?” Delivered at Notre Dame Graduate School of Christendom College, Alexandria, VA, April 22, 2006.

“Conciliar Precursors to Vatican II’s reference to Torture in *Gaudium et spes*, no 27,” delivered at scholars forum on the Ethics of Interrogatory Torture, sponsored by the Biolchini Chair in Legal Philosophy at Notre Dame Law School; Notre Dame, South Bend, Indiana, April 7, 2006.

“Continuing Ethics and Policy Issues in Stem Cell Research,” presentation and panel debate (with Harvard Bioethicist Dan Brock), at conference entitled *The New Medicine: The Ethics and Policy of Regenerative and Replacement Therapy*, at University of Virginia, March 17, 2006.

“ANT-OAR: Reply to David Schindler, et al.” delivered at the 5<sup>th</sup> *Westchester Institute Scholars Forum*, Topic *On the Definition of “Human Embryo” and the Criteria for Distinguishing the Human Embryo from Non-embryonic Entities*, Jefferson Hotel, Washington, D.C., March 3, 2006.

“The Death Penalty and Contemporary Roman Catholic Moral Teaching,” delivered at symposium on capital punishment at Mount St. Mary’s University, Emmitsburg, MD, Feb. 2, 2006.

“Morally Acceptable Alternative Sources for Pluripotent Stem Cells: A Reply to Schindler.” Presented at the *Society of Catholic Social Scientists Annual National Conference*, Franciscan University of Steubenville, October 28-29, 2005.

“Bodiliness and Relationality in Philosophy and Psychology.” Paper delivered to *Fellowship of Catholic Scholars Annual Convention*, Charlotte, NC, September 24, 2005.

“On the Science and Ethics of Altered Nuclear Transfer (ANT),” Round table at Westchester Institute’s Scholars Forum on ANT, Jefferson Hotel, Washington D.C., April 28-29, 2005.

“Capital Punishment, Abolition, and Catholic Moral Philosophy: An Ethically Principled Perspective.” Presentation given to Symposium on Capital Punishment at Williams College, Feb. 9, 2005.

“The Ethics of Heterologous Embryo Transfer (HET).” Paper delivered to the *Westchester Institute Scholars Forum on the Morality of HET*, Capital Hill, D.C., Oct. 29-30, 2004.

“Catholic Moral Teaching and the Problem of Capital Punishment.” Paper delivered to Annual Convention, Fellowship of Catholic Scholars, general session, convention title, *The Catholic Citizen: Debating Issues of Justice*, Arlington, VA, Sept. 26-28, 2003.

“Catholic Social Teaching,” four lectures presented at *4<sup>th</sup> Annual Prince of Liechtenstein European Fellowship*, Guile Foundation, Boncourt, Switzerland, June 5-7, 2003.

“Recent Changes in Authoritative Catholic Teaching On Capital Punishment,” presented at conference entitled, *American Catholics and Capital Punishment*, sponsored by Faith & Reason Institute (Washington, D.C.), University of Dallas, April 19-20, 2002.

Chaired and introduced session entitled, “Catholic Teaching On Capital Punishment,” at *Capital Punishment Colloquium*, sponsored by the Biolchini Chair of Law, University of Notre Dame Law School, Notre Dame, IN, April 12-14, 2002.

“To Kill or Not To Kill: The Catholic Church and the Problem of the Death Penalty,” to a faculty colloquium of the Political Science Department, Louisiana State University, Baton Rouge, LA, April 19, 2001.

“Aquinas and the Norm Against Killing,” presented at the *Thirty-Sixth International Congress on Medieval Studies*, Center for Thomistic Studies Session, Western Michigan University, Kalamazoo, Mich., May 3-6, 2001.

Congress on the death penalty: entitled “The Morality of the Death Penalty: The Challenge for Law, Society and Religion;” invited respondent to two papers; jointly sponsored by the Columbus School of Law and School of Religious Studies, Catholic University of America, D.C., March 29-31, 2001.

“To Kill or Not To Kill: The Catholic Church and the Problem of the Death Penalty,” Annual Endowed *Yamauchi Lecture in Religion*, Loyola University New Orleans; sponsored by Department of Religious Studies, March 18, 2001.

“Capital Punishment and the *Catechism of the Catholic Church*: The Teaching of the Church Interpreted,” presented at inaugural conference of the Notre Dame *Center For Ethics and Culture*, conference title: “Culture of Death,” Notre Dame University, South Bend, IN, Oct. 12-14, 2000.

### **Select Community: Lectures, Presentations, Media**

Radio Interview, *NCRRegister Radio*, “*Humanae Vitae* at 50”, July 19, 2018.

Radio Interview, *Radio Maria*, “The Question for a Culture of Death in America,” July 2, 2018.

“Christian Witness in the Age of Militant Atheism,” *Holy Family Parish*, West Sydney, Australia, June 2017.

Radio Interview, *Take 2 with Jerry & Debbie: EWTN Radio*, “On Legalization of Marijuana,” Monday, June 6, 2016.

“Using Primary Theological Texts in the Classroom: Bringing students into contact with *Veritatis Pulchritudo*,” National Symposium for Catholic High School Teachers, St. Thomas More, Denver, CO, Dec. 3, 2015.

“The ‘Way of Accompaniment and Discernment:’ *Mater Sed Non Magistra*,” *Cardinal Stafford Chair Annual Lecture*, Bonfils Hall, Denver, CO, Nov. 19, 2015.

Radio Interview, *The Mike Allen Show* (1380 WMJR, Real Life Radio, Diocese of Lexington, KY), “Marriage and the Council of Trent,” September 20, 2015.

“The Problem of Transgender,” EWTN *Heroic Media*, filmed June 11, 2015.

Radio Interview, *Sean Herriott Show* (Syndicated by Relevant Radio), “Ebola Updates,” October 24, 2014.

*Panel on Just War and Problem in the Middle East*, Sponsored by St. John XXIII University Parish, Colorado State University, Oct. 13, 2014.

Radio Interview, *What’s up with Terry Lowry* (Syndicated Houston, Dallas, Austin), “Ebola,” Oct. 6, 2014.

Radio Interview, *Jim Bohannon Show* (Nationally Syndicated), “Ebola,” October 3, 2014.

Radio Interview, *Morning Air with Sean Herriott* (Syndicated by Relevant Radio), “Amazing Robots: Can Machines be Moral?”, Sept. 15, 2014.

Radio Interview, *Morning Air with Sean Herriott* (Syndicated by Relevant Radio), “Choosing/refusing treatment during pregnancy & the principle of double effect,” July 23, 2014

“The Morality of Recreational Pot Smoking,” Panel discussion at Holy Ghost Catholic Church, Denver, CO, July 8, 2014.

“The Frozen Children”: On the problem of embryo adoption in the US, 7 minute television segment for *Heroic Media*, aired by EWTN, Wed. May 14, 2014.

“Love in a Time of Controversy,” presentation and extended time of questions and answers on ethical questions, Holy Name Catholic Church, November 19, 2013.

Radio Interview, *Morning Air with Sean Herriott* (Syndicated by Relevant Radio), “3-D Bioprinting,” September 26, 2013.

Radio Interview, *LifeLine with Craig Roberts* (KFOX 1100AM, San Francisco), “Should We Cure Down’s Syndrome?”, August 28, 2013.

Radio Interview, *EWTN: Son Rose Morning Show with Brian Patrick* (nationally syndicated), “Are Combat Drones Ethical? Will They Lead to More Death?” August 21, 2013.

Radio Interview, *Cradio Limited* (Sydney, Australia), “The Epistemic Death of the Natural Law,” June 18, 2013.

Radio Interview, *Seize the Day with Gus Lloyd* (SiriusXM’s the Catholic Channel), “The Morality of Smoking Marijuana,” June 14, 2013.

Radio Interview, *The Georgene Rice Show* (KPDQ 93.9 FM/800 AM, Portland, OR), “Human Cloning,” May 28, 2013.

MP3 Digital Podcast Archdiocese of Denver, “Human Cloning and Bioethics,” hosts Greg Willits & Karna Swanson, Podcast #012, May 15, 2013, available at <http://denvercatholic.org/?p=285>

“Fetal Pain and Abortion: Separating Fact from Fiction,” Power Point Presentation, *Christ the King Catholic Parish*, Evergreen, CO, May 15, 2013.

“Advance Directives and Health Care Proxies,” Power Point Presentation, *Christ the King Catholic Parish*, Evergreen, CO, May 8, 2013.

“Stem Cell Research: Embryonic and Adult,” Power Point Presentation, *Christ the King Catholic Parish*, Evergreen, CO, May 1, 2013.

Radio Interview, *What’s Up with Terry Lowry* (Syndicated out of Dallas, TX), “Do Unborn Children Feel Pain?” April 22, 2013.

Radio Interview, *Relevant Radio, The Drew Mariani Show*, “The Morality of Smoking Marijuana,” Feb. 25, 2013.

Choices, Habits and Addictions: Some Thoughts on the Relevance of Moral Philosophy for Clinical Psychology,” delivered to the Catholic Psychotherapy Association (CPA), Denver Chapter, John Paul II Center for the New Evangelization, Thurs., Feb 23, 2012.

“Transhumanism,” lecture delivered at *Gospel of Life Conference*, Denver, Colorado, October 26, 2011.

“Danger of POLST forms,” led discussion at Denver chapter of the Catholic Medical Association (CMA), Bonfils Hall, Aug. 17, 2011.

“Extraordinary Means,” Address to the retired priests of the Denver Archdiocese, Denver, May 27, 2011.

Radio Interview, *Relevant Radio, Morning Air Show*, “Parthenogenesis and Stem Cells,” Tuesday, March 15, 2011.

“End of Life Decision Making,” address to priests of Archdiocese of Denver, Priests Convocation, March 2011.

“Catholics and Capital Punishment,” facilitated discussion in response to PBS documentary “No Tomorrow,” Bonfils Hall, Archdiocese Denver, Jan. 26, 2011.

Radio Interview, *In His Sign Network Radio* ([www.inhissign.com](http://www.inhissign.com)), “Economic Considerations in the Removal of Life Support,” December 29, 2010.

“Autonomy and Self-Killing,” *The Aquinas Institute*, CU Boulder, public lecture, November 10, 2010.

“Does Morality Exist? Conscience and the Problem of Relativism,” *The Gospel of Life Conference*, conference lecture, Bonfills Hall, John Paul II Center, Denver, CO, October 2, 2010

PBS television interview, “Transhumanism,” taped in Denver Thursday, July 23, 2010; interview available at <http://www.pbs.org/wnet/religionandethics/episodes/august-20-2010/christian-brugger-extended-interview/6840/>

Radio Interview, *Relevant Radio, Morning Air Show*, “Organ Donation Euthanasia,” Wednesday, June 16, 2010.

Radio Interview, *Relevant Radio, Morning Air Show*, “Providing Food and Water to Patients in the Persistent Vegetative State,” Tuesday, May 25, 2010.

Radio Interview, *Relevant Radio, Morning Air Show*, “Transhumanism,” Wednesday, May 5, 2010.

Radio Interview, *Ave Maria Radio*, “Transhumanism,” Tuesday, May 4, 2010.

Interview with Cheryl Wetzstein, *Washington Times*, On Catholics and Embryo Adoption, March 24, 2010.

“Embryonic Stem Cell Update,” presentation to parish youth leaders of the Denver Archdiocese, Bonfills Hall, Denver, Jan. 14, 2010.

“Protecting Embryos: Love for the Weakest,” *Splendor of Truth Series: The Virtue of Life*, St. James Catholic Church, Newport St., Denver, Jan. 11, 2010.

Phone Interview, Cheryl Wetzstein, *Washington Times*, On ObamaCare’s nurse helper home visits, Jan. 6, 2010.

*Theology on Tap*, “Biotechnology on the Edge: Updates on Stem Cell Research,” Baur’s Pub, Denver, December 11, 2009.

*Theology on Tap*, “Biotechnology on the Edge: Updates on Stem Cell Research,” lecture and Power Point presentation, C.B. and Potts, Fort Collins, December 10, 2009.

Media Interview, *Focus on the Family*, on Senate motion to table pro-life “Nelson Amendment” from Senate health care bill, December 9, 2009.

Radio Interview, *Relevant Radio, Morning Air Show*, “Ethical Issues Pertaining to Universal Health Care Legislation,” October 9, 2009.

Radio Interview, *Relevant Radio, Morning Air Show*, “Ethical Questions Concerning Civil Disobedience in Defense of Innocent Human Life,” September 8, 2009.

“Ethical Reflections on Universal Health Care,” with Helen Alvare, *Denver Catholic Register*, published in four parts, Aug. 26, Sept. 9, Sept. 16, Sept. 23 2009.

Radio Interview, *EWTN Radio*, “Health Care Reform,” August 24, 2009.

Radio Interview, *Relevant Radio, Morning Air Show*, “Embryonic Stem Cells and Stem Cell Research.”

“Embryonic Stem Cell Research,” PowerPoint presentation to *Respect Life Forum*, Holy Ghost Catholic Church, Denver, Co., May 17, 2009.

Radio interview, *AM 850 KFUE*, “Cloning and alternative sources for pluripotent stem cells,” April 2009.

Radio interview, March 2009, *AM 850 KFUE*, “Embryonic Stem Cell research,” March 2009.

“A Matter of Conscience: Conscience Protection Laws and Abortion,” address delivered to the *Catholic Medical Association of Denver*, July 20, 2008.

“Federal Funding and Embryo Experimentation,” *March for Life Convention*, Hyatt Regency Capital Hill, January 21, 2008.

“Abortion in America,” *Focus on the Family Radio*, taped interview, January 21, 2008.

Guest on Radio talk show, *Ave Maria/EWTN Radio*, “Capital Punishment and Christians,” Jan. 5, 2008, 5:00-5:30pm EST, aired live.

“Do the lives of Socrates and Edmund Campion have anything to say to aspiring public leaders?” Presentation to Young Filipinos Society, Bethesda, MD, Oct. 9, 2007.

“Capital Punishment, Catholic Teaching and New Deterrence Information,” radio broadcast on Ave Maria Radio, aired live June 12, 2007.

Radio interview, Ave Maria Radio, “Saddam Hussein, Capital Punishment and the Catholic Church,” aired November 6, 2006.

“IPS Graduate Studies and the Concept of Integration,” presentation to prospective students at University of Dallas, Friday, October 27, 2006.

“Catholic Thinking on Capital Punishment: An Historical Perspective,” presentation at National Catholic Death Penalty Symposium, Mt. St. Mary’s University, Emmitsburg, MD, Sept. 30, 2006.

Radio interview, Ave Maria EWTN Radio, “An Historical Survey of the Catholic Church’s ideas on Capital Punishment,” Jan. 5, 2006, 5:00-5:30pm EST, aired live.

“Altered Nuclear Transfer and the Catholic ethical community,” telephone interview with Julia Cort, Producer, NOVA, in preparation for television show dedicated to Hurlbut’s proposal, Nov., 7, 2005.

Radio talk show, WUST, 1120, *The Catholic Current*. Taped two 30 minute shows (April, 12, 2005): 1) “The Terri Schiavo Case” (aired April 26, 2005), 2) “What is the Dignity of the Human Person?” (aired April 27, 2005).

“Morality of Cloning,” presentation to *New Orleans Right to Life* (NORL) autumn colloquium on cloning; Riverside Baptist Church, River Ridge, LA, September 22, 2003.

“The Glory and Challenge of the Domestic Endeavor,” *Roman Catholic Homeschool Association of Louisiana*, Homeschool Fair, St. Peter Catholic Church, Covington, March 8, 2003.

Television Interview, *WWL TV*, “Clerical Infidelity and Crisis in the Church,” aired on 10PM News, May 2002.

“Scientific and Ethical Issues Associated with Embryonic Stem Cell Research,” Power Point presentation to a three parish audience in Kenner, LA, Nov. 2001.

“Justifiable and Unjustifiable Homicide in Catholic Moral Tradition,” presentation to Mater Dolorosa Church, S. Carrollton Ave, New Orleans, LA, Nov. 16, 2000.

“Making Moral Choices,” presentation to Catholic religious community, *Brot des Lebens*, Munich, Germany, Feb. 2000.

## **TEACHING**

### **Saint John Vianney Theological Seminary Courses**

#### Graduate: MDiv, STB

Fundamental Moral I	(Fall 2008, 2009, 2010, 2011, 2012, 2013, 2015, 2016)
Fundamental Moral II	(Spring 2009, 2010, 2011, 2012, 2013, 2014, 2015)
Biological and Sexual Ethics	(Fall 2008, 2009, 2010, 2011, 2012, 2013)
Sexual Ethics	(Fall 2015, 2016)
Bioethics	(Spring 2016)
Catholic Social Teaching	(Spring 2009, 2010, 2011, 2013, 2014, 2016)
Theology of the Body	(Fall 2008, 2009, 2010)
Thomistic Psychology	(Spring 2010, 2012)
Council of Trent & Marital Indissolubility	(Spring 2011)
Self and the World (Permanent Deacons)	(Spring 2009)
Life in Christ: Virtue & Common Problems (Permanent Deacons)	(Spring 2014, Fall 2016)
Life in Christ: Fundamental Morals (Permanent Deacons)	(Spring 2016)



**University of Mary, Bismarck, ND/Christ in the City, Denver, Instructor,** Department of Theology  
Catholic Social Teaching (Spring 2014, 2016)

**Catholic University of America, Instructor,** School of Philosophy (Spring 2008)  
Graduate: MS in Nursing  
Bioethics

**Institute for the Psychological Sciences Courses**  
Graduate: MS, Psy.D.  
Theological and Philosophical Anthropology  
Practical Reasoning and Moral Character  
Major World Philosophies and Religions  
Hermeneutics and Research Techniques  
Theology of Marriage and Family

**Loyola University Courses**  
Undergrad:  
Introduction to World Religions (compulsory course for all Loyola students)  
Christian Ethics  
Catholic Sexual Ethics (principles and issues)  
Catholic Social Teaching I (History of Christian Political Thought)  
Catholic Social Teaching II (Modern Catholic Social Teaching)  
Moral Theology of John Paul II

Grad (MA):  
Christian Ethics

### Teaching Grants

*New Orleans Consortium for Technology Integration and Implementation in Teacher Education* (NOC-TIITE), Louisiana Department of Education, Grant period running Jan -Dec. 2001, \$1000.00.

*Institute for the Study of Catholic Culture and Tradition*, Loyola University, Grant to develop two semester course in Catholic Social Teaching, Summer 2002, \$3645.00.

### Distinctions

2014	Linacre Award, Catholic Medical Association; best essay for 2014
2002- 2003	Spirit of Loyola Award for Outstanding University Organization Advisor
2002- 2003	Nominated for Loyola University Senate Award for Excellence in Teaching
2002- 2003	Nominated for Loyola University Senate Award for Excellence in Advising
1999-2000	Western Civilization Fellowship, <i>Inter Collegiate Studies Institute</i>
1999-2000	Earhart Fellowship, <i>Earhart Foundation</i> , Ann Arbor, Mich.
1997-98	Denyer and Johnson Scholarship, Faculty of Theology, Oxford
1998-99	Denyer and Johnson Scholarship, Faculty of Theology, Oxford

1998-2000

Yates Senior Scholarship in Theology, St. Hugh's College, Oxford

## SERVICE

### Academic Institution /Scholarly Community

#### Saint John Vianney Seminary

##### **Service to the Archbishop of Denver (2008-2017)**

- *Ethical Consultation*

##### **Service to the Auxiliary Bishop of Denver (2008-2013)**

- *Ethical Consultation*

##### **Service to Colorado Catholic Conference (2008-2017)**

- *Ethical consultation*

- Testified before the State Congress on provisions in proposed "living will" legislation:

- House Health and Human Services subcommittee (Feb. 24, 2010)

- Senate Health and Human Services subcommittee (March 25, 2010)

- Senate Judiciary Committee (April 12, 2010)

- Denver Catholic Hospitals, Ethical Advisory Board, 2010-present.

##### **Service to Archdiocese (2008-2017):**

- *Ethical consultation*: to persons associated with the Denver archdiocese: chancery officials, priests, deacons, laypeople.

- Member: *Healthcare Commission of the Archdiocese of Denver*

- Addressed two gatherings at State Capital (at request of chancery): "Stand up for Religious Freedom Rally," March 23, 2012 and June 8, 2012.

- "Transhumanism," lecture delivered at *Gospel of Life Conference*, Denver Archdiocese, Bonfils Hall, John Paul II Center October 26, 2011.

- "Extraordinary Means," address to the retired priests of the Denver Archdiocese, Denver, May 27, 2011.

- "End of Life Decision Making," address to priests of Archdiocese of Denver, Priests Convocation, March 2011.

- "Husbands and Fathers in the Image of Christ," *Living the Catholic Faith Conference*, Colorado Convention Center, Denver, March 11 and 12, 2011.

- "Catholics and Capital Punishment," facilitated discussion in response to PBS documentary "No Tomorrow," Bonfils Hall, Archdiocese Denver, Jan. 26, 2011.

- "Does Morality Exist? Conscience and the Problem of Relativism," lecture delivered at *The Gospel of Life Conference*, Denver Archdiocese, Bonfils Hall, John Paul II Center, Denver, CO, October 2, 2010

- *Theology on Tap*, "Biotechnology on the Edge: Updates on Stem Cell Research," Baur's Pub, Denver, December 11, 2009.

- *Theology on Tap*, "Biotechnology on the Edge: Updates on Stem Cell Research," lecture and Power Point presentation, C.B. and Potts, Fort Collins, December 10, 2009.

- "*Getting Grilled*," St. Mary's, Littleton, questions and answers on controversial issues; June 23, 2016

##### **SJV Committee Work:**

Membership on Standing Committees:

- Awards and Rank Committee, Fall 2010-2013; 2015-

- Committee Chair 2012-2013

- Faculty Grievance Committee, Spring 2012-2014
- Library Committee, 2009-present

**Membership on Ad-hoc Committees:**

- ATS re-accreditation: Learning, Teaching, and Research Committee (2011-2012)
- Student Advising Committee, Spring 2010
- Endowed Chair Consultation Committee, Fall 2009
- Spirituality Year Review Committee, 2009

**Faculty Colloquia:**

- “Mercy and Conscience,” delivered at SJV Alumni Day, Academic Symposium, Sept. 14, 2016.
- “POLST Orders: Clinical and Ethical Concerns,” Nov. 28, 2012
- “Thoughts on the Health and Human Services (HHS) Contraception Mandate,” March 14, 2012
- “Pope Benedict XVI and the Death Penalty,” November 30, 2011
- “Current Stage of Research Concerning Trent’s Teaching on Indissolubility,” April 21, 2010
- “Update on Stem Cell Research: Alternatives for Deriving Pluripotent Stem Cells,” Dec. 2, 2009.
- “Are Brain-Dead Patients Dead? The Contemporary Conversation,” Feb. 18, 2009

**Formation:**

- Presentation entitled “Married Love”, Formation Day for 2<sup>nd</sup> theologians, Nov. 2013; Nov. 2015; Nov. 2017

**STB Thesis Director:**

- Deacon Kerry Wakulich (2009-2010)
- Deacon Wojciech Gierasimczyk (2011-2012)
- Deacon Dan Vanyo (2011-2012)
- Deacon Scott Perry (2013-2014)
- Deacon Thomas Yuan (2015-2016)
- Deacon Jacob Schneider (2016-2017)

**Academic Advising:**

- Blake Stork (2011)
- Brian Feller (2011-2014)

**Examiner for STB Comprehensives:**

- May 2009-2014

**Institute for the Psychological Sciences (2004-2008)**

Director and Chair of Integration Lecture Series, 2007-08  
Chair of faculty-student integration case study seminars, Spring 2007-2008  
Institutional Review Board, (IRB), member (2006 – 2008)  
Director of Integration Research

- Directing and editing faculty book project entitled: *Towards an Integrated Catholic Model of Clinical Psychology*, August 2007-present
- Led and directed topics for monthly faculty integration meetings
- Initiated and directed faculty symposium: A sound model for integrative pedagogy, Summer 2006
- Initiated, developed and received approval for four course integration sequence revisions 2005-06
- Admissions committee for Oxford Summer Program, 2006-07
- Chair, faculty benefits subcommittee, 2006-07
- Psy.D. admissions subcommittee member, 2006-07
- Psy.D. dissertation committee member, Peter Martin, defended Spring 2009
- Psy.D. dissertation committee member, Donna Darbolay, defended Fall 2006
- Consultor for PhD in Philosophical Psychology, 2005-2008
- Diversity Task Force, member, 2005-06
- IPS application revision committee, member 2005-06
- Drafted Website statement on integration 2007
- Drafted Academic Freedom statement, 2005
- Drafted Academic Integrity statement, 2005
- Member of all Psy.D. oral comp. committees, 2004-2008
- Textbook acquisitions committee, member 2004-2008

#### **Loyola (2000-2004)**

- Loyola University Senate, Religious Studies Department Representative, term 2001-2004.
- Administrator of Religious Studies Department's biannual *Faculty Seminar*, 2001-2004
- Library Acquisitions Review Committee, Dept. of Religious Studies, 2000-2004
- Loyola Life Group*, Faculty Advisor, 2000-2004
- Compass* Catholic Fellowship, Faculty Advisor, 2002-2004
- Rhodes Scholarship advisor, 2002-03
- Senior thesis supervisor, 2002-03

#### **Scholarly Community**

- Manuscript Reviewer: *Journal of Law and Religion*, *Catholic Social Science Review*, *Review of Metaphysics*, *The Thomist*, *Fellowship of Catholic Scholars Quarterly*, *Catholic University of America Press*, *Peter Lang*
- Board of Directors, *Fellowship of Catholic Scholars* (2008-2104)
- Board Member, *Human by Design (Augmentation Project)*; sponsorship: Turner Broadcasting and Square Enix; drafted a "Code of Ethics" for human enhancement (2016)
- External reviewer, tenure & promotion application, Jason T. Eberl, assistant professor in the department of Philosophy at Indiana University-Purdue University Indianapolis, July 2007.