



February 3, 2021

The Honorable Senator Tom Cotton
United States Senate
326 Russell Senate Office Building
Washington, DC 20510

Dear Senator Cotton,

Thank you for your ongoing efforts to protect the health freedom of the American people. Citizens' Council for Health Freedom is a national patient-centered health policy organization whose mission is to protect health care choices, individualized patient care, and medical and genetic privacy.

We share your concern about President Biden's nomination of California Attorney General Xavier Becerra for Secretary of the U.S. Department of Health and Human Services.

Mr. Becerra's past efforts and his record in the state of California provide ample reason to refuse to confirm his nomination as head of HHS, which is in charge of everything from Medicare to Medicaid, the FDA to HIPAA, medical research to health policy—and more. Furthermore, he is a staunch supporter of Medicare-for-all, a government-run health care system of socialized medicine.

In addition, Mr. Becerra is not a physician. He has not worked in the health care industry. He is not a friend of individual freedom or free markets. Instead, he has fought to protect the spuriously-named Affordable Care Act, which was passed on a partisan basis and is advancing the nation toward a dangerous Medicare-for-all agenda. The ACA is a violation of constitutional constraints on the federal government, a detriment to individual rights, and an impediment to affordable patient care.

There are several other parts of Mr. Becerra's record that we would like to bring to your attention. In 2017, his first year as Attorney General, he sought to remove conscience protections from a Catholic group, the **Little Sisters of the Poor**. This group provides nursing home services to elderly patients from low-income households and was then seeking exemption from the ACA's requirements to provide contraceptives and abortifacients in their employee health plans. After three years, the Little Sisters finally prevailed in court, but Mr. Becerra forced them to waste precious resources and time in a manifestly unconstitutional legal battle. While, in recent years, the Trump administration granted the Little Sisters and other similarly-situated religious non-profits conscience protections, Mr. Becerra would have the power to rescind these safeguards and implement even more unconscionable regulations.

Following his drive to end conscience protections, in 2018 Mr. Becerra **sought to protect the FACT Act**, which required pregnancy centers to post information on how patients could obtain an abortion. Pro-life advocates claimed this act was a violation of the pregnancy clinics' free speech rights. Becerra's answer was simply to invent a new class of speech, deemed "professional speech," that could be heavily regulated by the state.

Policymakers and presidents should protect America’s physicians from being caught in the political crossfire amid Washington’s culture wars over abortion rights and identity politics.

However, on January 20th, President Biden signed an executive order that may be used to try to force doctors to conduct gender-reassignment surgeries or prescribe harmful therapies in violation of medical ethics, their conscience, or their religious beliefs. Enforcement may depend on how the Biden Administration, potentially with Mr. Becerra at the helm, defines “healthcare,” “sex discrimination” and “equal treatment” as described in the order:

People should be able to access healthcare and secure a roof over their heads without being subjected to sex discrimination. All persons should receive equal treatment under the law, no matter their gender identity or sexual orientation.

Physicians take an oath to “first, do not harm.” They are not partisan tools of any government or political party. Rather, the duty of a doctor to act professionally, ethically, and in good conscience is essential to medical excellence and a trusting patient-doctor relationship. **Physicians and other clinicians must never be forced to use their talents, skills, or expertise in furtherance of any interests except those of their patients—and never against the physician’s or clinician’s own conscience.**

As attorney general, Mr. Becerra has shown his ardent determination to violate the constitutional oath he swore to uphold. He has sought to end constitutional rights and freedom of conscience. He has dismissed the foundational freedoms and principles of America to advance policies that fit an unconstitutional agenda and satisfy only his own political preferences.

If the U.S. Senate votes to confirm Mr. Biden’s nomination of Xavier Becerra, it will put the rights, consciences, freedoms and health outcomes of millions of Americans in jeopardy. Such an attack on physician and patient freedoms would likely ignite many new legal battles, forcing victimized Americans to expend hefty sums of money and time to defend their basic individual rights against a government bent on weaponizing their own tax dollars against them.

We are opposed to the nomination of Xavier Becerra, and we appreciate your courage in standing up against his confirmation.

Sincerely,



Twila Brase, RN, PHN
President and Co-founder