

July 28, 2023

SENT VIA EMAIL AND U.S. MAIL:
county_board_recipients@countyofdane.com

Dane County Board of Supervisors
210 Martin Luther King Jr Blvd #114
Madison, WI 53703

Re: Dane County Contracts with SSM Health

Dear Dane County Board of Supervisors:

I am writing on behalf of the FFRF Action Fund (FFRF AF) to voice our support for your current investigation into potential contract violations that may have resulted from SSM Health's recent decision to halt gender-affirming care. We also write to encourage that in the future, the county only contracts with secular healthcare systems. FFRF AF is an affiliate of the Madison-based Freedom From Religion Foundation, a national nonprofit organization with more than 40,000 members across the country, including more than 1,700 members and a regional chapter in Wisconsin. We work to ensure that our laws remain secular in order to protect the constitutional separation between state and church and to represent the views of nonreligious citizens.

Non-religious Americans are the fastest growing segment of the U.S. population by religious identification — 35 percent of Americans are non-Christians, and this includes the more than three-in-ten adult Americans (29 percent) who now identify as religiously unaffiliated.¹ Younger Americans are not just religiously unaffiliated, they are largely atheist or agnostic. A recent survey found that 21 percent of Americans born after 1999 are atheist or agnostic.² In Dane County, that number is

¹ About Three-in-Ten U.S. Adults are Now Religiously Unaffiliated Pew Research Center (Dec. 14, 2021), www.pewresearch.org/religion/2021/12/14/about-three-in-ten-u-s-adults-are-now-religiously-unaffiliated/.

² *Atheism Doubles Among Generation Z*, The Barna Group (Jan. 24, 2018), www.barna.com/research/atheism-doubles-among-generation-z/.

even higher, with 40 percent of residents identifying as religiously unaffiliated.³ Additionally, about two in ten non-Christians are members of the LGBTQIA+ community, including 19 percent of the religiously unaffiliated.⁴

We applaud the Dane County Board of Supervisors for recently passing 2023 Resolution 074, Declaring Dane County a Sanctuary for Trans and Nonbinary Individuals. As we noted in our previous letter of support, Resolution 074 sends an urgently needed message to the growing number of transgender refugees in the United States that they are welcome in Dane County. We are also pleased to hear that the Board of Supervisors is putting the words behind the resolution into action by investigating whether SSM Health's recent policy shift to end gender-affirming surgeries violates the county's current contract.⁵

FFRF AF encourages the Board of Supervisors to use this situation as a learning opportunity as to the dangers of contracting with healthcare organizations that are controlled by religious dogma, rather than medical science. Catholic healthcare systems are required to follow the "Ethical Religious Directives For Catholic Healthcare Services" (Directives) created by the United States Conference of Catholic Bishops (USCCB). These Directives place serious limitations on what types of healthcare patients can receive in Catholic healthcare facilities, restricting access to abortion, contraception, sterilization, and certain types of end-of-life care, not on the basis of science, but on the basis of Catholic theology.⁶ While gender-affirming care is not currently included in these formal directives, SSM Health's policy shift was likely in response to the recent guidance issued by the USCCB that serves as a placeholder ban on gender-affirming care while they go through the formal process of including it in the Directives.⁷

³ *American Religious Identity at the County Level*, PRRI (Jul. 8, 2021), <https://www.prri.org/research/2020-census-of-american-religion/>.

⁴ *More Acceptance but Growing Polarization on LGBTQ Rights: Findings From the 2022 American Values Atlas*, www.prri.org/research/findings-from-the-2022-american-values-atlas/.

⁵ Kathryn Merk, *Dane County Board Checking for Contract Violations After SSM Health Stops Gender Affirming Surgeries*, Channel 3000 News, https://www.channel3000.com/news/dane-county-board-checking-for-contract-violations-after-ssm-health-stops-gender-affirming-surgeries/article_e9c1c3ca-2bfa-11ee-b6a9-d7b5b7fbd16f.html (July 26, 2023).

⁶ *Ethical Religious Directives For Catholic Healthcare Services*, United States Conference of Catholic Bishops, <https://www.usccb.org/about/doctrine/ethical-and-religious-directives/upload/ethical-religious-directives-catholic-health-service-sixth-edition-2016-06.pdf> (2018).

⁷ Michael J. O'Loughlin, *Transgender Treatment at Catholic Hospitals: U.S. Bishops Vote to Begin Process That Could Formally Ban It*, America Magazine, <https://www.americamagazine.org/politics-society/2023/06/16/usccb-transgender-healthcare-catholic-hospitals-245508> (June 16, 2023).

Catholic hospitals are becoming increasingly dominant in the United States, with approximately one in six acute care hospital beds being in a Catholic hospital. In Wisconsin, this number is even larger, with Catholic hospitals controlling 40 percent of all hospital beds in the state.⁸ While some care providers in Catholic hospitals may quietly choose to ignore the Church's directives, or otherwise find loopholes to be able to provide people with the healthcare they need, Dane County should not take such chances when it comes to the healthcare available to its employees. Particularly as issues of bodily and medical autonomy are being pushed to the forefront of public discourse, it is likely that the Catholic Church will crack down on its hospital systems, decimating what little access to science-based care still remains.

While the current contract with SSM Health has almost certainly caused harm to Dane County employees who may have sought out health care that does not align with the Catholic Church, it is not too late to course correct with future contracts. Given the quality of secular healthcare options in the area, there is no need for the County to subsidize any religious organization, and certainly not one taking hardline stances that are contrary to the values of the community.

Sincerely,

A handwritten signature in black ink, appearing to read "Kat D. Grant", with a stylized flourish at the end.

Kat D. Grant

*Equal Justice Works Fellow (sponsored by the Wm. Collins Kohler Foundation)
Freedom From Religion Foundation Action Fund*

⁸ Bruce Murphy, *Catholic Hospitals Dominate State, Restrict Women's Choices*, Urban Milwaukee, <https://urbanmilwaukee.com/2022/10/25/murphys-law-catholic-hospitals-dominate-wisconsin/> (Oct. 25, 2022).