

The American College of Pediatricians Case

Case Name: *American College of Pediatricians v. Becerra*

Case Status: Opening briefs filed at the Sixth Circuit of Appeal on March 20, 2023, and amicus support filed April 6, 2023.

Significance: Whether the government can force doctors to perform controversial, often-dangerous gender transition procedures that go against their deeply held religious convictions.



Background: In 2016, the U.S. Department of Health and Human Services (HHS) is attempting to reinterpret a federal statute against discrimination based on sex to include gender identity, compelling doctors' participation in transition-related procedures and interventions, including for children. The mandate requires doctors to provide and refer for harmful gender-transition procedures and interventions, against ethical and medical standards. This gender identity mandate harms medical professionals, including the members of the American College of Pediatricians (ACPed) and the Catholic Medical Association (CMA). The American College of Pediatricians includes more than 600 physicians, most of whom are board-certified pediatricians, and other healthcare professionals drawn from 47 different States across the nation. The Catholic Medical Association is a national, physician-led community that includes about 2,500 physicians and health providers committed to informing, organizing, and inspiring its members in fidelity to the teachings of the Catholic Church. The gender identity mandate violates the free speech, religious exercise, and other constitutional rights of the medical organizations and their members. ACPeds and CMA medical professionals are forced to refer for harmful procedures—to engage in speech that goes against their conscience, medical judgment, and faith. HHS lacks the authority to impose this mandate or to violate health care professionals' constitutional rights. Alliance Defending Freedom, on behalf of ACPeds and CMA, filed a lawsuit to help shield medical professionals from the federal government's crippling penalties that threaten to drive thousands of doctors out of practice. ADF will continue to defend the right of medical professionals to practice consistently with their conscience and ethical medical judgment.

Key Points

- Medicine relies on biology, and rewriting “male” and “female” especially in the context of medicine is unscientific, unlawful, and dangerous; the government should not coerce doctors to speak and endorse an ideology that endangers patients.
- American College of Pediatricians and CMA medical professionals want to protect their right to engage in speech and practices consistent with their conscience, medical judgment, and faith, not to be censored or coerced.
- Normalizing the myth of gender fluidity spreads confusion about the reality of biological sex, an especially dangerous lie among vulnerable youth.

Key Facts

- Drugs like cross-sex hormones and surgeries that permanently alter children's bodies have lifelong irreversible consequences, including sterility. They destroy health, turn children into lifelong patients, and irreparably deprive them of the fulfillment and basic human right of becoming parents later in their lives, all with no proven long-term benefits.
- The mandate coerces physicians to provide these procedures, as well as to use pronouns that reinforce a patient's gender of choice and to enter inaccurate information into medical charts and records.
- Puberty is not a disease; it is a critical window of normal development that is irreparably disrupted by puberty blockers.

The Bottom Line: Doctors should be free to follow the science, respect their medical judgment and consciences, and do no harm to their patients.