

February 18, 2021

The Honorable Patty Murray
Chairwoman
Committee on Health, Education, Labor & Pensions
U.S. Senate
Washington, D.C. 20510

The Honorable Richard Burr
Ranking Member
Committee on Health, Education, Labor & Pensions
U.S. Senate
Washington, D.C. 20510

The Honorable Ron Wyden
Chairman
Committee on Finance
U.S. Senate
Washington, D.C. 20510

The Honorable Mike Crapo
Ranking Member
Committee on Finance
U.S. Senate
Washington, D.C. 20510

Dear Senators,

As organizations committed to the protection of unborn children and their mothers from abortion and representing millions of pro-life Americans, we write to you in opposition to the nomination of Xavier Becerra to be Secretary of Health and Human Services. Mr. Becerra is an enemy to every pro-life policy and law and has demonstrated complete disregard for the religious and moral convictions of those opposed to the brutal act of abortion. His radical record in public office as California's Attorney General and member of Congress leads our organizations to ask you to reject Mr. Becerra's nomination.

As Attorney General, Mr. Becerra went out of his way to attack pro-life policies and conscience protections. He led the charge against the Title X Protect Life Rule which, under the prior administration, successfully defunded Planned Parenthood of \$60 million.¹ Despite the Supreme Court already siding with the Little Sisters of the Poor in an earlier case, Mr. Becerra took the nuns and similar groups to court to force them to violate their consciences.² However, perhaps most ironically, Mr. Becerra has argued in opposition to following an existing Federal law against forcing healthcare entities to provide, pay for, provide coverage of, or refer for abortion (the longstanding Weldon Amendment) calling the enforcement of such provisions "illegal".³ Notably, if confirmed Mr. Becerra would be responsible for overseeing the Title X program, establishing the federal preventive service mandates that infringed on the conscience rights of the Little Sisters of the Poor, and enforcing the Weldon Amendment.⁴

We are also concerned about Mr. Becerra's abuse of his statewide office to target pro-life health centers and journalists. Taking pregnancy centers to court to enforce California's so-called Reproductive FACT Act, Mr. Becerra futilely sought to force government-compelled speech on pro-life individuals who

¹ Mr. Becerra lost in the 9th Circuit in February 2020. A request to review this decision was denied in May 2020. The Title X policy was allowed to resume March 4, 2020. See *California v. Azar*.

² The Little Sisters of the Poor won at the Supreme Court on July 8, 2020 in a similar case. Mr. Becerra's case against the Little Sisters has been sent back to the 9th Circuit to be decided in light of this decision. See *Little Sisters of the Poor v. Commonwealth of Pennsylvania*

³ <https://khn.org/morning-breakout/california-defends-authority-to-require-insurers-to-cover-abortion-as-protecting-womens-rights/>

⁴ Mr. Becerra's refusal to enforce the Weldon Amendment led to a loss of \$200 million in Medicaid funding for California, [HHS OCR Press Release 12/16/20](#)

refused to direct women to abortion centers.⁵ Furthermore, he sought to intimidate and prosecute investigative journalists David Daleiden and Sandra Merritt after their reporting uncovered the unethical and likely illegal sale of aborted baby body parts by Planned Parenthood. Mr. Becerra sought 15 felony charges for recording 14 videos against these journalists, a move that the Los Angeles Times Editorial Board called “a disturbing overreach”.⁶

More recently, Mr. Becerra’s actions to exploit the COVID-19 pandemic to expand abortion demonstrate that he will not let a crisis go to waste. As most Americans sought to direct resources to essential health services, Mr. Becerra led a letter of pro-abortion state Attorneys General who sought to use the public health emergency to lift federal restrictions on chemical abortion under the FDA Risk Evaluation and Mitigation Strategy (REMS) protocol. Such a change to the REMS would lead to mail order abortion without physician oversight, a situation which could have dire consequences for women and girls. Additionally, Mr. Becerra led another letter of pro-abortion Attorneys General calling for the administration to fund research involving fetal tissue claiming that “no alternatives to human fetal tissue... have been shown to be as powerful conducting these important studies”.⁷ Neither of the leading COVID-19 vaccines, developed by Pfizer and Moderna, used human fetal tissue in their production, demonstrating that this view is out of step with current science.

These radical views are not new for Mr. Becerra, whose pro-abortion track record extends back to his earliest years in public office. While a member of Congress, he voted against pro-life priorities such as the Pain-Capable Unborn Child Protection Act, the Born-Alive Abortion Survivors Protection Act, and the No Taxpayer Funding for Abortion Act. Becerra even voted against commonsense legislation to prohibit partial birth abortion⁸ and the Unborn Victims of Violence Act which made it a crime to harm or kill an unborn child during the commission of a violent crime – 38 states including California currently have similar protections.⁹

Mr. Becerra’s confirmation would be divisive and a step in the wrong direction. We understand that the president needs to assemble a cabinet; however, Mr. Becerra has proven himself to be an enemy of the health of women and the unborn. He cannot be entrusted with our national health programs and policies and is not qualified to serve as Secretary of Health and Human Services.

For these reasons, we ask you to reject his nomination.

For Life,

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Tom McClusky
President
March for Life Action

Carol Tobias
President
National Right to Life Committee

⁵ Mr. Becerra lost at the Supreme Court, which found the law to be likely unconstitutional. See *NIFLA v. Becerra*.

⁶ <https://www.latimes.com/opinion/editorials/la-ed-planned-parenthood-charges-20170330-story.html>

⁷ <https://www.oag.ca.gov/system/files/attachments/press-docs/Multi-State%20Letter%20re%20Fetal%20Tissue%20Ban.pdf>

⁸ <https://clerk.house.gov/Votes/2003530>

⁹ <https://www.ncsl.org/research/health/fetal-homicide-state-laws.aspx>

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