

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *et al.*

*Plaintiffs,*

v.

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES; ALEX  
M. AZAR II, *in his official capacity as Secretary of the United States Department of Health and Human Services*; and UNITED STATES  
OF AMERICA,

*Defendants,*

DR. REGINA FROST and CHRISTIAN  
MEDICAL AND DENTAL ASSOCIATIONS,

*Defendants-Intervenors.*

No. 1:19-cv-04676-PAE  
(consolidated with 1:19-cv-05433-PAE;  
1:19-cv-05435-PAE)

**DECLARATION OF ERIN NORMAN,  
IN SUPPORT OF MOTION FOR  
SUMMARY JUDGMENT, AND IN  
OPPOSITION TO PLAINTIFFS'  
MOTION FOR PRELIMINARY  
INJUNCTION**

PLANNED PARENTHOOD FEDERATION  
OF AMERICA, INC.; and PLANNED  
PARENTHOOD OF NORTHERN NEW  
ENGLAND, INC.,

*Plaintiffs,*

v.

ALEX M. AZAR II, *in his official capacity as Secretary, United States Department of Health and Human Services*; UNITED STATES  
DEPARTMENT OF HEALTH AND HUMAN  
SERVICES; ROGER SEVERINO, *in his official capacity as Director, Office for Civil Rights, United States Department of Health and Human Services*; and OFFICE FOR CIVIL  
RIGHTS, United States Department of Health  
and Human Services,

*Defendants.*

No. 1:19-cv-05433-PAE  
(consolidated with 1:19-cv-0476-PAE;  
1:19-cv-05435-PAE)

NATIONAL FAMILY PLANNING AND  
REPRODUCTIVE HEALTH ASSOCIATION;  
and PUBLIC HEALTH SOLUTIONS,

*Plaintiffs,*

v.

ALEX M. AZAR II, *in his official capacity as  
Secretary of the U.S. Department of Health and  
Human Services*; U.S. DEPARTMENT OF  
HEALTH AND HUMAN SERVICES;  
ROGER SEVERINO, *in his official capacity  
as Director of the Office for Civil Rights of the  
U.S. Department of Health and Human Ser-  
vices*; OFFICE FOR CIVIL RIGHTS of the  
U.S. Department of Health and Human Ser-  
vices,

*Defendants.*

No. 1:19-cv-05435-PAE  
(consolidated with 1:19-cv-0476-PAE;  
1:19-cv-05433-PAE)

1. I, Erin Norman, pursuant to 28 U.S.C. § 1746, hereby declare that the following is true and correct:

2. I submit this Declaration in support of Defendants-Intervenors Dr. Regina Frost and Christian Medical and Dental Associations' ("CMDA") Motion for Summary Judgment, and in Opposition to Plaintiffs' Motions for Preliminary Injunction. I have personal knowledge of the facts set forth herein and if called upon to do so, would testify competently thereto under oath.

3. I graduated in 2005 from Questrom School of Business at Boston University with a BSBA in Marketing and Business Law. I also received a Masters in Public Policy from William & Mary in 2010.

4. I am currently a Senior Solutions Consultant for Public Policy at Heart+Mind Strategies, a research-led consulting firm. I develop, execute, and modify project management plans for all aspects of qualitative and quantitative research engagements and oversee all aspects of the research process. I also provide consultative advice to clients about research implementation and provide subject matter expertise on policy related topics.

5. I designed and executed a survey on behalf of the CMDA to survey its membership and other religious medical professionals on questions related to their moral and religious approaches to medicine and their views on conscience protection. The survey was intended to demonstrate the views and opinions of the individuals surveyed.

6. The survey was live from July 18-29, 2019. The survey was sent to members of the Christian Medical and Dental Associations (CMDA), the Catholic Medical Association (CMA), Nurses Christian Fellowship (NCF), and Christian Pharmacists Fellowship International (CPFI). Members of these organizations received a pre-survey communication letting them

know the study would be happening and that the organizations were partnering with Heart+Mind Strategies. A few days later, members were sent a link to the survey by each partnering organization. Those who did not open the original email were sent a reminder email 4-5 days later.

7. A total of 1,732 individuals responded to the survey. Of those, 1,297 were CMDA members, 10 were CMA members, 170 were NCF members, and 111 were CPFI members.

8. All sample surveys and polls may be subject to multiple sources of error including sampling error, coverage error, error associated with nonresponse, error associated with question wording and response options, and post-survey weighting and adjustments. As such, Heart+Mind Strategies considers anything above 85% to be a strong population consensus.

9. The survey shows that 97% of respondents support—and 93% strongly support—conscience protection for medical professionals who decline to participate in healthcare procedures, like abortion and assisted suicide, to which they object on moral or religious grounds. [Q220]

10. The survey shows that 97% of respondents think conscience protections are necessary, and 93% think they are very necessary. [Q225]

11. The survey shows that 91% of respondents agreed—and 73% strongly agreed—with the statement that “I would rather stop practicing medicine altogether than be forced to violate my conscience.” [Q280]

12. The survey shows that 97% of respondents agreed—and 93% strongly agreed—with the statement that “All healthcare professionals have the right to decline to participate in situations or procedures that they believe to be morally wrong and/or harmful to the patient or others.” [Q280]

13. The survey shows that 97% of respondents agreed—and 92% strongly agreed—with the statement, “I care for all patients in need, regardless of sexual orientation, gender identification, or family makeup, with sensitivity and compassion, even when I cannot validate their choices.”

14. The survey shows that 60% of respondents thought that it was somewhat or very common for “doctors, medical students or other healthcare professionals” to “face discrimination for declining to participate in activities or provide medical procedures to which they have moral or religious objections,” where “discrimination” was defined to include “loss of opportunity, promotion or position; unjust ethics charges; and other overt and subtle penalties, coercions, and pressures.” [Q210]

15. The survey shows that 23% of respondents have suffered discrimination because of their moral or religious beliefs, and another 42% have seen or known someone who has suffered discrimination because of their moral or religious beliefs. [Q212]

16. The survey shows that 76% of respondents believe that “the number of medical professionals being pressured to compromise their moral, ethical, or religious beliefs in their practice has increased” “over the course of [their] professional experience.” Only 1% of respondents believed that the number has decreased. [Q250]

17. The survey shows that 33% of respondents have been pressured or forced to “participate in training, perform a procedure, or write a prescription to which [they] had moral, ethical, religious objections,” and another 2% reported being punished for refusing to participate. [Q270]

18. The survey shows that 33% of respondents have been pressured or forced to “refer a patient for a procedure to which [they] had moral, ethical, or religious objections,” and another 1% reported being punished for refusing to refer. [Q270]

19. The survey shows that 62% of respondents are “currently involved in serving poor and medically-underserved populations, either domestically or overseas.” Of these, 18% of respondents are serving in full-time capacity, 24% are serving in a part-time capacity, and 21% are serving in short-term missions or projects. Another 15% of respondents are not currently involved in serving poor and medically-underserved populations but plan to be.

20. The survey shows that 70% of respondents think that fewer doctors would be practicing medicine if the conscience protection regulation is eliminated, and 60% think there would be decreased access to healthcare providers, services, and/or facilities for patients in rural and low-income areas.

21. The survey shows that 20% of respondents chose not pursue a career in a particular specialty because of “attitudes prevalent in that specialty that are not considered tolerant of [their] moral, ethical, or religious beliefs.” Of those 20%, 80% indicated that the specialty they did not pursue was OBGYN.

22. The full results of the survey and a description of its methodology are publicly available at <https://www.freedom2care.org/polling>.

I declare under penalty of perjury that, to the best of my knowledge, the foregoing is true and correct.

Executed on this 14th day of August, 2019.

A handwritten signature in blue ink, appearing to read "Erin Norman", written over a horizontal line.

Erin Norman