

**UNITED STATES DISTRICT COURT
DISTRICT OF NORTH DAKOTA
WESTERN DIVISION**

THE CATHOLIC BENEFITS
ASSOCIATION, on behalf of its members;
DIOCESE OF BISMARCK,

Plaintiffs,

v.

CHARLOTTE BURROWS, Chair of the
United States Equal Employment
Opportunity Commission; and UNITED
STATES EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,

Defendants.

DECLARATION OF MOST REVEREND BERNARD HEBDA

I, Archbishop Bernard Hebda, declare under penalty of perjury as follows

1. The following statements are based on my personal knowledge, and if called to testify, I could swear thereto.

2. I am over 18 years of age and of sound mind.

3. I am a citizen of the United States.

4. I am the Archbishop of the Archdiocese of St. Paul and Minneapolis.

5. The Archdiocese is a member of the CBA, and I am a CBA boardmember.

6. The Archdiocese has over 15 employees.

7. As an ordained Roman Catholic bishop, it is my duty to sanctify, govern and teach the flock entrusted to me to shepherd (see *Code of Canon Law*, can. 376; *Catechism of the Catholic Church*,

1558). It is my responsibility as a diocesan bishop to “teach and illustrate to the faithful the truths of faith which are to be believed and applied to behavior” (*Code of Canon Law*, can. 386 §1).

8. Requiring a person to identify another by a sex other than their God-gifted sex would be to require him or her to act against central, unchangeable and architectural teachings of the Catholic faith. It would also contradict the teachings of the Bible (which Catholics regard as normative) concerning God’s creative sovereignty, contradict reason and truth, and betray our sacred obligation not to knowingly harm other persons, particularly the most vulnerable. In short, the implications are so much greater than whether to utter the words “he” or “she.” Instead, to demand that a Catholic deny another’s sex is asking him or her to avow another religious worldview.

9. At the very beginning of the Catholic Bible, the book of Genesis establishes that God made the human race “in his image, male and female,” and declared this to be “good” (Gen 1:27-31). Centuries later, Jesus repeats this scripture in the course of his teachings about the unbreakable complementary and reciprocal relations between a man and a woman in marriage (Mt 19:4-6).

10. To call a male a female or vice-versa asserts contrary to that passage from the Book of Genesis that we human beings make ourselves, and that our biological sex and sexual complementarity are “not good.” It implies also that we are not “in God’s image” - male and female made for mutual gift-giving, permanent love and procreation.

11. Furthermore, the Bible uses the image of a man and a woman in marriage to help us understand God and God’s love. In the Old Testament, God refers to himself as the faithful bridegroom. In the New Testament, too, Jesus refers to himself as the bridegroom and instructs us that we are to love him as a bride loves her husband, and to love one another as He loved us (*Jn*

13:34). Denying the givenness of male and female, and the family based upon this reciprocal relationship of opposite sexes, thus obscures a central image of God and the love command at the heart of Christianity. It also destroys the anthropological basis for the family, society's source of life, health, stability and progress.

12. Reason naturally affirms faith on this matter, because God is the author of all reason and creation. Sex is inscribed into every cell in the human body. "Transgender medicine" can change surface appearance but never sex.

13. Scripture and basic human kindness forbid lying to another about reality. (See *Catechism of the Catholic Church* 2483: "To lie is to speak or act against the truth in order to lead into error someone who has the right to know the truth."). And every human being, religious or not, has the right to not be forced to utter a lie.

14. Lying about a person's sex contains a second falsehood as well: that a person's mind, will, and soul are separate from the body. Catholic teaching affirms the empirical medical reality of the interpenetrating relationship between mind, will and body. Each soul is made for the particular body it inhabits; it is never in the "wrong body." Furthermore, the body is not a mere "thing" to be manipulated by mind or will, like other created elements in the world. Instead, the body is sacred (see *Catechism of the Catholic Church*, 364; and U.S. Conference of Catholic Bishops, Committee on Doctrine, *Doctrinal Note on the Moral Limits to Technological Manipulation of the Human Body*, March 20, 2023, 4).

15. Lying about a person's sex can also do harm to vulnerable human beings in many other ways, and thereby contradicts Jesus' command that we extend special solicitude to the vulnerable. On the physical and psychological levels, a lie that confirms another persons' psychological

dysphoria, even in the name of false compassion, potentially obstructs detransitioning and negatively impacts a person's healthy growth and identity formation. It also confounds the psychological process by which people most often grow to understand themselves, which is by distinction from persons of the opposite sex. Moreover, it can be seen as denying the fact that a person's sex is a crucial part of his or her communicating, feeling and expressing themselves and taking part in society. To require one person to mis-identify another is thus to demand that one person knowingly obstruct another's development. (see the 2019 document of the Vatican Congregation for Catholic Education, *"Male and Female He Created Them": Towards a Path of Dialogue on the Question of Gender Theory in Education*, 26, 33, 35.).

16. On the spiritual level, lying about another's sex can be seen as dangerously teaching that freedom and happiness are the product of realizing subjective demands and desires. It claims that there are no such things as "givens" in nature, which much be respected and which are prior to the individual and to the state. But there are ecological "givens," both respecting human nature and the human environment. (Vatican Congregation for Catholic Education, *"Male and Female He Created Them": Towards a Path of Dialogue on the Question of Gender Theory in Education*, 9; and Pope Francis, Encyclical Letter *Laudato Si', On Care for Our Common Home*, 2015, ¶¶ 5, 15, 118, 137-42).

17. The Catholic Church has recently reemphasized its rejection of "gender theory" in a Declaration of the Dicastery for the Doctrine of the Faith, *Dignitas Infinita* on human dignity (Apr. 4, 2024). *Dignitas Infinita* explains: "Pope Francis has reminded us that 'the path to peace calls for respect for human rights Regrettably, in recent decades, attempts have been made to introduce new rights that are neither fully consistent with those originally defined nor always acceptable.

They have led to instances of ideological colonization, in which gender theory plays a central role; the latter is extremely dangerous since it cancels differences in its claim to make everyone equal.’” *Id.* ¶ 56. “Desiring a personal self-determination, as gender theory prescribes, apart from this fundamental truth that human life is a gift, amounts to a concession to the age-old temptation to make oneself God, entering into competition with the true God of love revealed to us in the Gospel.” *Id.*, ¶ 57. “This ideology ‘envisages a society without sexual differences, thereby eliminating the anthropological basis of the family.’ [But] ‘[w]e cannot separate the masculine and the feminine from God’s work of creation, which is prior to all our decisions and experiences, and where biological elements exist which are impossible to ignore.’ Only by acknowledging and accepting this difference in reciprocity can each person fully discover themselves, their dignity, and their identity.” *Id.*, ¶ 59.

18. Requiring a Catholic institution to admit persons of the opposite sex into a space reserved for one sex violates the Catholic theological commitment to modesty – the preservation of respect for the dignity and purity of the person. In many circumstances, such a requirement would also undercut our practical concern for a safe environment.

19. Requiring a Catholic institution to admit persons of the opposite sex into a space reserved for one sex might also conflict with the Church’s long tradition of single-sex educational institutions, which maintain an excellent track record of building communities in which students of a single-sex can develop the confident self-expression and skills necessary to enter adult society. The Archdiocese has two such single-sex educational institutions.


20. Catholics oppose direct abortion because direct abortion is the taking of an innocent human life. The Archdiocese adheres to Catholic teaching regarding abortion.

21. The Archdiocese similarly adheres to Church teaching regarding the care for couples suffering from infertility. The Church acknowledges the sorrow caused by infertility and supports the use of reproductive technologies that restore normal fertility to marital intercourse (see CCC 2375), preserving its unitive and procreative purposes (United States Conference of Catholic Bishops, *Ethical and Religious Directives for Catholic Health Care Services*, pg. 17, ¶ 38 (6th ed. 2018)). But methods that involve third parties (medical technicians, donor gametes, or surrogate wombs); separate fertilization from the conjugal act; or in any way entail conception outside of a marriage recognized as valid by the Church are a violation of the dignity of the persons involved and are gravely immoral.

22. The Archdiocese does not make accommodation for its employees to engage in the violation of the moral teachings of the Church. It does not and will not provide any workplace accommodation for an employee to obtain a direct abortion or to undergo or otherwise participate in immoral infertility procedures.

I declare under penalty of perjury that the statements herein are true and correct to the best of my knowledge.

Executed on the 21st day of June 2024, at St. Paul, Minnesota.



(Most Rev.) Bernard A. Hebda