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A file photo shows students at Cardinal Gibbons High School in Fort Lauderdale, Fla., receiving Communion during a Mass and rally for the opening of the school year. (OSV News/Tom Tracy)

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Florida Attorney General James Uthmeier sent a letter to the Catholic bishops of Florida demanding that Catholic schools in the Sunshine State adopt religious exemptions to vaccine requirements or risk their ability to participate in the state's school voucher program.

But Rick Garnett, a professor of law at the University of Notre Dame in Indiana, told OSV News that the letter "reflects a misunderstanding of Americans' fundamental right to religious freedom and is a glaring and dangerous government overreach."

In the letter, dated July 31, Uthmeier argued that Florida law "requires public and private schools to exempt students from the vaccination requirements" if "a parent has a religious objection," demanding that Catholic schools "comply with Florida law and grant religious exemptions to school vaccine policies."

Identifying himself as a Catholic, Uthmeier argued that while Florida law permits a religious school "to claim an exemption from the requirement to grant religious exemptions if granting such an exemption would violate the religious tenets of the school," Catholic schools have no "legitimate religious reason to refuse."

"Failure to comply could jeopardize eligibility for state educational scholarship programs," he wrote. "If the Conference nevertheless refuses to comply with Florida law, then please state clearly the religious grounds on which Catholic schools may force persons to take vaccines derived from abortions against their deeply held moral and religious objections."

But Garnett said, "the attorney general presumes, 'as a Catholic,' to second-guess the orthodoxy of the Catholic bishops' determination regarding policies for Catholic schools and the morality of certain childhood vaccines."

"However, it is not remotely the role of a government official, even a Catholic one, to tell the bishops what to teach or how to run the church's apostolates," Garnett said. "It is certainly not up to him to decide whether the Catholic bishops' reasons are

'legitimate.'"

Garnett said Uthmeier "should withdraw the letter and apologize publicly for creating confusion on such important matters."

"For a government official to threaten official punishments — and to jeopardize the ability of parents in Florida to choose Catholic schools for their children — on the basis of his own — in this case, mistaken — interpretation of Catholic teaching is a clear violation of the First Amendment and other legal religious-freedom protections," Garnett said.

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"If a parent objects to these vaccines, which the church teaches are morally permissible and which clearly serve the common good of the community, they may move their children to state-run schools," Garnett continued. "No one has a 'right,' however, to require a Catholic school to conform with his or her own private judgments."

Uthmeier's letter to the bishops was addressed to Michael Sheedy, executive director of The Florida Conference of Catholic Bishops. A spokesperson for the conference told OSV News that the conference was reviewing Uthmeier's letter and planned to respond by Aug. 7, the date he requested.

Uthmeier referenced a diocesan document on National Catholic Bioethics Center letterhead stating that Catholic schools cannot grant a religious exception since the church does not view these vaccines as intrinsically evil.

However, that 2011 document also suggested that parents who objected to a vaccine requirement could consider seeking to "obtain a conscience exemption rather than a religious one."

That document states that "school superintendents and other officials must also act in accord with their consciences."

"If they rely on the judgment of local public health authorities that non-immunized children pose a threat in the schools to other children or to teachers and parents, then the school officials must follow their consciences and insist that the children be

immunized. And parents would have to respect their consciences!" it said.

NCBC states on its own website the church's position that Catholics may undergo vaccination despite a remote connection to those cell lines originating in fetal tissue obtained decades ago via abortion, where no alternatives exist. However, they argue Catholics should do so "under protest," and encourage the development of ethical cell lines.

OSV News asked a spokesperson for the National Catholic Bioethics Center for comment, but had not yet received comment as of publication.

During the height of the COVID-19 pandemic in 2020 and 2021, shortly before vaccines first became available to the general American public, the Holy See's Congregation (now Dicastery) for the Doctrine of the Faith, Catholic bishops and theologians including National Catholic Bioethics Center all released statements that the COVID-19 vaccines were morally permissible for Catholics to receive.

Those statements varied only slightly, as the U.S. bishops encouraged Catholics, where they had such a choice, to seek some brands of vaccines over others due to the varying degrees of remote connection to such cell lines.

Neither the Pfizer or Moderna COVID-19 vaccines used those cell lines for producing their mRNA vaccines; however, they did involve testing using the HEK-293 cell line, which is believed to have been derived from aborted fetal cells in the 1970s. However, that line has been commonly used in testing a vast array of modern drugs, such as Advil and Tums. Novavax did not use fetal cell lines in either the production or testing of its protein-based COVID-19 vaccine.

Editor's note: This story has been updated with the text of the National Catholic Bioethics Center letter.