



Written by [James Murphy](#) on June 22, 2019

## Federal Court Sides With Trump on Denying Abortion Providers Federal Funding

Sometimes good things happen from the most unlikely sources.

The Ninth Circuit Court of Appeals has long been acknowledged to be the most left-wing of the U.S. appellate courts. Yet a three-judge panel of this court has granted a stay of orders of three separate district courts that had previously barred the U.S. Department of Health and Human Services (HHS) from implementing [new Trump administration rules](#) prohibiting federal funding to family planning clinics that allow abortions.



The stay essentially vacates rulings by judges in Oregon, Washington, and California that blocked the new rules from taking effect. One of those judges, Michael McShane of the U.S. District Court in Eugene, Oregon, referred to the new HHS guidelines as “madness” and claimed they were motivated by “an arrogant assumption that the government is better suited to direct women’s health care than their providers.”

But the three-judge panel disagreed, stating that the new rules were “reasonable” and in accord with federal law Title X, which forbids taxpayer dollars going to “programs where abortions is a method of family planning.”

In a smack-down of critics who have referred to the new guidelines as a “gag rule,” the panel wrote, “If the program refers patients to abortion providers for family planning services, then the program is logically one ‘where abortion is a method of family planning.’”

Plaintiffs affected by the stay include some two dozen states, several so-called civil rights groups and various Planned Parenthood affiliates. The ruling will allow HHS to deprive clinics that perform or offer referrals for abortions of federal funding while those cases are being decided.

“Absent a stay, HHS will be forced to allow taxpayer dollars to be spent in a manner that it has concluded violates the law, as well as the Government’s important policy interest in ensuring taxpayer dollars do not go to fund or subsidize abortions,” the judges wrote in their [ruling](#).

The judges explained that 1988 Reagan-era dictates forbidding federal funding of clinics under 1970’s Title X — rules which were later suspended by HHS — set a precedent for the Trump administration to reinstate them. The current administration has referred to the new regulations as the “Final Rule.”

The three-judge panel further concluded that HHS is “likely to prevail on its argument that the district court erred,” and also stated “the Department (HHS) and the public at large are likely to suffer irreparable harm in the absence of a stay, which were comparatively greater than the harms plaintiffs were likely to suffer.”



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The Department of Justice is definitely a fan of the Ninth Circuit's decision. "We are pleased that the Ninth Circuit has cleared the way for this important executive branch action to take effect while our appeals are pending," said DOJ spokesperson Kelly Laco.

HHS also lauded the court's ruling. "This decision is a major step toward the Trump Administration being able to ensure that all Title X projects comply with the Title X statute and do not support abortion as a method of family planning," said HHS Secretary Alex Azar.

But liberal states and abortion mills have vowed to keep fighting for those precious federal tax dollars. The head of Planned Parenthood, the largest infanticide provider in the United States, Leana Wen reacted to the decision.

"The news out of the Ninth Circuit this morning is devastating for the millions of people who rely on Title X health centers for cancer screenings, HIV tests, affordable birth control and other critical primary and preventive care," Wen said. "Planned Parenthood will not let the government censor our doctors and nurses from informing patients where and how they can access health care."

Notice how Wen completely skirts the obvious issue. Cancer screenings, HIV tests and affordable birth control (absent abortions) are completely unaffected by the ruling. Only abortions and abortion counseling are affected. Wen and Planned Parenthood lie by omission in defense of their grisly cause.

Planned Parenthood has previously announced that it will forgo participating in the Title X program should the new regulations be allowed to take effect. In recent years, Planned Parenthood has received approximately \$500 million annually from the federal government, of which 25 percent is provided by Title X funding.

It's not the ban on abortions that pro-lifers ultimately hope for, nor is the end of all federal funding of abortion mills since Medicare and Medicaid dollars will still go to such clinics. But the war against abortion is being fought on many fronts. And the good guys have just secured a victory in that war.

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