



Written by [Rebecca Terrell](#) on May 27, 2026

Trump DOJ Betrays the Constitutional Right of Religious Exemption for Medical Procedures

In 2021, New York state imposed a strict Covid-19 vaccine mandate on healthcare workers. Hundreds of doctors, nurses, and other medical staff objected on religious grounds, primarily because the vaccines were developed or tested using cell lines derived from aborted fetuses. They were denied accommodations and lost their jobs.

These workers sued, arguing that New York's policy and the hospitals' refusal to grant exemptions violated their rights under Title VII of the Civil Rights Act. After losing in the lower courts, they petitioned the U.S. Supreme Court to hear their case.



smartstock/iStock/Getty Images Plus

President Donald Trump's Department of Justice (DOJ), through Solicitor General D. John Sauer, has filed an [amicus brief](#) urging the Supreme Court to deny review. While acknowledging the importance of religious liberty, the brief argues that this case is not a good vehicle for the Court because the mandate has already been repealed, the factual record is limited, and there is no clear circuit split requiring immediate resolution.

Many religious liberty supporters are [disgusted](#) that Trump's DOJ is actively petitioning the Supreme Court to ignore this high-profile religious-accommodation dispute. The Court has yet to decide whether it will hear the case.

Hierarchy of Law

While the plaintiffs based their petition on Title VII of the Civil Rights Act, there is actually a much more solid predicate drawn from settled case law based on the Constitution. This is important because in the American constitutional order, rights exist in a clear hierarchy. At the lowest level are statutory rights created by legislatures — ordinary laws that can be amended or repealed relatively easily. Above these sit broader civil rights protections, often embodied in statutes like the Civil Rights Act of 1964. (Jim Crow laws were a creation of the civil code and can be annulled as public habits, morals or sentiments change.) At the apex stand constitutional rights, enshrined in the U.S. Constitution and its amendments.

Under the Supremacy Clause (Article VI), any statute, regulation, or state "civil code" provision that conflicts with the Constitution must yield. Attempts to use lower-tier law to burden or abrogate fundamental constitutional rights are legally suspect and frequently struck down.

According to the national legal encyclopedia [American Jurisprudence](#) (16 Am. Jur. 2d, Sec. 177 late 2d, Sec. 256):

The general misconception is that any statute passed by legislators bearing the appearance of law constitutes the law of the land. The U.S. Constitution is the supreme law of the land, and any statute, to be valid, must be in agreement. It is impossible for both the Constitution



Written by [Rebecca Terrell](#) on May 27, 2026

and a law violating it to be valid; one must prevail. This is succinctly stated as follows: The General rule is that an unconstitutional statute, though having the form and name of law is in reality no law, but is wholly void, and ineffective for any purpose. . . . No one is bound to obey an unconstitutional law and no courts are bound to enforce it.

The First Amendment's Free Exercise Clause guarantees individuals the right to live according to the dictates of their religious conscience, including the right to object to medical procedures they sincerely believe violate their faith. This is not a mere statutory privilege granted by Congress or state legislatures; it is a core constitutional liberty. Landmark cases involving Jehovah's Witnesses refusing blood transfusions affirm that competent adults have a constitutional right to refuse medical interventions that conflict with their beliefs. (The Illinois Supreme Court ruled on this in 1965, in [In re Estate of Brooks](#).) Similarly, the right to decline vaccines developed or tested with aborted fetal cell lines reflects a sincere religious objection to complicity in abortion for many Christians. These objections rest on constitutional ground, not legislative grace.

Republic, or Oligarchy?

When governments or regulators invoke statutes, public health regulations, or "civil code" equivalents to impose mandates without adequate religious exemptions, they invert this hierarchy. A state regulation or employer policy backed only by statutory authority cannot override a constitutional right. The Supreme Court has repeatedly affirmed that "[following the Constitution is not a suggestion](#)," and that fundamental rights cannot be subordinated to ordinary legislation. Government must act through narrowly tailored means that respect constitutional protections, often requiring strict scrutiny under the Free Exercise Clause.

Using statutes or administrative rules to sidestep constitutional religious liberty is legally dodgy. It undermines the Framers' design by allowing bureaucrats to dilute immutable rights through the easier route of ordinary lawmaking. When civil codes or statutory mandates conflict with the Constitution, courts must invalidate the lower-tier law. The constitutional right of American citizens to refuse medical procedures that violate their religious conscience stands above such enactments. Any framework that treats religious objections as subordinate to regulatory convenience inverts the proper order and erodes the Bill of Rights.

This hierarchy is not academic. Yet with its amicus brief, the DOJ is working against the Constitution and allowing a precedent to stand, whereby the state of New York sidestepped settled case law and sought to impose rule-by-bureaucrat over rule-of-law.



Subscribe to the New American

Get exclusive digital access to the most informative, non-partisan truthful news source for patriotic Americans!

Discover a refreshing blend of time-honored values, principles and insightful perspectives within the pages of "The New American" magazine. Delve into a world where tradition is the foundation, and exploration knows no bounds.

From politics and finance to foreign affairs, environment, culture, and technology, we bring you an unparalleled array of topics that matter most.



[Subscribe](#)

What's Included?

- 24 Issues Per Year
- Optional Print Edition
- Digital Edition Access
- Exclusive Subscriber Content
- Audio provided for all articles
- Unlimited access to past issues
- Coming Soon! Ad FREE
- 60-Day money back guarantee!
- Cancel anytime.