



Written by [Raven Clabough](#) on June 11, 2020

Federal Judge Upholds Trump Pro-life Rule Prohibiting Taxpayer-funded Abortions

On Tuesday, a federal court upheld the Trump administration's pro-life rule that limits taxpayer-funded abortions, Life News reports.

The "Protect Life Rule" requires Planned Parenthood and other abortion businesses to completely separate their abortion business from their taxpayer-funded services to ensure compliance with federal law, which prohibits the use of taxpayer dollars to fund abortions. As such, organizations that receive Title X funds can no longer provide or refer patients for abortions and would have to separate their abortion business from their other healthcare services to continue to receive funding under the Title X program.



Planned Parenthood, several states, and the city of Baltimore had sued to overturn the rule, prompting criticism from pro-life advocates. "What the abortion lobby is unable to achieve through popular opinion, they run to friendly courts to impose," Marjorie Dannenfelser, president of the Susan B. Anthony List, told Life Site News. "Abortion is not 'family planning,' and a strong majority of Americans — including 42 percent of independents and more than one third of Democrats — oppose taxpayer funding of abortion."

On Tuesday, U.S. District Judge Lance Walker dismissed a challenge to the rule by Maine Family Planning, which sued the U.S. Department of Health and Human Services in 2019 following the passage of the rule. The suit claimed the rule violates First Amendment rights, but Judge Walker disagreed, according to Maine's *Bangor Daily News*.

Judge Walker determined the rule does not violate the First Amendment because it merely "prohibits an abortion referral" but continues to authorize "nondirective counseling."

Judge Walker's ruling comes nearly one year after he denied a request for an injunction against the rule.

A senior staff attorney for the Center for Reproductive Rights, which represented Maine Family Planning, begrudged Walker's decision and hinted at appealing to the U.S. Court of Appeals for the First Circuit. "We are disappointed that the judge did not recognize the very real harms this rule creates, not to mention the federal government's utter disregard for how its actions will injure millions of people," Emily Nestler said. "This rule has dismantled the Title X program — a program that has been critical in helping low-income Mainers access contraception and other reproductive health care."

Maine Family Planning announced in July 2019 it would withdraw from the Title X family planning



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program to avoid compliance with the rule, claiming in a tweet, “We won’t compromise on care or medical ethics.”

Planned Parenthood made a similar announcement in August, prompting critics to suggest Planned Parenthood’s decision to withdraw from the program underscores the fact that the organization’s number one priority is abortion.

“Planned Parenthood could have chosen to make the investment to restructure to be compliant with federal law, or have chosen to abandon abortion altogether and focus instead on women’s health,” said Ashley McGuire, senior fellow with the Catholic Association. “Instead, the abortion chain is walking away from tens of millions of dollars of money earmarked to help low income women.

ABC News reports nearly 1,000 clinics have left Title X as a result of the rule, and Washington and Oregon have abandoned the program entirely.

Despite claims from the rule’s opponents that it violates the First Amendment or a woman’s right to an abortion, the full U.S. Court of Appeals for the Ninth Circuit [upheld](#) the rule in February of this year in a 7-4 decision.

In that ruling, Judge Sandra Ikuta refuted claims by abortion providers that the Protective Life Rule is a “gag order” on abortion counseling because under the rule, counselors can continue to provide “nondirective pregnancy counseling,” which includes abortion discussions, so long as the counselor does not “refer” or encourage abortions.

Judge Ikuta also noted that the rule is similar to regulations issued in 1988 — which completely prohibited the use of Title X funds in projects where clients received counseling or provided abortion referrals — that had been upheld by the Supreme Court in 1991. And while those regulations become “more permissive” in 2001, Judge Ikuta observed, the Trump administration acted well within its authority to issue the more restrictive rule, which is decidedly less restrictive than its 1988 predecessor by allowing nondirective abortion counseling.

“In light of Supreme Court approval of the 1988 regulations and our broad deference to agencies’ interpretations of the statutes they are charged with implementing, plaintiffs’ legal challenges to the 2019 rule fail,” she wrote.

The Ninth Circuit’s ruling vacated court decisions in California, Oregon, and Washington that had prohibited enforcement of the rule.

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