



Written by [Raven Clabough](#) on November 21, 2019

Third Judge Strikes Down Trump Administration's Pro-life "Conscience" Rule

The Trump administration's pro-life "conscience" rule, which sought to protect medical professionals from being forced to perform abortions or make referrals for abortions, [has been struck down for a third time](#), this time by a liberal federal judge in San Francisco. The latest ruling underscores once more the Left's hypocrisy on the so-called right to choose.



The Department of Health and Human Services (HHS) announced new regulations in May that would have more effectively enforced existing federal laws pertaining to conscience-rights protections for healthcare providers. The rules provided invaluable clarity to pre-existing regulations that, [according to Life News](#), created "confusion and a lack of awareness within the healthcare community, leaving healthcare personnel vulnerable to discrimination and forcing them to drop their specialties."

Despite the constitutional protections and federal laws for conscience rights of medical professionals, doctors, nurses, and medical students continued to be compelled to participate in abortions. The new rules sought to change that.

"This rule ensures that healthcare entities and professionals won't be bullied out of the health care field because they decline to participate in actions that violate their conscience, including the taking of human life," a statement from HHS Office of Civil Rights Director Roger Severino said. "Protecting conscience and religious freedom not only fosters greater diversity in health care, it's the law."

"Laws prohibiting government funded discrimination against conscience and religious freedom will be enforced like every other civil rights law," Severino explained.

Unfortunately, dozens of states, mostly Democratic-leaning, filed a lawsuit against the rule. Led by New York Attorney General Letitia James, the lawsuit claimed the rule favors the perspective of healthcare workers over the needs of patients. California Attorney General Xavier Becerra filed a separate suit, claiming the rule "impedes access to basic care" and "encourages discrimination against vulnerable patients."

The complaint also claimed the rule would negatively impact teaching hospitals and undermine the effectiveness of healthcare facilities maintained by states and cities. The rule also risked "undermining longstanding efforts by those institutions to build trust with the patient communities they serve," the suit said.



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Earlier this month, District Judge Paul Engelmayer invalidated the rule, claiming it violated the Constitution's spending clause because it permitted the administration to cut funds to providers out of compliance with the rule. His decision was in response to the lawsuit by New York state, New York City, and 21 other states and municipalities, as well as two lawsuits by Planned Parenthood and other abortion providers, Reuters reports.

"Wherever the outermost line where persuasion gives way to coercion lies, the threat to pull all HHS funding here crosses it," Engelmayer wrote in a 147-page decision, which he extended to the entire country, not just the states and cities that filed suit, the [Spokesman-Review](#) reports.

"The court's finding that HHS lacked substantial rule-making authority as to three of the five principal conscience provisions nullifies the heart of the rule as to these statutes," Engelmayer writes.

He did, however, dismiss the claim that the rule was unlawful because it violated the Establishment Clause under the First Amendment, claiming the "challenge here fails."

"Like the Conscience Provisions it purports to construe, the Rule equally accommodates all conscience-based objections to covered health care services and research activities," Engelmayer writes. "That is so whether the individual objector's qualms derive from a religious or a secular moral conviction."

U.S. District Judge Stanley Bastian struck down the rule a day later in a summary judgment. The [Spokesman-Review](#) reports Judge Bastian discussed Engelmayer's ruling and heard arguments from state and federal attorneys before siding with Washington Attorney General Bob Ferguson, who filed the state's own case in the federal court in Spokane.

This week, a third judge, U.S. District Judge William Alsup, invalidated President Trump's rule, claiming it could feasibly allow ambulance drivers to refuse to take women for emergency abortions. It's worth mentioning, as has been noted by Life News, that many doctors have already [certified](#) that abortion is never medically necessary to save the life of the mother.

Still, Alsup wrote, "An ambulance driver would be free, on religious or moral grounds, to eject a patient en route to a hospital upon learning that the patient needed an emergency abortion."

Alsup's ruling was in response to the three lawsuits filed by San Francisco, Santa Clara County, and the state of California, the Catholic News Agency reports.

California's Attorney General Becerra applauded Alsup's ruling, claiming Trump's rules were a "heartless, unlawful attempt to restrict the healthcare rights of women, LGBTQ individuals, and countless others."

The "conscience" rule was set to go into effect on November 22.



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