



Written by [Dave Bohon](#) on December 21, 2010

## White House Working to Dismantle Conscience Rights on Abortion

The Obama Administration is working behind the scenes to overturn a rule, implemented by President Bush in 2008, that re-enforces the rights of doctors, nurses, and other health care workers to refuse on moral or ethical grounds their professional involvement in abortions.

The Bush Administration ruling prohibits hospitals and clinics that receive federal dollars from discriminating against medical professionals who refuse to take part in procedures such as abortions, to which they have objections based on their moral or religious convictions. Under the rule, such individuals may not be disciplined or denied employment because they refuse involvement in such a procedure.



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According to [LifeNews.com](#), the Obama Administration filed legal papers in November relative to a case the state of Connecticut is pursuing to stop the conscience protections. "In a document filed in federal court in November, Obama administration attorneys admitted that the administration wants to finalize a rescission of the conscience rules but has been delayed because of other business — likely due to the [department of Health and Human Services] working on implementing the provisions of the ObamaCare law," reported the pro-life website.

The legal documents noted that HHS had hoped to have "an internal draft final rule prepared in the near future [but] the schedule is necessarily tentative given the possibility of unforeseen delays and the need to devote time and resources to other agency priorities."

According to the pro-life legal group Alliance Defense Fund (ADF), the Obama Administration's legal paper trail clearly shows that the White House is focusing on dismantling the Bush-era conscience protections on abortion, which would leave "little defense for the regulation and for health care workers," said ADF legal counsel Matt Bowman.

"Medical professionals should not be punished for holding to their beliefs, and they should not be forced to perform abortions against their conscience," Bowman told LifeNews.com. "Those pursuing this lawsuit, including organizations such as Planned Parenthood, would like nothing more than to deny health care workers the only means that exist to defend their federally protected right to opt out of abortions."

In November a federal court ruled against a nurse represented by the ADF, saying she may not sue a hospital that forced her to assist in an abortion. According to the suit, officials at New York's Mount Sinai Hospital knew as early as 2004 that nurse Cathy Cenzone-DeCarlo would not consent to assisting



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with abortions, citing her strong pro-life views. Nevertheless they forced her involvement in a late-term abortion in 2009, threatening her not only with termination from her job, but also the loss of her nursing license if she did not comply.

The case goes to the heart of the Bush-era conscience protections that the Obama Administration is now trying to overturn. As Bowman noted to LifeNews.com before the federal ruling against Cenzon-DeCarlo, "Pro-life nurses shouldn't be forced to assist in abortions against their beliefs. It is illegal, unethical, and a violation of Cathy's rights of conscience as a devout Catholic to require her to participate in terminating the life of a 22-week pre-born child. It was not only wrong, it was needless."

ADF has since filed a motion in the *State of Connecticut v. United States of America* case, noting the impact it could have in its ongoing efforts to defend the rights of Cenzon-DeCarlo. Should either the state of Connecticut or the Obama Administration be successful in overturning the Bush Administration's conscience rules, argues the ADF motion, "this case may cause Mrs. DeCarlo to again be illegally compelled to assist in abortions by her federally funded employer due to the removal of all her protective measures," the ADF argued in legal papers it filed in the case.

Jonathan Imbody of the pro-life Christian Medical Association (CMA), a group that has taken a keen interest in the Obama Administration's efforts to dismantle the conscience protections, warned of the possible consequences if the President is successful. "Millions of patients nationwide depend upon faith-based healthcare institutions and professionals," he said. "Our national poll revealed that 95 percent of faith-based physicians will leave medicine if forced to compromise their ethical convictions."

Dr. David Stevens, CEO of the CMA, added that the rule implemented by the Bush Administration "was designed to put teeth into the laws that protect our First Amendment rights. Unfortunately, the [Obama] administration has not enforced it in the interim and now they plan to eliminate it altogether. As the case of the nurse who was forced to participate in a late term abortion in New York City demonstrated, presently healthcare professionals have no legal recourse when they are discriminated against unless this regulation is kept in place and enforced."

*Illustration:* [American Association of Pro-life Obstetricians & Gynecologists](#)



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