

Americans Urge Appeals Court to Defund Planned Parenthood

In an effort to prevent states' rights from being curtailed by partisan interests, members of Congress and thousands of Americans are speaking out on Planned Parenthood funding.

The American Center for Law and Justice is urging a federal appeals court—on behalf of 41 members of Congress and more than 25,000 Americans—to uphold an Indiana law prohibiting federal funding of abortion providers like Planned Parenthood.

“Planned Parenthood receives more than \$350 million a year in taxpayer funds. Indiana’s decision to no longer use federal money to fund the nation’s largest abortion provider is not only a constitutionally sound decision, but one we hope is implemented in other states across the country,” says Jay Sekulow, ACLJ chief counsel. “Indiana and other states have the constitutional authority to determine how they spend federal funds.”

Earlier this year, Indiana Governor Mitch Daniels signed House Enrolled Act 1210 into law, a measure that prohibits the distribution of federal Medicaid funds the state receives to organizations, like Planned Parenthood, that perform abortions.

Planned Parenthood, backed by the Obama administration, filed a federal lawsuit challenging the law. A federal district court granted a motion for a preliminary injunction, effectively putting the enforcement of the law on hold.

In an amicus brief filed this week, the ACLJ asks the 7th U.S. Circuit Court of Appeals to overturn a lower court decision and uphold the law. The ACLJ is concerned by the plaintiff’s “novel claim that abortion providers have a constitutional right to perform abortions and receive public funds.” The

organization contends that, if accepted, this argument would unduly restrict the policy discretion that Congress and state and local governments have to decide how to spend public funds.

The brief contends that: "HEA 1210 is not rendered unreasonable or inconsistent with federal Medicaid law simply because it bolsters Indiana's strong interests in encouraging childbirth and ensuring that abortions are not directly or indirectly subsidized by public funds. Indiana may reasonably conclude that sending large sums of public funds to abortion providers that also provide non-abortion services within the same organization serves to indirectly subsidize abortion activities."

The brief also asserts that Indiana has a legal right to determine how the Medicaid dollars entrusted to it are distributed: "Federal Medicaid statutes and regulations give States broad discretion to craft the rules applicable to their Medicaid programs. Congress left intact the States' authority to determine what makes an entity qualified to provide Medicaid services, 42 . § 1396a(p)(1), while ensuring that Medicaid recipients may utilize any practitioner deemed to be qualified under State law, 42 . § 1396a(a)(23). Since HEA 1210 does not limit a beneficiary's ability to choose among providers that are deemed to be qualified, it is consistent with federal Medicaid law."

The ACLJ represents 41 members of Congress including the entire Republican delegation from Indiana in the U.S. House.