

Texas Moves to Halt State Funds for Abortions

Texas may have to put up with legalized abortion, but it doesn't have to fund it.

That's the message of an amicus brief filed today by the American Center for Law and Justice (ACLJ).

The brief filed with a federal appeals court backs a decision by the state of Texas to stop providing state funds that end up subsidizing Planned Parenthood, the nation's largest abortion provider.

The brief urges the U.S. Court of Appeals for the Fifth Circuit to vacate a preliminary injunction that prohibits Texas from cutting off funds that ultimately benefit Planned Parenthood.

"The Supreme Court has been very clear on this issue—the decision by Texas to determine where it spends its funds is constitutionally sound," says Jay Sekulow, chief counsel of the ACLJ. "Texas joins a growing number of states that no longer want to provide taxpayer funding that ends up subsidizing abortion providers. Planned Parenthood cannot legally force the state of Texas to fund its programs. We're asking the appeals court to reject this flawed premise and permit Texas to exercise its constitutionally protected authority to reject the pro-abortion message and halt funding to programs that support it."

The ACLJ argues, under the Supreme Court's government speech cases, "the Texas Health and Human Services Commission enjoys speaker autonomy to promote a message favoring childbirth over abortion, and to select speakers who are best suited to deliver health services in a manner consistent with that message."

The brief was filed by the ACLJ on behalf of itself and its Committee to Stop Taxpayer Funding of Abortion, which consists of nearly 40,000 Americans supporting the authority of federal, state and local governments to prevent the direct or indirect subsidizing of abortion through public funds. It was also filed on behalf of the Houston Coalition for Life (HCL), which owns and operates a mobile Crisis Pregnancy Center providing free sonogram services to expectant mothers.

The ACLJ's brief contends, "The First Amendment does not require the Commission to permit plaintiff's participation in the program just because they provide women's health services. Plaintiffs have a First Amendment right to engage in abortion rights advocacy, but they do not have a First Amendment right to undermine Texas' message disfavoring abortion by publicly and conspicuously linking the Texas Women's Health Program with Planned Parenthood."