



Defunding Abortion at Planned Parenthood: State of Missouri

No More Tax Dollars for Abortion

PROBLEM: Since 1993, Planned Parenthood had received family planning funding from Missouri's Department of Health. This money indirectly supported abortion facilities across the state.^{1,2}

RESPONSE: In 1996 and subsequent years, Missouri Right to Life and other groups encouraged pro-life lawmakers to add a clause to the family planning appropriation that would deny funding to organizations which promoted, performed, or directly referred for abortions.^{1,2}

Missouri Right to Life found legal precedent for the move in Reagan Administration restrictions on federal family planning money upheld in *Rust v. Sullivan* (1991). A favorable legislature and that the family planning program was not yet well entrenched in the state budget helped in passing this restriction. Faced with the alternatives of vetoing the entire Health Department budget or using a line item veto to write out the family planning money entirely, pro-abortion Governor Mel Carnahan grudgingly signed the bills each year.¹

Planned Parenthood, fearing that the loss of funding would force it to close clinics,² sued the state in 1996 and 1997. Each

year, U.S. District Judge Fernando Gaitan, Jr. sided with Planned Parenthood and ordered the money paid. Missouri's pro-abortion Attorney General refused to appeal these decisions.¹

In 1998, however, the legislature compelled the Attorney General to hire a special counsel to defend the legislation.

When Judge Gaitan again ruled for Planned Parenthood, the special counsel appealed the decision to the federal 8th Circuit Court of Appeals. The Court reversed Judge Gaitan and upheld the Missouri statute, ruling that it was constitutional to condition the receipt of state family planning

RECIPE FOR VICTORY

Missouri

Ingredients


- ◆ Pro-life legislative majority
- ◆ Access to legal defense

Preparation

Advanced state family planning funding restriction, backed by legal precedent. Proved Planned Parenthood's shared family planning and abortion offices constituted an indirect abortion subsidy. Persisted against Planned Parenthood's lawsuits. Counter-sued in state court as an alternative to federal court.

Result

Denied state family planning money to organizations performing or referring for abortions; closed one abortion facility.



Useful Tool:
Challenging Public Funding
When Missouri moved to cut off family planning money to all groups performing abortion, Planned Parenthood worried that it would have to close clinics.

In Legal Terms

“ . . . None of these funds appropriated herein may be expended to directly or indirectly subsidize abortion services or administrative expenses An organization that receives these funds may not directly refer patients who seek abortion services to any organization that provides abortion services To ensure that the state does not lend its imprimatur to abortion services . . .

. . . an organization that receives these funds and its independent affiliate that provides abortion may not share any of the following:

- (a) The same or similar name;
- (b) Medical or non-medical facilities, including but not limited to business offices, treatment, consultation, examination, and waiting rooms;
- (c) Expenses;
- (d) Employee wages or salaries; or
- (e) Equipment or supplies, including but not limited to computers, telephone systems, telecommunications equipment and office supplies.”

*Missouri H.B. 10, § 10.705
90th General Assembly (1999)*

“IT IS FURTHER ORDERED, ADJUDGED AND DECREED that . . . because it directly refers patients to abortion providers . . . Planned Parenthood of Kansas and Mid-Missouri and Planned Parenthood of the St. Louis Region are permanently enjoined from applying for or obtaining state family planning funds . . .”

*The Honorable Byron Kinder
Circuit Court of Cole County, MO
November 16, 1999*

funds on a complete separation of abortion and family planning operations, with different names and separate facilities, employees, financial accounts and records, equipment, and supplies.^{3,4}

Innovative Idea:

Evidence in the lawsuit refuted Planned Parenthood's claim that none of the family planning funds subsidized abortion. The state used Planned Parenthood's own financial records to demonstrate that the funds indirectly supported its abortion operations.¹

Based on the 8th Circuit's language, pro-life lawmakers again passed a family planning appropriations provision prohibiting the direct or indirect subsidy of abortion and spelling out the details of the required separation of abortion and family planning operations.^{1,5}

State lawmakers were astounded in 1999 when State Health Director Maureen Dempsey nevertheless contracted to pay Planned Parenthood \$803,400 without requiring separation. The state's special counsel was authorized to sue Planned Parenthood in state court to enjoin its violation of the appropriations law and force the return of the money collected under the new contract. In November 1999,

Circuit Judge Byron Kinder barred Planned Parenthood from receiving state family planning funding and ordered the return of the money it had already been given, plus interest. Kinder also directed Planned Parenthood to

Tied abortion funding restrictions into Health Department budget, virtually forcing the signature of a pro-abortion governor.

pay Missouri's legal fees.^{1,6} The case is on appeal to the Supreme Court of Missouri.

Planned Parenthood has filed yet another constitutional challenge to the appropriations in federal district court.⁷

In 1999, Planned Parenthood closed its abortion clinic in Columbia, the home of the University of Missouri, and it has not yet re-opened.¹ Undoubtedly, lives have been saved as a result of Missouri's fight to de-subsidize Planned Parenthood.

Notes

1. Cole, Jim, General Counsel, Missouri Right to Life. Telephone interview. 6/23/00. E-mail to author, 7/26/00.
2. Sentell, *Kansas City Star*, 5/23/97.
3. *Planned Parenthood v. Dempsey*, 8th Cir. 2/3/99.
4. Bryant, Bell, *St. Louis Post-Dispatch*, 2/4/99.
5. H.B. 10, § 10.705 (1999); H.B. 1110 § 10.710 (2000).
6. *Missouri v. Planned Parenthood et al.*, Cole County Circuit Court 11/16/99.
7. *Planned Parenthood v. Dempsey*, U.S. Dist. Ct. W.D. Mo. (2000).



NATIONAL RIGHT TO LIFE
Educational Trust Fund
www.nrlc.org