

Texas judge approves ban on Planned Parenthood funding

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A state judge ruled Monday that Texas can cut off funding to Planned Parenthood's family planning programs, forcing thousands of women to seek alternative state-approved doctors for their annual exams, cancer screenings and contraceptives. The move comes under conditions where primary care providers for poor women are already in short supply.

Judge Gary Harger said Texas can exclude qualified doctors and clinics from receiving funding through the state's Women's Health Program (WHP) if clinics "advocate" for abortion rights—the so-called affiliate rule. The WHP currently provides preventive care to 110,000 poor women, including 48,000 served by Planned Parenthood.

The new restrictions on Planned Parenthood went into effect beginning January 1. On August 21, 2012, the 5th Circuit Court of Appeals upheld the new Texas law, as well as a requirement that doctors perform a sonogram and provide women with a detailed description of the fetus before carrying out an abortion.

Planned Parenthood had appealed the 5th Circuit Court ruling, and a hearing is set for January 11 before another judge. The organization had sought a delay in the implementation of the cuts in funding until the January 11 hearing.

Judge Harger denied an injunction against the ruling, meaning that Planned Parenthood patients will immediately be forced to seek new health care providers. "I have denied the request for a temporary restraining order at this time," he wrote. "I did not find that there would be an irreparable harm in waiting nine days for the injunction hearing."

Planned Parenthood lawyer Peter Schenkkan said in court last week that some of the organization's Texas clinics would be forced to close if the state cuts off funding. He said Planned Parenthood might have to

begin charging for services that women now receive for free. The attorney warned that poor women would begin to ration their health care and that those forgoing screenings for cervical or breast cancer would run the risk of missed diagnoses. "Some of those women will die," he said.

Marcy Balquinta, one of the plaintiffs in Planned Parenthood's suit, commented, "Without the affordable care I receive through Planned Parenthood and WHP, I would have to make tough decisions between paying for my cancer screenings and birth control, or buying groceries or gas for my car. If I couldn't go to Planned Parenthood, I don't know where I'd turn. And there are tens of thousands of Texas women like me."

Texas health officials acknowledged Monday that new health care providers may not be able to pick up Planned Parenthood's patients in all parts of the state, particularly in South Texas and other impoverished areas. Texas already suffers from a shortage of primary care physicians who will take on new patients that rely on state funding for their health care.

The Texas Health and Human Services Commission has been preparing to implement the funding cut to Planned Parenthood for nine months. Previously, the federal government covered 90 percent of the WHP's nearly \$40 million annual cost, but cut off funding to the program due to the anti-abortion "affiliate rule," which federal officials said violated the Social Security Act. Planned Parenthood provides abortion services at only about 3 percent of its clinics, and those clinics are already barred from receiving state funds.

In essence, Texas authorities willingly accepted the cut-off of tens of millions of dollars in federal funds for women's health care services in order to advance their anti-abortion agenda. Planned Parenthood and the health and constitutional rights of the tens of thousands

of women it serves are the victims of the reactionary policies of state officials and their conservative religious backers.

In last August's 5th Circuit Court ruling, Judge E. Grady Jolly stated that Texas had the right to ban funding for health care providers as it saw fit, and that Planned Parenthood had no constitutionally protected right to promote abortion. The court advanced the argument that because Planned Parenthood was the nation's largest provider of abortions, clinics using its name necessarily bore "a pro-abortion mark," which was, "after all, a way of promoting abortion."

Texas governor Rick Perry, staunchly anti-abortion, hailed Monday's ruling. "Today's ruling finally clears the way for thousands of low-income Texas women to access much-needed care, while at the same time respecting the values and laws of our state," he said. "I applaud all those who stand ready to help these women live healthy lives without sending taxpayer money to abortion providers and their affiliates."

Since assuming office in December 2000, the "pro-life" Republican governor has presided over 253 executions, a modern-day record among the US states that practice the death penalty, and even eclipsing that of his predecessor, George W. Bush. In June 2002, Governor Perry vetoed a ban on the execution of the mentally retarded. Those sent to their deaths under Perry's watch have included the mentally ill and impaired, foreign nationals denied their consular rights, and those convicted of crimes committed as juveniles.



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