



Written by [Dave Bohon](#) on February 13, 2013

Federal Judge Overturns Arizona Law Defunding Planned Parenthood

A federal judge has overturned Arizona's law defunding Planned Parenthood, ruling that women receiving Medicaid have the right to choose the medical provider they want to use for so-called family planning services. In his 11-page ruling shooting down the measure duly passed by the state's elected lawmakers, federal Judge Neil Wake said that there was no reason to believe the abortion giant was not qualified to provide non-abortion "family planning" services covered under the federal medical assistance program, and that the law appeared to be an attempt by Arizona legislators to disqualify Planned Parenthood from state and federal funding.



The Whole Woman's Health Funding Priority Act (H.B. 2800), signed into law May 4 by pro-life Arizona Governor Jan Brewer, was based on model legislation developed by the pro-life [Susan B. Anthony List](#) and [Alliance Defending Freedom](#), and was designed to steer government funding away from abortion businesses such as Planned Parenthood to medical providers that concentrate on comprehensive health care for women. The measure prohibited state or any local governments from using public money to contract with organizations that provide abortions.

During a signing ceremony Gov. Brewer called the measure a "common-sense law that tightens existing state regulations and closes loopholes in order to ensure that taxpayer dollars are not used to fund abortions, whether directly or indirectly. By signing this measure into law, I stand with the majority of Americans who oppose the use of taxpayer funds for abortion."

But as it has in every state that has taken away its funding, Planned Parenthood fought back against the bill, insisting that it would deprive women of choice in their healthcare decisions and would especially impact low-income women. "What we are seeing is an assault on women making their own decisions about health care, whether it's abortion or health care," Arizona Planned Parenthood CEO Bryan Howard complained of the new measure. "It makes it harder for women to access birth control, hard for women to access cancer screening and abortion care." He claimed that the lost revenue for Planned Parenthood would hurt thousands of Arizona women living below the poverty level.

In his decision, Judge Wake rejected the idea that a state could limit family planning funds to only those providers that don't kill babies, ruling that "every Medicaid beneficiary has the right to select any qualified health-care provider."

Howard hailed Judge Wake's ruling as "a victory for all Arizonans" and good news for the minority of women who turn to the abortion business for their other medical needs. "Politics should never interfere with a woman's breast exam or birth control," Howard wrote in a statement. "It is wrong for the state to tell Arizonans who can be their health care provider.... Our health centers are open today and they will be open tomorrow."



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By contrast, Marjorie Dannenfelser, president of the Susan B. Anthony List, pointed out that Wake's decision "thwarts the will of Arizona taxpayers to stop funding big abortion businesses such as Planned Parenthood. As a result, funds will be reduced for agencies that provide whole women's health care." Dannenfelser noted that by Planned Parenthood's own admission, its government subsidies have skyrocketed, "even as the number of cancer screenings and other prevention and contraceptive services they offer has dropped dramatically. Planned Parenthood's growing abortion toll, meanwhile, is evidence of their continued failure to show true concern for vulnerable women and girls."

Cathi Herrod of the [Center for Arizona Policy](#), which had lobbied for the defunding measure, noted that Arizona has long been considered one of the most pro-life states

for our strides to protect women and pre-born children from the dangerous and deadly practices of the abortion industry. This makes today's decision from the Federal District Court all the more disheartening. Arizonans — at least for now — will be forced to continue to subsidize the abortion industry, despite the efforts of our elected leaders to prevent taxpayer dollars from funding organizations that destroy life in the name of "healthcare."

Planned Parenthood's latest [annual report](#), covering 2010-11, showed that the "family planning" organization's affiliates around the nation performed 333,964 abortions during that time period, up from 332,278 in 2009, the previous yearly record. As for income, the report showed that Planned Parenthood raked in a record \$542.4 million in federal, state, and local government funding — nearly half of its \$1.2 billion in total revenue. Overall, Planned Parenthood ended the 2010-11 fiscal year with a \$87.4 million profit.

More than a dozen states have introduced or passed legislation to defund groups such as Planned Parenthood that make a significant profit from abortion. [LifeNews.com](#) noted that in the cases of Indiana, New Hampshire, North Carolina, Texas, Tennessee, and New Jersey, the Obama administration — a close ally of Planned Parenthood — bypassed defunding laws to make sure federal money continued flowing to the abortion giant's coffers, or otherwise punished states for passing defunding measures.



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