



Written by [Dave Bohon](#) on May 12, 2011

Indiana Abortion De-Funding Law Survives Planned Parenthood Tactic

Indiana Governor Mitch Daniels signed a key pro-life bill May 10 that bans state funding of abortion providers such as Planned Parenthood, making Indiana the first state to enact such a sweeping prohibition. As reported by USA Today, hours after Daniels signed the legislation, Planned Parenthood asked a federal judge to block implementation of the law, a request U.S. District Judge Tanya Walton Pratt (left) denied. According to the paper, while Pratt “will take more time to consider whether the law itself should stand ... typically a judge’s reluctance to even temporarily put a law on hold does not bode well for the plaintiff....”



Sue Swayze, legislative director for [Indiana Right to Life](#), which worked GOP legislators on the measure, said she is confident the law will survive Planned Parenthood’s continuing efforts. “We’ve done some legal research ourselves and think that it’s going to stand,” she said. “It might actually ... become a model for the rest of the country.”

Betty Cockrum, CEO of [Indiana Planned Parenthood](#), said that her group was “deeply disappointed that the judge decided not to stop this unconscionable law from impacting Hoosiers seeking preventive, reproductive health care. The ruling means that Hoosiers who rely on federal funding have lost access to their crucial and lifesaving preventive health care at Planned Parenthood of Indiana.”

The law cuts off two-thirds of the \$3 million in funding the state’s Planned Parenthood affiliate receives every year, and prohibits the use of Medicaid dollars by Planned Parenthood — the first such ban enacted by a state. The measure “also gives Indiana some of the strictest abortion rules in the nation,” noted *USA Today*. “For example, doctors would be required to tell patients that life begins at fertilization and that a fetus can feel pain at or before 20 weeks.”

In its lawsuit, pursued with the assistance of the ACLU, Planned Parenthood argued that requiring abortionists to provide information they think is not relevant — or may be “misleading” — violates the Constitution’s First Amendment free-speech protections. According to *USA Today*, the lawsuit also contended that by being implemented immediately, the law’s defunding provision “would void contracts and grants already in effect, violating the U.S. Constitution’s contract clause.” Additionally, the paper reported, the suit charged that “the law imposes an unconstitutional condition on Planned Parenthood by requiring it to choose between performing abortions and receiving non-abortion-related funding,” a requirement the abortion provider insists violates federal Medicaid law.

But [LifeNews.com](#) reported that in a legal opinion offered to Governor Daniels before he signed the bill, the pro-life [Alliance Defense Fund](#) said that the bill “does not conflict with federal mandates and does not target any particular organization for exclusion from the Medicaid program. Federal appeals courts



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have upheld similar bills in Texas and Missouri.”

Before Daniels signed the measure, ADF Senior Counsel Steven Aden advised: “The Indiana Legislature has worded a bill that allows them to be good stewards of the people’s money in this regard without fear of jeopardizing other funding that is clearly not at issue in this bill. In fact, if the governor signs the bill and it is ever attacked in court, ADF would offer to assist in mounting a legal defense of the law free of charge.”

Republican State Senator Scott Schneider, who sponsored the legislation, said that Planned Parenthood’s lawsuit was “nothing more than a false alarm, and their claims that women will go without health services are false.” He added that the new measure “will allow Planned Parenthood to continue to receive taxpayer funding if they simply stop performing abortions. The decision is now theirs to make.”

Mike Fichter, president of [Indiana Right to Life](#), applauded Governor Daniels for signing the legislation, saying that he “has now established Indiana as one of the leading pro-life states in the nation.” Fichter said the new law “places Indiana on the vanguard of efforts to protect the unborn, to deny public funds to businesses that profit from abortion, and to ensure that women considering abortion have full and factual information about such issues as fetal development and alternatives to abortion.”

Fichter added that Planned Parenthood’s legal maneuvering amounted to an unintentional admission that the organization relies on abortion for much of its profits. “Planned Parenthood consistently claims that abortion is a small part of its operations,” Fichter said. “If that were true, it would simply need to stop doing surgical and chemical abortions in Indiana to remain eligible to apply for state-directed funding. It is clear that they do not wish to walk away from the revenue stream created by over 5,000 abortions every year in Indiana.”

LifeNews.com reported that Planned Parenthood of Indiana “currently operates three abortion clinics in Indianapolis, Merrillville, and Bloomington that collectively account for over half of Indiana’s roughly 10,000 abortions each year.” The pro-life website noted that the abortion provider’s annual operating budget regularly “exceeds \$15 million” and the law’s defunding provision “would impact an estimated \$3 million of that funding but would have no impact on its revenue from abortions and other services or direct private support.”

[Baptist Press News](#) noted that Planned Parenthood and its affiliates, “which make up America’s leading abortion provider at more than 332,000 of the procedures in 2009, have seen their reputation damaged repeatedly in recent years. Undercover investigations in several states have revealed Planned Parenthood employees demonstrating a willingness to aid self-professed sex traffickers whose prostitutes are in their early teens, seeking to cover up alleged child sexual abuse and agreeing to receive donations designated for abortions of African-American babies.”

Regarding speculation that Governor Daniels may be considering a run for the GOP presidential nomination, the [Associated Press](#) said that the new law “could improve Daniels’ standing among social conservatives as he considers standing for President in 2012. Advocates tout Indiana as the one of the most ‘pro-life states in the nation’ and have praised Daniels for signing the law.” The AP story pointed out that the measure “wasn’t part of Daniels’ legislative agenda and he didn’t advocate publicly for it. But he said he supported the abortion restrictions all along and that the move to defund Planned Parenthood hadn’t changed his mind.”



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