

Judge: Texas can't cut funds to Planned Parenthood

May 6 2012, By CHRIS TOMLINSON , Associated Press

(AP) -- A federal appeals court ruled Friday that Texas cannot ban Planned Parenthood from receiving state funds, at least until a lower court has a chance to hear formal arguments.

A three-judge panel of the Fifth Circuit Court of Appeals agreed Friday with a lower court that there's sufficient evidence the state's law preventing [Planned Parenthood](#) from participating in the Women's Health Program is unconstitutional. The program provides basic health care and contraception to 130,000 poor women.

District Court Judge Lee Yeakel had issued an injunction keeping Texas from enforcing the law on Tuesday, but Texas Attorney General Greg Abbott appealed to the Fifth Circuit in New Orleans.

On Friday, the court said Texas Attorney General Greg Abbott hadn't shown that Texas would be irreparably harmed by holding off on enforcing the new law until a trial can be held in Austin.

The so-called affiliate rule passed last year by the Republican-controlled Texas Legislature forbids state agencies from providing funds to an organization affiliated with abortion providers, even if all they share is a name. Eight Planned Parenthood clinics that do not provide abortions sued the state. They claimed the law violated their rights to freedom of speech and freedom of association.

"This case isn't about Planned Parenthood; it's about the women who rely

on Planned Parenthood for cancer screenings, birth control, and well-woman exams," said Cecile Richards, president of the Planned Parenthood Action Fund. "We won't let politics interfere with the health care that nearly 3 million people a year rely on Planned Parenthood for in Texas and around the country."

Catherine Frazier, spokeswoman for Gov. Rick Perry, said the state would explore all available legal options.

"Today's developments do not change our concerted effort in coordination with Attorney General Abbott to defend the will of Texans and our state law, which prohibits taxpayer funds from supporting abortion providers and affiliates in the Women's Health Program," Frazier said.

The federal Centers for Medicare and Medicaid Services said last month that the rule violates federal law. Federal funds paid for 90 percent of the \$40 million Women's Health Program until the new rule went into effect, and federal officials are now phasing out support for the program. Perry has promised that Texas will make up for the loss of federal funds to keep the program going without Planned Parenthood's involvement.

State officials have said ending the program would result in more unplanned pregnancies that would cost the state much more than self-financing the program.

However in court papers, Texas Solicitor General Jonathan Mitchell said the state would cut all funds if the federal courts ordered Texas to allow Planned Parenthood to participate in the program.

"State law prohibits Texas from continuing to operate the Texas Women's Program if taxpayer money must be provided to entities that

affiliate with abortion-promoting entities," a motion filed by Mitchell said. "Consequently, the district court's preliminary injunction effectively forces Texas to choose between contravening state law and shutting down the program."

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