



Written by [Warren Mass](#) on April 20, 2018

## Federal Court Strikes Down Ohio Law Removing Funding for Planned Parenthood

On April 18, the 6th U.S. Circuit Court of Appeals in Cincinnati upheld a lower-court judge's ruling striking down a law signed by Governor John Kasich in 2016 that banned Planned Parenthood and other abortion providers from receiving funds through six federal health programs.

The three-judge panel ruled that because some of the programs provided by Planned Parenthood (such as STD prevention) are unrelated to abortions, Ohio has unfairly punished Planned Parenthood compared to other grant recipients simply because the health provider advocates for abortion rights "on its own time and dime."



The panel ruled unanimously that cutting off all funding from Planned Parenthood is a violation of the organization's freedom of speech and creates an "unconstitutional condition." Judge Helene White wrote that the government "may not require the surrender of constitutional rights as a condition of participating in an unrelated government program."

"Ohio's important interests in preferring childbirth to abortion, promoting life, and not subsidizing abortions have only the most tenuous relationship to" the 2016 law, White wrote. "Precluding Plaintiffs from funding under the six federal preventive-health programs that have nothing to do with abortion does little to promote these interests."

White also wrote that the state wrongly concluded "that because Ohio has the right to refuse to fund abortion, it necessarily has the right to refuse to provide any funds to abortion providers, regardless of how the funds are to be used."

White was joined by Judges Eugene Siler, Jr. and Eric Clay.

At the time the Ohio state senate debated the funding bill back in 2015, the bill's sponsor, Senate President Keith Faber, emphasized that the legislation did not aim to withhold funding for women's healthcare, but abortion.

"This bill is not about women's health care," Faber was quoted as saying by the *Cleveland Plain Dealer* after the vote. "It's about whether we're going to fund an organization that has its senior leadership nationally, who by the way get money from Ohio, who believe it's good public policy to chop up babies in a way it makes their parts more valuable so they can buy a Lamborghini."

Faber was referring to the practice documented in videos recorded covertly by David Daleiden, the founder of the Center for Medical Progress, and his associate Sandra Merritt. The videos showed Texas Planned Parenthood employees discussing the illegal sale of fetal tissue. The videos created widespread outrage that prompted many legislators across the nation to propose defunding the abortion provider.



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Faber said that the money earmarked for Planned Parenthood would be better spent by being distributed to the more than 200 community health clinics, 124 health districts, and 55 free clinics across the state.

The *Washington Post* reported that Planned Parenthood of Greater Ohio and Planned Parenthood of Southwest Ohio sued the state's health department several months after the law prohibiting funding of the abortion provider was passed. The organizations succeeded in obtaining an injunction from a U.S. District Court in September 2016. Had the law not been blocked, noted the *Post*, it would have cut more than \$1.3 million in funding from Planned Parenthood. Though the report stated that this would have prevented Planned Parenthood from providing "various free health services to low-income patients," it did not break down those services to make a distinction between abortion and non-abortion "services." Neither did it explore whether some of those services (such as HIV tests and breast and cervical cancer screenings) might be available from other sources.

Back in 2015, then-presidential candidate Mike Huckabee, in an interview with Fox Business reporter Sandra Smith, advocated having the federal government cut off more than \$500 million to Planned Parenthood, calling the organization "an industry of abortion."

Smith agreed with Huckabee's findings and offered numbers to validate her point. "Almost 95 percent of all their pregnancy services were abortions," Smith said as she guest-hosted *Mornings With Maria* on July 28, 2015.

In an article for *Canada Free Press* on April 18, a writer named Dan Calabrese pointed out the illogic of the district court's ruling. His column went on to state:

When Judge White argues that Ohio lacks "the right to refuse to provide any funds to abortion providers," that implies that states have no say in who does or doesn't get state funding. How exactly is any private party in a position to tell an unwilling state legislature "you must fund us," and then find a court to agree with it when the legislature says no.

If the representatives of the people don't get to decide how to spend the people's money, and on what/whom, then how exactly can it be said that we have representative government. Planned Parenthood has no right to funding simply because no one does. The only reason the Ohio legislature has to give for not funding Planned Parenthood is: "We don't want to." End of story.

This ruling by the 6th U.S. Circuit Court of Appeals is but another example of a phenomenon we have seen countless times over the years — judicial overreach. The courts have consistently usurped what should be the rightful authority of the legislative and executive branches of our state and federal governments.

Article IV, Section 4 of our Constitution states that "the United States shall guarantee to every State in this Union a Republican Form of government." A republican form of government is a government of law, created by legislators elected by the people. It is the responsibility of the judiciary to make sure that the other branches of government comply with that law — nothing more. When the judiciary attempts to make law, we no longer have a republican form of government, but a *kritocracy*, a system of rule by judges.

The best recourse for the people of Ohio at this point is to appeal this nonsensical ruling to a higher court, where saner judgment may prevail.

Photo of Cleveland, Ohio: [Joanne](#)



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