
JOINT RESOLUTION CALLING FOR INVESTIGATION AND DEFUNDING OF PLANNED PARENTHOOD AND OTHER ABORTION PROVIDERS

Model Legislation & Policy Guide
For the 2011 Legislative Year



Changing Law to Protect Human Life, State by State

INTRODUCTION

Each day, the voices of more and more Americans call for an immediate freeze on federal and state funding already allocated to the Planned Parenthood Federation of America and its affiliates and for an investigation into Planned Parenthood at the regional and local levels to determine whether its internal policies and procedures are adequate to ensure patient health and safety and whether Planned Parenthood affiliates are properly implementing those policies and procedures.

Pro-life activist Lila Rose and her group Live Action recently released several videos covering three different states and the District of Columbia and apparently showing a systematic, institutional problem of aiding and abetting sex traffickers at Planned Parenthood.

Planned Parenthood's misdeeds extend far beyond Live Action's recent discoveries. Other recent scandals include failures to comply with state laws regarding the reporting of suspected child sexual abuse, the willful failure to comply with state parental involvement laws, arguably seeking to impede investigations by state authorities into allegations that state and local affiliates of Planned Parenthood violated a myriad of state laws, and purported acceptance of donations earmarked for racially-discriminatory abortions.

Moreover, January 2011 was filled with one horrifying story after another about the deplorable and inhumane conditions at Kermit Gosnell's West Philadelphia abortion clinic. Sadly, this unfit practitioner and his "House of Horrors" are not aberrations.

In just the past twelve months, there have been investigations of abortionists Ann Kristin Neuhaus in Kansas; of Rapin Osathanondh in Massachusetts; of Steven Brigham in New Jersey, Maryland, and Pennsylvania; of Alberto Hodari in Michigan; of Tami Lynn Holst Thorndike in North Dakota; of Feliciano Rios and Andrew Rutland in California; of Romeo Ferrer and Nicola Riley in Maryland; of Randall Whitney and James Pendergraft in Florida; of the Beacon Women's Center in Alabama, and of Salomon Epstein in New York.

In support of these efforts to investigate and defund Planned Parenthood and other abortion providers, AUL has drafted a model state resolution calling on state authorities to look into the practices of abortion providers including Planned Parenthood and to freeze any state funding allocated for abortion providers, as well as voicing the state legislature's support for similar efforts at the federal level.

For more information or assistance, please contact AUL's Legislative Coordinator at (202) 741-4907 or Legislation@AUL.org. AUL legal and policy experts are available for advice and to assist with drafting a state-specific version of the resolution.

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**JOINT RESOLUTION TO PROMOTE WOMEN’S SAFETY BY
INVESTIGATING AND DEFUNDING PLANNED
PARENTHOOD AND OTHER ABORTION PROVIDERS**

**JOINT RESOLUTION No. _____
BY REPRESENTATIVES/SENATORS _____**

WHEREAS, at least ten states are currently investigating abortion clinics and abortion providers for offenses including failure to meet medical standards and licensing requirements, violations of health and safety codes, improper disposal of medical waste and patient records, Medicaid fraud, violations of late-term abortion restrictions, criminal battery, and criminal and civil liability for the deaths of their patients;

WHEREAS, a January 2011 Pennsylvania grand jury report investigating abortion provider Kermit Gosnell and the Women’s Medical Society clinic in Philadelphia reveals Gosnell’s utter disregard for the law and documents a pattern of deadly behavior towards women and newborns;

WHEREAS, the Pennsylvania grand jury report reveals that the Women’s Medical Society clinic received government funding;

WHEREAS, the Pennsylvania grand jury report demonstrates a systemic failure to enforce laws designed to protect women’s health and safety, noting there “were several oversight agencies that stumbled upon and should have shut down Kermit Gosnell long ago”;

WHEREAS, video footage recorded at Planned Parenthood affiliates by the organization Live Action shows Planned Parenthood employees recommending that minors patronize abortion facilities that may be willing to violate state laws;

WHEREAS, sex-trafficking is nothing short of slavery and federal statutes[, *including 18 U.S.C. §§ 1591, 2421, 2422, and 2423,*] prohibit sex tourism and the interstate and international sex trafficking of adults and children, as well as sex trafficking within a state;

WHEREAS, in 2003, the U.S. State Department estimated that 800,000 to 900,000 human beings are bought, sold, or forced across international borders each year;

WHEREAS, a 2001 report released by the University of Pennsylvania estimated that approximately 293,000 American youth are currently at risk of becoming victims of commercial sexual exploitation;

WHEREAS, the average age at which girls first become victims of prostitution is 12 to 14 years of age;

WHEREAS, video footage recorded at Planned Parenthood affiliates in several states and the District of Columbia shows a willingness by Planned Parenthood employees to aid a man who claims that he is involved in the sex-trafficking of girls as young as 14 years of age;

WHEREAS, video footage recorded at Planned Parenthood affiliates in several states and the District of Columbia shows a willingness by Planned Parenthood employees to circumvent state parental involvement laws for abortion;

WHEREAS, numerous allegations have surfaced [*in Arizona, Alabama, California, Connecticut, Indiana, Kansas, Kentucky, Ohio, Tennessee, and Wisconsin*] concerning the failure of Planned Parenthood affiliates to report the suspected sexual abuse of young girls;

WHEREAS, Planned Parenthood affiliates [*in Alabama, Minnesota, Ohio, and Texas*] have violated state abortion-related laws including parental involvement and informed consent laws;

WHEREAS, Planned Parenthood employees [*in Idaho, New Mexico, Ohio, and Oklahoma*] have indicated a willingness to accept monetary donations earmarked for racist purposes;

WHEREAS, a Planned Parenthood affiliate [*in Kansas*] has been charged with falsifying documents in order to perform illegal late-term abortions;

WHEREAS, Planned Parenthood affiliates nationwide admittedly dispensed the dangerous abortion drug RU-486 in direct violation of the Food and Drug Administration (FDA) protocol for the drug as well as the drug's label, endangering women's lives and health;

WHEREAS, a Planned Parenthood affiliates [*in California*] is being investigated for defrauding the state and federal governments;

WHEREAS, the Planned Parenthood Federation of America (the national parent organization with approximately 800 affiliated centers across the nation) and its affiliates received over \$363,000,000 in government grants and contracts in 2008;

[*WHEREAS, Planned Parenthood affiliates in [Insert name of State] receive[d] [Insert appropriate information about source and amount of state grants to or contracts with Planned Parenthood]*];

WHEREAS, Planned Parenthood affiliates have performed a significant percentage of the over 50 million abortions performed in the United States since 1973 when *Roe v. Wade* was decided, including 332,248 abortions in 2009;

WHEREAS, Planned Parenthood Federation of America has made clear the centrality of abortion to its mission by recently mandating that, by 2013, every Planned Parenthood affiliate must have at least one clinic performing abortions;

WHEREAS, the decision not to fund abortion places no governmental obstacle in the path of a woman who chooses to terminate her pregnancy. *Rust v. Sullivan*, 500 U.S. 173, 201 (1991);

WHEREAS, when the federal or a state government appropriates public funds to establish a program, it is entitled to define the limits of that program. *Rust v. Sullivan*, 500 U.S. 173, 194 (1991);

[*WHEREAS, the established policy of [Insert name of State] provides [Insert appropriate description of and references to any state policies against public funding for abortion and/or abortion providers]*];

WHEREAS, the federal Congress' power of inquiry is "an essential and appropriate auxiliary to the legislative function." *McGrain v. Daugherty*, 272 U.S. 135, 174 (1927);

WHEREAS, the Congress' issuance of a subpoena pursuant to an authorized investigation is "an indispensable ingredient of lawmaking." *Eastland v. United States Servicemen's Fund*, 421 U.S. 491, 505 (1975); and

WHEREAS, [*Insert name of State*] also has the authority under [*Insert appropriate statutory or other reference(s)*] to investigate recipients of state funding [*including state family planning funding*].

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF [*Insert name of State*]:

Section 1. That the [*Legislature*] immediately freeze any currently-allocated state funding for abortion providers, in particular Planned Parenthood.

Section 2. That the [*Legislature*] calls on Congress to freeze any currently-allocated federal funding for abortion providers, in particular the Planned Parenthood Federation of America and its affiliates.

Section 3. That the [Legislature] calls on the [Insert name of appropriate State authority] to conduct a full-scale investigation of abortion providers, in particular Planned Parenthood, for potential violations of state laws, including health and safety code violations, misuse of government funding, and [Insert appropriate reference(s) to other state law(s)].

Section 4. That the [Legislature] calls on Congress to conduct a full-scale investigation of abortion providers, in particular Planned Parenthood, for potential violations of federal laws including aiding and abetting sex-trafficking, misuse of federal funding, and [Insert appropriate reference(s) to other federal law(s)] and urges Congress to use its subpoena power to obtain all business, medical, and other records necessary for a thorough and complete investigation.

Section 5. That the [Legislature] strongly supports the federal “No Taxpayer Funding of Abortion Act” to ensure consistency with longstanding federal law and policy [and the laws and policies of this State] prohibiting government-funding of abortion.

Section 6. That the [Legislature] strongly supports the federal “Title X Abortion Provider Prohibition Act” to ensure that federal family-planning funding does not subsidize the abortion industry by, for example, paying for shared overhead and operational costs.

Section 7. That the Secretary of State of [Insert name of State] transmit a copy of this resolution to the Governor; to the President of the United States; to the President of the Senate and the Speaker of the House of Representatives of the United States Congress; and to each individual member of [Insert name of State]’s Congressional delegation.

More detailed information about the need and justification for investigations into the potentially illegal and substandard practices of Planned Parenthood and other abortion providers as well as the need to ensure that such entities do not receive government funding can be found in AUL's annual publication *Defending Life 2010: A State by State Legal Guide to Abortion, Bioethics, and the End of Life* and on our website: www.AUL.org.

Defending Life 2010 is available online at AUL.org or for purchase at Amazon.com.

For further information regarding this or other AUL policy guides, please contact:

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