

PLANNED PARENTHOOD FEDERATION OF AMERICA
A Report to The Nell Newman Foundation
on the
Kansas Legal Defense Fund/Planned Parenthood of Kansas and Mid-Missouri
and
Planned Parenthood Association of Hidalgo County

Planned Parenthood Federation of America is pleased to submit this report on the achievements made possible through The Nell Newman Foundation's \$50,000 grant in February 2012, \$25,000 of which went to the Kansas Legal Defense Fund through our affiliate Planned Parenthood of Kansas and Mid-Missouri and \$25,000 of which went to general support of Planned Parenthood Association of Hidalgo County.

In Kansas, we are pleased to report that we were able to successfully fight back against harsh, politically-motivated attacks; all charges in the case have been dropped against Comprehensive Health of Planned Parenthood of Kansas and Mid-Missouri. And, in Texas, we are pleased to report that, with the foundation's support, the health centers operated by Planned Parenthood Association of Hidalgo County remain open in the midst of an anti-choice, politically-charged environment.

KANSAS LEGAL DEFENSE FUND

Background

Planned Parenthood of Kansas and Mid-Missouri serves the state of Kansas and counties in mid-Missouri and the Kansas City metropolitan area through its nine health centers. It provides preventive health services and education to more than 28,000 women, men, and young people each year. In 2007 Planned Parenthood of Kansas and Mid-Missouri became embroiled in an intense and costly legal battle that involved false and politically-motivated charges that, although they had been discredited, continued to be pursued by opponents of reproductive health care. The charges, including misdemeanor counts, concerned protocols followed by abortion providers for record keeping and reporting to the state as well as for determining gestational age and fetal viability through ultrasound and other procedures when performing abortions at 22-23 weeks gestation.

It became clear that, without a sufficiently robust defense, Planned Parenthood of Kansas and Mid-Missouri could have been saddled with unwarranted fines and penalties that would quite literally put the affiliate and its health centers out of business. To help support Planned Parenthood of Kansas and Mid-Missouri, Planned Parenthood Federation of America set up the Kansas Legal Defense Fund. This fund helped to offset the exorbitant costs — attorney time, court reporter fees, expert witness fees, media, and travel costs — associated with defending Planned Parenthood against these unfounded charges.

A History of Harassment

On October 17, 2007 Johnson County District Attorney Phil Kline filed a 107-count complaint against Comprehensive Health of Planned Parenthood of Kansas and Mid-Missouri, Planned Parenthood of Kansas and Mid-Missouri's abortion-providing affiliate. The complaint, which alleged that Comprehensive Health falsified records and violated the Kansas abortion law that regulates abortions performed after 22 weeks, returned Kline to the anti-choice limelight following his ouster as Kansas attorney general in 2006.

Kline has a long history of attacking reproductive rights and aggressively targeting Planned Parenthood. He had been the keynote speaker at a National Right to Life convention, and was named "Man of the Year" by Operation Rescue, a leading anti-abortion group. Following his election as attorney general in 2002, Kline launched an inquisition (a legal term in Kansas denoting a secret investigation) focused on Planned Parenthood of Kansas and Mid-Missouri and another abortion provider in the state.

As part of this inquisition, Kline subpoenaed nearly 100 medical records of women who had had abortions at either Comprehensive Health or the other provider. Planned Parenthood Federation of America fought that subpoena to the Kansas Supreme Court, where a landmark ruling recognized the privacy interests of the women whose records were at issue and imposed stringent safeguards to protect those interests. Kline subsequently received copies of the records that were heavily redacted by Planned Parenthood Federation of America's attorneys to remove all identifying information.

Losing his 2006 bid for re-election as attorney general did not deter Kline from his fanatical pursuit of Planned Parenthood. Neither did his successor's announcement that after "an objective, unbiased, and thorough examination of the numerous documents and medical records," he had found no evidence of criminal wrongdoing on Planned Parenthood's part. Several months later Kline, in his capacity as district attorney, used these same documents and records to bring his 107 charges in Johnson County, home to Comprehensive Health's main clinic.

Also at the time, a coalition of 60 anti-choice groups, including Focus on the Family and Americans United for Life, sought to amplify Kline's impact nationwide. The coalition sent a letter to every member of Congress, urging them to withhold hundreds of millions of dollars in federal family planning funding from Planned Parenthood affiliates across the country until the results of Kline's criminal indictments in Kansas were known.

Successfully Pushing Back Against Charges

In November 2011, the most serious charges in the case were dismissed. However, the state continued to move forward on prosecuting the 58 remaining charges — misdemeanors which concerned determination of gestational age and viability when performing late-term abortions. These particular charges alleged that the standard

protocols used by physicians providing abortion care were not sufficient and, instead, procedures used in neonatal intensive care settings should be the standard.

On August 2, 2012 Johnson County District Judge Stephen Tatum dismissed 26 more misdemeanor charges, supporting Planned Parenthood of Kansas and Mid-Missouri's contention in March that these charges should have never even been filed in the first place. And, on August 17, 2012 all remaining charges in the case were dropped. The successful defense of the outrageous charges was a strong blow to those who had been using the case to further their political agenda to eliminate access to abortion care and to ultimately harm Planned Parenthood. Planned Parenthood Federation of America President Cecile Richards said of these decisions: "[This] news sends a strong warning to elected officials in Kansas and around the country campaigning on a political crusade against women's health and Planned Parenthood. The message is clear: You cannot use public office to warp the law to advance an ideological agenda aimed at intimidating women and the health care providers they rely on."

PLANNED PARENTHOOD ASSOCIATION OF HIDALGO COUNTY

For years, Texas has been a battleground for the preservation and protection of women's sexual reproductive health and rights. This past year, a federal appeals court reversed an injunction Planned Parenthood Federation of America obtained in the spring of 2012 from the lower federal court and in late October last year ruled that the state can withhold funding. The case has since moved to the state courts, where the battle has continued: in early January Planned Parenthood Federation of America sought a temporary injunction that would allow women in the program to continue to access care through Planned Parenthood. That request was denied; Planned Parenthood Federation of America has since appealed that decision and is awaiting a ruling on that appeal. Planned Parenthood health centers served nearly 48,000 of the more than 100,000 low-income women participating in the Texas Women's Health Program.

It is in this anti-choice, politically-charged environment that Planned Parenthood Association of Hidalgo County continues to operate. (See attached financial report for Planned Parenthood Association of Hidalgo County and for how these cuts have affected this affiliate.) Planned Parenthood Association of Hidalgo County, serves Hidalgo and Starr Counties, two of the most southern counties in Texas along the Mexican border, and is the largest family planning organization along the Texas and Mexico border. Planned Parenthood Association of Hidalgo County's patients are some of the poorest in the country, with approximately 90% living at or below the federal poverty line.

As a provider of comprehensive reproductive health care in a private and confidential setting, Planned Parenthood Association of Hidalgo County's goal is to make sure everyone in the community has access to the quality health services that Planned Parenthood provides. They also work to provide educational programs which promote reproductive rights, reproductive health, and the prevention of unwanted pregnancy.

Working toward that goal, this past year their Community Education department offered workshops and presentations ranging from puberty to sexually transmitted diseases and birth control. Their staff works in places such as schools, Parent/Teacher Association forums, community centers, jails, and churches.

In short, Planned Parenthood Association of Hidalgo County continues to be an advocate for public policies that protect the reproductive and healthcare rights of all.

Conclusion

We are grateful to The Nell Newman Foundation for supporting the Kansas Legal Defense Fund, which helped defend Planned Parenthood against unfounded charges brought by anti-choice extremists. Their success would have been devastating to the women of Kansas who depend on Planned Parenthood for care. With the foundation's support, Planned Parenthood of Kansas and Mid-Missouri did not succumb to these attacks, and continues to provide life-saving medical services through its nine health centers across Kansas and Missouri.

We are also so grateful for the support of Planned Parenthood Association of Hidalgo County. With so much anti-choice and political opposition in the state of Texas, the foundation's support went a long way in making sure that the health centers operated by Planned Parenthood Association of Hidalgo County remained open and available to provide access to life-saving Planned Parenthood services.

Thank you so much for this support.