

Governor Charged With Violating State Constitution

Lawsuit Accuses State of Giving \$9 Million to Abortionists, Despite Ban

Posted: October 30, 2008 - 12:00 am Eastern

By Bob Unruh, © 2008 WorldNetDaily

Note from Pastor Kevin Lea: I am thankful that Mark Hotaling has the courage to be salt-and-light (Matthew 5:13-14) in Colorado. We need more like him in order to stop the murdering of unborn babies, which is an abomination to God and will certainly bring His judgment upon us if we do not repent. Then again, looking at the news, maybe it is too late.

*Ezek 16:20-23 "Moreover you took your sons and your daughters, whom you bore to Me, and these you sacrificed to them [sex idols] to be devoured. Were your acts of harlotry a small matter, "that you have slain My children and offered them up to them by causing them to pass through the fire? "And in all your abominations and acts of harlotry you did not remember the days of your youth, when you were naked and bare, struggling in your blood. "Then it was so, after all your wickedness--' **Woe, woe to you!**' says the Lord GOD.*

An \$18 million lawsuit has been filed against Colorado Gov. Bill Ritter and two abortion providers by a taxpayer who alleges state payments to the companies violate a Colorado constitutional ban on taxpayer funds being used "directly or indirectly" for abortions.

The Denver District Court lawsuit was filed today by *Alliance Defense Fund*-affiliated attorney Barry Arrington on behalf of taxpayer Mark Hotaling, who leads the *Christian Family Alliance*.

The action also names as defendant James B. Martin, the executive director of the state Department of Public Health and Environment, along with *Planned Parenthood* of the *Rocky Mountains and Boulder Valley Women's Health Center*.



Colorado Gov. Bill Ritter

WND reported a year ago when the Alliance announced a "rally the troops" effort following multiple promises by Ritter, a Democrat, to restore state funding to *Planned Parenthood* that was eliminated by a vote of the state's residents.

Ritter made the promise on his 2006 campaign website and in various speeches to have Colorado taxpayers pay for expenses for *Planned Parenthood*, the nation's largest abortion provider, despite two votes by the people in 1984 and 1988 banning that support.

"We will restore the *Planned Parenthood* money that Gov. [Bill] Owens cut. Every woman in Colorado will have access to emergency contraception. And we will not turn women or their doctors into criminals," Ritter boasted.

Owens, a Republican, had eliminated funding for *Planned Parenthood* from the state budget because of the constitutional provision that bans taxpayer funding in Colorado for abortions,

either through a "direct" or an "indirect" route. A legal opinion also concluded that dividing *Planned Parenthood* into two separate corporations, one to provide abortions and another to pay other expenses, still would not satisfy the constitution's requirements.

The provision was cited in the lawsuit.

"In 1984 the voters of the State of Colorado approved an amendment to the Colorado Constitution ... prohibiting the use of public funds either directly or indirectly to pay for induced abortions," the lawsuit said.

That Article 5, Section 50 provision states:

No public funds shall be used by the State of Colorado, its agencies or political subdivisions to pay or otherwise reimburse, either directly or indirectly, any person, agency or facility for the performance of any induced abortion.

The lawsuit noted that a subsequent initiative to repeal the ban was rejected by voters.

"Thus, Colorado voters have twice affirmed the Abortion Funding Prohibition Amendment's prohibition on the use of taxpayer dollars to subsidize, directly or indirectly, induced abortions," the lawsuit said.

A spokesman for Ritter declined to respond to a *WND* message requesting a comment.

Under Owens, the state engaged an accounting firm to investigate whether it could award funds to a corporate entity that had been split off from *Planned Parenthood*, and the result was that under the state constitution, it could not.

"If it is illegal for the [state] to award a contract to an organization that subsidizes an abortion provider, it is even more clearly illegal to award a contract directly to the abortion provider," the lawsuit said.

Even so, in 2007, the state awarded contracts to the *Planned Parenthood* spinoff as well as *Boulder Valley Women's Health Center*, the case alleges.

The lawsuit is seeking a ruling that the contracts violate the state constitution and are void. It also asks for refunds of payments already made and a ban on future payments.

"Their actions are an outrageous and arrogant disregard for the people's will and common decency," said Hotaling. "Abortionists like Planned Parenthood are so eager to get our tax dollars that they are willing to ignore the will of the people and the Colorado Constitution."

Arrington concluded, "Fundamentally, this case is about the rule of law itself. Bill Ritter thinks he knows better than the voters who amended the constitution to prohibit tax dollar subsidies to abortion providers. We are asking the court to tell the governor the people are his boss, not the other way around. It's that simple."

Hotaling was cited as a plaintiff, not the organization which he serves, because as a taxpayer in the state he has standing to bring the lawsuit, officials said.

When Ritter made his promises, Kate Horle of *Planned Parenthood* of the Rocky Mountains said she was "thrilled."

"Gov. Ritter really recognizes that the best way to reduce abortion is by reducing the unintended pregnancy rate," she said.

But national Christian ministries, such as the Colorado Springs-based *Focus on the Family*, expressed concern.

"The voters of Colorado voted that no public funding would go to abortion," said Carrie Gorden Earll, an analyst with the ministry. Funding *Planned Parenthood* would raise concerns. "We're not sure if you can adequately separate their abortion business from their family planning business."

An editorial in the Fort Collins Coloradoan at the time noted the issue. Under the headline "Ritter trying to 'sneak in' abortion view," editorial writer Erik Rush concluded that more and more Americans are recognizing that abortion "is about the lucrative industry of killing babies in nauseatingly brutal and inhuman fashion."

"Colorado Constitution Article 5, Section 50, was passed via ballot measure by the people of the State of Colorado to ensure that our tax dollars would never be used for the 'direct or indirect' support of abortion mills," he wrote. "It recently came to my attention (and to that of Colorado pro-life organizations) that Gov. Bill Ritter, in an effort to pay back some of the far-left supporters who helped get him elected, intends to circumvent this law and 'indirectly' funnel Colorado taxpayer dollars to *Planned Parenthood* and other abortion providers.

"It should be no surprise: 'I will restore the funding to *Planned Parenthood* and other agencies,' Ritter stated on his campaign website," Rush wrote. "How, one wonders – without doing it illegally? Depending on how familiar one is with the machinations of politics, this process can be likened to the laundering of money by organized crime. When dollars change hands enough times and no one is paying attention to the paper trail, when the government cuts a check, all looks to be above board."