



Southeastern Legal Foundation Files in Support of State's Challenge to Forced Subsidization of Planned Parenthood

[February 10, 2025] Today, Southeastern Legal Foundation (SLF) filed an [amicus brief](#) in support of Alliance Defending Freedom's (ADF) Supreme Court case [Medina v. Planned Parenthood South Atlantic](#), in which ADF is fighting on behalf of the South Carolina Department of Health and Human Services to refuse to subsidize Planned Parenthood.

Southeastern Legal Foundation stands behind states' discretion to direct Medicaid funds as they see fit. The State of South Carolina chose not to subsidize Planned Parenthood, a private organization, with taxpayer money. But a federal court determined that South Carolina must subsidize Planned Parenthood anyway. There are no grounds in the Constitution to allow for the requirement of Medicaid funds to be given to groups like Planned Parenthood at the expense of other pro-life organizations and without regard for the state's stances.

SLF's support of this case rests on the fact that the so-called Spending Clause must be reevaluated and reined in. It states in its brief, "The evidence unambiguously shows that the Constitution limits Congress's authority to spend to its enumerated powers. Congress does not possess an indiscriminate power to spend in the name of 'general Welfare,' disconnected from its enumerated powers."

In addition, SLF explains that the Medicaid Act does not provide for this kind of funding. "The Medicaid Act's any-qualified-provider provision fails to provide either kind of clear notice that it is creating a right enforceable under § 1983. First, the Medicaid Act sets up a system where the recipient state decides what providers are 'qualified.' Critically, the Act does not define 'qualified.' It reserves to recipient states the authority to exclude providers for the same reasons the Secretary of Health and Human Services can exclude providers from Medicare."

Vice President of Litigation for SLF Braden Boucek said, "We are proud to support Alliance Defending Freedom and the State of South Carolina in their efforts to prevent the federal government from abusing the Constitution by forcing the state to subsidize Planned Parenthood. States have the power to set their own funding priorities. We are hopeful that the Supreme Court will agree."