

Richard Ackerman — Striking a blow against Planned Parenthood

An interview by Gualberto Garcia Jones and Nicholas Marmalejo.



Richard Ackerman is president of the Pro-Family Law Center with offices in Temecula and Fair Oaks, California. He is a fearless advocate of the preborn and the family, a champion for the truth both in and out of the courtroom. Keep reading for the scoop on how Planned Parenthood exploits the law, and how this pro-life lawyer is fighting to stop them.

How long have you been a lawyer?

Ten years.

How much of that time have you been fighting, or litigating, with Planned Parenthood?

In terms of litigation, about the last five years, but I was involved in the pro-life movement starting 15 years ago, while I was in law school.

What brought you into the pro-life movement?

I was involved in an abortion issue. Somebody aborted my child without telling me. She had a legal right to do it, but that doesn't mean I shouldn't address the problem. We run around chasing errant fathers who don't pay child support, but fathers don't have a right to participate from day one. So that's what got me started.

Before forming the Pro-Family Law Center, you worked for the United States Justice Foundation. What initially brought you to them?

I wanted to quit the practice of law altogether and go wait tables and do whatever I had to do. Then I got an e-mail from a buddy who said, 'Do you know any young lawyers who want to do Constitu-

tional law full-time?' And I thought, lemme get this right, I can do what? (Laughs). And get paid for it? So, I took about a 50 percent pay cut, but it's the best decision I ever made.

What type of pro-life cases did you start with?

I began defending pro-life demonstrators. Then some father's rights stuff. Most recently we've been focusing on the unfair business practices of Planned Parenthood. They're engaged in outright fraud and the failure to report child abuse. They're outright aggressive. They engage in preemptive strikes. In the San Diego area,

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they're very vigilant about chasing down pro-lifers for any claim of emotional distress, or trespassing or anything they can come up with.

Explain "emotional distress."

In one case, a Planned Parenthood employee told me that she'd participated in second and third-trimester abortions. And I asked her point-blank, "Is the picture that my client is showing you a

true and accurate depiction of what you see every day in the operating room?" She said yes. Then I asked, "Well how is it that my client's picture is somehow more offensive to you than actually seeing what goes on in the operating room?" "Well," she said, "it's because of him." And that's deep.

So the emotional distress claim wasn't about the content of the picture, but the person behind it?

Yeah. The fact that a Christian, that a Catholic, that a pro-lifer is merely holding the picture. That's enough, in their minds, to make the difference. It's a battle between good and evil. It's that simple.

Give us other examples.

We found out that Planned Parenthood clinics in Southern California, which includes Los Angeles, Riverside and San Bernardino, had seen approximately 30,000 children in a two-year period. When I say children,

that's anyone 17 and under. One clinic had actually seen six children between the ages of one and five. Those demographics were reported in their own statistical data, the data they have to provide to the state. We got it directly from Planned Parenthood. We saw their own patient numbers in terms of age, sex and what they were seen for. Under California law, clinics must report underage STD cases to the police.

If a child has an STD, you go straight to reporting because you know by definition that it wasn't airborne. So nothing outweighs the interest in finding somebody who would dare to have sex with a baby or a five-year-old. When someone takes a child to Planned Parenthood, it already suggests an element of shame. The adult is try-

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ing to keep the child's STD from the general public, because if you go into a hospital, or an emergency room, or a family physician's office, it's going to be reported. My educated suspicion is that when a five-year-old shows up at Planned Parenthood with an adult-in-tow, the adult knows how it happened.

In *Allen v. Planned Parenthood*, we had an expert witness on reporting. He was Dr. John Chou, a regular reporter who's worked in L.A. for many years. He also happens to be a lawyer and a fellow at the American College of Legal Medicine. His expert testimony was very firm. If a five-year-old comes in with an STD, you go straight to reporting. Period. There's no justification for doing otherwise. Anybody who comes in regular contact with a child in terms of supervision, or care-taking, is required to report. Church pastors, teachers and pre-school teachers are required to report. That's federal and state law.

Were these laws passed before or after Roe v. Wade?

After. These laws have been on the books for 20, 30 years. And there's a lot involved. At the federal level, Planned Parenthood is condi-

tioned to funding. Their facilities aren't supposed to get Title X funding unless they comply with reporting requirements.

How does Planned Parenthood get out of reporting?

They say children have a right of privacy, or a "liberty interest," that

outweighs finding the molester who hurt them. They call it a First Amendment right between the physician and the child. But that's beyond anything we should tolerate.

Has Planned Parenthood been successful with their "liberty" argument?

Unfortunately, they've been incredibly successful. Planned Parenthood said they didn't have to come forward with proof of reporting because anybody who

would argue about their duty to report was acting in bad faith. Then they filed a motion to fine us \$15,000 for arguing it. Superior Court Judge Kevin Enright imposed it just because Planned Parenthood claimed they were somehow exempt from the law. Amazing, because in that same time frame, I had filed a complaint against them before the California Medical Board, and the Medical Board went to the California attorney general and asked for an opinion. Attorney General Bill Lockyer is no friend to pro-lifers, but his office concluded that the reporting duty was mandatory.

So the judge didn't rule according to law?

No. The law says you must report children's STD cases within 24 hours. The first report triggers a statutory framework whereby the police have a duty to respond within 72 hours to investigate it. It goes in triplicate copy to local law enforcement, child protective ser-

vices and the state. Planned Parenthood has the proper forms, and their employees have to sign a manual stating, 'I understand that I'm a mandatory reporter.' We went to court with eight boxes of evidence, including all of the data we had gotten from the California Office of Health Planning and Development. Literally reams and reams and reams of data showing how many children had gone to Planned Parenthood and what they were treated for. We had reports from the California Highway Patrol. We had data from the police departments where this information should've gone for processing. But the only police reports we found by Planned Parenthood involved pro-life demonstrators. They were quick to report that. The police went out every time Planned Parenthood called about a pro-lifer.

Do police monitor Planned Parenthood's reporting?

No. I love law enforcement, but on this issue they don't help. They won't touch Planned Parenthood. They won't go near it. Particularly in San Diego, where Planned Parenthood is an integral part of the government. Planned Parenthood's attorney trains the San Diego DA's office on how to handle "hate crimes." It's a good ole boys network and there's no getting around it.

Does anyone monitor Planned Parenthood's staff?

No. Planned Parenthood can hire convicted child molesters and no one would ever know. Contrast that with my wife, a Daisy Scout leader, who underwent a two-month investigation just to go near children. Planned Parenthood could care less.

What tactics has Planned Parenthood used against you personally?

They threatened to attach my wages, raid my bank accounts and take my home. I was threatened with all of that. I was told quote-unquote they'd bankrupt me if they had to. They got me sanctioned as often as possible.

Are sanctions a common tactic?

Once I got involved in public

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interest litigation, every case was threatened with sanctions. And it's not just on the pro-life issues. We have a case where a female employee of the city of Oakland was threatened with termination because she used the term "natural family." The city's response? They asked that we be fined \$186,000 under the federal rules governing bad-faith actions. Was it bad faith for my client to claim she was protected under the First Amendment? Yeah. That's what we're dealing with.

What about Planned Parenthood's funding?

Planned Parenthood has unlimited legal resources. They used a large firm from L.A. that represents all the big powers in California. [Dianne] Feinstein. [Barbara] Boxer. The firm came in on a pro bono basis. Of course they got some of their money back 'cause they got us sanctioned. Jim McElroy is Planned Parenthood's lead attorney in San Diego. He brought down the Mount Soledad

Cross. He regularly fights these battles. He has all the resources he needs. On our end, we probably dumped \$30,000-\$50,000 to make this case go. Our average donation was \$5. People believe in what we do; but our base of support isn't the multi-millionaire type.

Have you won any cases in California?

In private practice I used to keep a scorecard on how often I won. Out of 300 long motion matters

and about 50 trials, I'd lost less than 10 times. Once I got into public interest litigation, the ratio is exactly the opposite. But that's the great thing about it. When my children grow up and someone says, "What did your dad do?" They can say, "He fought for us. And he fought for everybody else."

Gualberto Garcia Jones is American Life League's director of legislative analysis. Nicholas Marmalejo is editor of *Celebrate Life*.

For more information on Richard Ackerman or the Pro-Family Law Center, visit profamilylawcenter.com.

The Pro-Life Family Law Center's recent initiatives and victories

- Most recently, Ackerman is representing Andrew Jones in *Andrew Jones v. Planned Parenthood of Los Angeles, et al.* In addition to Planned Parenthood of Los Angeles (PPLA), the suit names the governor of the state of California, California's state treasurer and others. Jones is former project manager of the Community Services/Education Department of PPLA. The complaint seeks recovery for unlawful termination, racial and sexual harassment and a failure to pay overtime. Jones alleges that it was only after questioning the financial practices of PPLA that he was finally terminated. The suit seeks a court order requiring the governor and state treasurer to stop funding PPLA.
- After years of fighting the California Department of Health and Human Services, in 2004 Ackerman secured a clinical license for the El Cajon Pregnancy Care Center. This is a landmark victory demonstrating that since California sponsors the so-called 'right to choose,' it should allow for clinics that assist in choosing life.
- Ackerman helped preserve the meaning of "marriage" in California by assisting in *Randy Thomasson v. Gavin Newsom*. Last year this battle went all the way to the California Supreme Court, where the court concluded that San Francisco Mayor Newsom didn't have the right to violate California's Proposition 22 and institute same-sex marriage.

The Ryan Report

Stay up to date on the nefarious dealings of Planned Parenthood with STOPP International's monthly e-mail newsletter, *The Ryan Report*. Just send an e-mail message to RyanReport-request@ALL.org with "subscribe" in the subject and/or body.