



PRESS RELEASE from  
LIBERTY JUSTICE CENTER

## **New Lawsuit: Albuquerque vote to allocate taxpayer funds to Planned Parenthood violates New Mexico Constitution**

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(January 18, 2023) —Paul Gessing, a property owner and taxpayer advocate in the City of Albuquerque, and Care Net Pregnancy Center of Albuquerque have filed a lawsuit challenging an unconstitutional gift of taxpayer funds to Planned Parenthood in New Mexico.

Last year, in a fit of outrage over a leaked Supreme Court draft opinion, the Albuquerque City Council voted to give \$250,000 in taxpayer funds to Planned Parenthood of the Rocky Mountains in a “council-directed sponsorship.” This earmark goes against the anti-donation clause of New Mexico’s Constitution, which prohibits public entities from making “any donation” to a private organization. Gessing and Care Net are represented by the Liberty Justice Center, a nonprofit, public-interest litigation center that fights for taxpayers and accountable government.

“New Mexico’s constitution prevents politicians from using taxpayer funds like their own personal piggy banks,” says Daniel Suhr, managing attorney at the Liberty Justice Center. “Albuquerque’s grant to Planned Parenthood is pure politics, and the state constitution prevents that kind of abuse of taxpayer dollars.”

“Taxpayers should not be compelled to subsidize Planned Parenthood or any other private group,” said Gessing, who is president of the free-market Rio Grande Foundation. “The anti-donation clause of New Mexico’s constitution is a bulwark for taxpayers against politically motivated earmarks just like this one.”

“Care Net provides essential services to pregnant women and newborn moms, but we were never given a fair shot at these funds,” said Paula Gonzales, executive director of Care Net. “The government cannot give money without disclosure, discussion, and agreement by the taxpayers. The NM Constitution is very clear in this area. That is why this lawsuit is important to us as it puts the government leaders on notice to the state’s established law.”

The Liberty Justice Center filed its lawsuit, *Gessing v. Yara*, against Stephanie Yara, Director of Finance and Administration for the City of Albuquerque, Carol M. Pierce, Director of Family and Community Services of the City of Albuquerque, and Planned Parenthood of the Rocky Mountains, Inc. in the Second Judicial District Court on January 17, 2023.

Background information on the case and link to media page:

<https://libertyjusticecenter.org/cases/gessing-v-yara/>

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The Liberty Justice Center is a nonprofit, public-interest litigation center that fights to protect fundamental constitutional rights. The Liberty Justice Center is best known for its 2018 U.S. Supreme Court victory in *Janus v. AFSCME*. Learn more about the Liberty Justice Center at [LibertyJusticeCenter.org](http://LibertyJusticeCenter.org).

Paul Gessing is president of the Rio Grande Foundation, a free-market economic policy think tank and taxpayer watchdog group based in Albuquerque, New Mexico. Learn more about Paul at <https://riograndefoundation.org/about/staff/>.

Care Net Pregnancy Resources Centers of Albuquerque is a non-profit organization comprised of a group of local pregnancy resource centers in the greater Albuquerque metro area affiliated with the national network of Care Net Pregnancy Centers. The centers offer free and confidential services for women of all ages in a safe and compassionate setting. Learn more at [carenetaq.com](http://carenetaq.com).