

Governor: what you will do about this willful violation of both the spirit and letter of Colorado law?

Dear Governor Owens,

In stripping Planned Parenthood of the Rocky Mountains of their state family planning funds in December 2001, your administration and your state Health Department have touted this decision as one that exemplifies an adherence to the spirit and letter of the law. Yet, in your state Health Department's zealously to "prove" Planned Parenthood to be non-compliant with the state Constitution, the main ramification for you being the fulfillment of your political payback which secures turnout of your right wing anti-abortion base at the polls this November, they, specifically Cynthia Honssinger, director of the state Health Department's Office of Legal and Regulatory Affairs, has violated both the spirit and letter of Colorado law.

On December 19, 2001, I faxed a Colorado Open Records Act request to Ms. Honssinger, requesting a copy of the follow-up document that came to the state Health Department from Anderson and Whitney that allegedly clarified the legal basis to deny Planned Parenthood state family planning funds. In response, Ms. Honssinger faxed me a copy of her letter to Anderson and Whitney dated October 23, 2001 in which she

makes that request of Anderson and Whitney. Ms. Honssinger also sent me page one of the "Property & Services Agreement between Planned Parenthood of the Rocky Mountains, Inc. and Planned Parenthood of the Rocky Mountains Services Corporation," dated September 1, 1999.

On February 1, 2002 I faxed another Colorado Open Records Act request to Ms. Jane Norton, telling her I had received page one of Planned Parenthood's lease agreement between their corporations and now I would like to view the remainder of the contract. On February 7, 2002 I received a letter from Ms. Honssinger by fax. In response to my request, Ms. Honssinger said "Pursuant to 24-103-401(2), C.R.S., of the state's Procurement Rules, 'Information furnished by a bidder or offeror pursuant to this section shall not be disclosed outside of the Department of Personnel or the purchasing agency without prior written consent by the bidder or offeror.' Anderson and Whitney, P.C., referred to the Property and Services Agreement as part of its independent agreed-upon procedures review; however, Planned Parenthood of the Rocky Mountains had to grant its explicit permission before

Anderson and Whitney representatives could see the document. Therefore the department cannot release the Property and Services Agreement."

Upon reading this startling letter, I phoned Ms. Honssinger. I told her I had page one and asked exactly why it was I couldn't have the remaining pages. She said that in hindsight she probably shouldn't have given me page one and in hindsight wouldn't do it again. I asked her if this violation of Colorado law was problematic for her department and your administration since both had made Planned Parenthood's alleged non-compliance with the Constitution about the spirit and letter of the law? She said, most nonchalantly, "Oh no, I can justify it." She said she could justify it because it was a part of what Anderson and Whitney had sent her in response to her October 23 letter.

However, sending me a copy of even one page of Planned Parenthood's lease agreement between their two corporations without getting Planned Parenthood's "explicit permission," was a blatant and willful violation of Colorado law. The fact is, if Ms. Honssinger is allowed to "justify" the release of one

page of that agreement, she can "justify" the release of the entire agreement, leaving Life and Liberty for Women to wonder whom else she's illegally released page one or the entire document to Gov. Owens, there is no justification or excuse for this violation of the spirit and letter of Colorado law. You sir may not claim to apply this standard to Planned Parenthood but not to your own administration or your own state Health Department.

Gov. Owens, you are responsible for the actions of those who serve in your administration, namely Ms. Cynthia Honssinger and Ms. Jane Norton, who are in turn responsible for the state Health Department's adherence to the letter and spirit of the law that governs that department therefore Gov. Owens, Life and Liberty for Women and our constituency would like to know what you will do about this willful violation of both the spirit and letter of Colorado law? Life and Liberty for Women would appreciate a timely response.

Sincerely,
Peggy E. Loonah
executive director
Life and Liberty for Women