

## **THE PROPOSED CLARENDON, TEXAS SANCTUARY CITY FOR THE UNBORN ORDINANCE: THE KEY POINTS (04-01-2024)**

1. The Biden Administration has committed to abortion access in every zip code, even in states like Texas where abortion has already been declared illegal. The proposed ordinance seeks to close as many of these loopholes as possible to prevent Biden's radical agenda from becoming a reality in the city limits of Clarendon, Texas.
2. Texas women are being trafficked across our Texas–New Mexico border by abortion traffickers who are often funded by abortion trafficking organizations still operating in the State of Texas. The proposed ordinance seeks to put an end to the roads of the city of Clarendon, Texas, being used for abortion trafficking.
3. Men and women are being hurt and traumatized by abortion across our Texas–New Mexico border and sent back to Texas for our city and county and state to deal with the aftermath in our homes, schools, universities, churches, women's organizations, and our hospitals. The proposed ordinance seeks to protect these institutions by putting safeguards in place to protect Clarendon, Texas for years to come.
4. The ordinance is enforced the same way the Texas Heartbeat Act, through a private enforcement mechanism. This mechanism proved to be successful by shutting down half of the abortions in the State of Texas. The Lubbock Ordinance, which also was enforced by the same private enforcement mechanism, shut down elective abortions entirely in their city from the point of conception. Both the Lubbock Ordinance and the Texas Heartbeat Act survived court challenges and are still in effect today. This means that the city government will not be enforcing any provision of this ordinance, but if violations do occur, citizens will have the ability to file a lawsuit against those in violation of the ordinance.

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### **Letters From Elected Officials in Support of Cities and Counties Outlawing Abortion Trafficking**

[New Mexico Elected Officials: A Letter in Support of Outlawing Abortion Trafficking](#) (10-18-23)

[Texas Elected Officials: A Letter in Support of Outlawing Abortion Trafficking](#) (08-21-23)

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The proposed Clarendon, Texas Ordinance would . . .

#### **1. Prohibit Performing Elective Abortions and Aiding or Abetting Elective Abortions Within the City Limits of Clarendon, Texas (Section 2)**

“It shall be unlawful for any person to procure or perform an elective abortion of any type and at any stage of pregnancy in the city of Clarendon, Texas. The prohibition in this section extends to drug-induced abortions in which any portion of the drug regimen is ingested in the city of Clarendon, Texas, and it applies regardless of where the person who performs or procures the abortion is located. . . . “It shall be unlawful for any person to knowingly engage in conduct that aids or abets an elective abortion.” The proposed Clarendon, Texas Ordinance extends Texas Heartbeat Act's private enforcement provision to the point of conception for all elective abortions within the city limits of Clarendon, Texas.

#### **2. Prohibit Elective Abortions On Residents of Clarendon, Texas, Regardless of Location (Section 3)**

“It shall be unlawful for any person to knowingly perform an elective abortion or knowingly engage in conduct that aids or abets an elective abortion if the abortion is performed on a resident of Clarendon, regardless of the location of the abortion, regardless of the law in the jurisdiction where the abortion occurred, and regardless of whether the person knew or should have known that the abortion was performed or induced on a resident of Clarendon.”

#### **3. Prohibit Abortion Trafficking (Section 4)**

“It shall be unlawful for any person to knowingly transport any individual for the purpose of providing or obtaining an elective abortion, regardless of where the elective abortion will occur. This section shall apply only if the transportation of such individual begins, ends, or passes through the city of Clarendon.” The proposed ordinance also prohibits aiding or abetting abortion trafficking, stopping abortion

traffickers from using the roads of the city of Clarendon, Texas, for illegal abortion trafficking operations.

**4. Prohibit Abortion-Inducing Drugs (Section 5)** “It shall be unlawful for any person to: Manufacture, possess, or distribute abortion-inducing drugs in Clarendon; Mail, transport, deliver, or provide abortion-inducing drugs in any manner to or from any person or location in Clarendon; Engage in any conduct that would make one an accomplice to the conduct described in subsections (a)(1) and (a)(2) under the principles of complicity set forth in section 7.02 of the Texas Penal Code.”

**5. Prohibit Criminal Organizations from Doing Business in the City of Clarendon (Section 6)** “It shall be unlawful for any criminal organization described... to operate or do business in the city of Clarendon.”

**6. Prohibit the Transport and Disposal of the Remains of Unborn Children Killed by Elective Abortions (Section 7)** “It shall be unlawful for any person to transport the remains of an unborn child who was killed by an elective abortion from any abortion provider into the city of Clarendon, or to dispose of such remains from any abortion provider within the city of Clarendon.”

#### **Helpful Resources:**

[The Texas Tribune: Texas conservatives test how far they can extend abortion and gender-transition restrictions beyond state lines](#) (02-09-24)

[Live Action: Fifth Texas county outlaws abortion and use of roads for ‘abortion trafficking’](#) (12-21-23)

[New York Times: In Texas, Local Laws to Prevent Travel for Abortions Gain Momentum](#) (10-24-23)

[Live Action: Fourth Texas county outlaws abortion and use of roads for ‘abortion trafficking’](#) (10-24-23)

[Texas Scorecard: West Texas County Restricts Abortion Trafficking On Its Highways](#) (09-29-23)

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***How would the proposed Clarendon, Texas SCFTU Ordinance be enforced?*** The proposed ordinance reads: “Any person, other than the city of Clarendon, and any officer or employee of the city, has standing to bring and may bring a civil action against any person or entity that: violates any provision of Sections 2, 3, 4, 5, 6, or 7; or intends to violate any provision of Sections 2, 3, 4, 5, 6, or 7.”

***Does the proposed Clarendon, Texas SCFTU Ordinance have a statute of limitations?*** The proposed ordinance reads: Notwithstanding any other law, a person may bring an action under this section not later than the sixth anniversary of the date the cause of action accrues.”

***Does the proposed Clarendon, Texas SCFTU Ordinance penalize the mother of the unborn child?*** The proposed ordinance reads: “Notwithstanding any other law, a civil action under this section may not be brought: against the woman upon whom the abortion was performed or induced or attempted to be performed or induced in violation of this ordinance, or against a pregnant woman who intends or seeks to abort her unborn child in violation of this ordinance.”

***Who wrote the proposed Clarendon, Texas SCFTU Ordinance?*** The proposed ordinance was written by Mark Lee Dickson and Attorney Jonathan F. Mitchell. Dickson and Mitchell have written more than 100 ordinances for cities and counties throughout the United States and have seen the passage of over 70 such ordinances. Jonathan F. Mitchell is a constitutional attorney who clerked for Supreme Court Justice Antonin Scalia, served as the Solicitor General of Texas, and is the architect of the Texas Heartbeat Act. Mitchell. Mark Lee Dickson can be contacted at 806-598-1919, by email at [markleedickson@gmail.com](mailto:markleedickson@gmail.com), or through his website at [www.markleedickson.com](http://www.markleedickson.com).