

Ordinance Outlawing Abortion in the City of Lindale, Texas

Section by Section Analysis

Preamble. Establishes that

- the ordinance outlaws murder within the city,
- declares the city a Sanctuary City for the Unborn,
- provides for severability,
- repeals conflicting ordinances, and
- sets the effective date.

Findings. Establishes that

- the City Aldermen/City Council find that the United States Constitution establishes a right to self-governance for local municipalities;
- that surgical or chemical abortion is the intentional ending of human life and is murder with malice aforethought since the preborn baby has his/her own DNA, heartbeat, and brainwaves;
- that preborn babies are the most innocent among us and deserve equal protection under the law;
- that the United States Supreme Court erred in *Roe v. Wade* when it said there is a constitutional right to abortion;
- that *Roe v. Wade* lacks reasoning and is a lawless and illegitimate act of judicial usurpation violating the Tenth Amendment to the U.S. Constitution;
- that the recent change of membership on the U.S. Supreme Court indicates that the pro-abortion justices have lost their majority; and,
- that the city has found it necessary to outlaw human abortion within its limits in order to protect the health and welfare of all its residents, including preborn children and pregnant women.

Section A. Defines

- “abortion,”
- “child,”
- “unborn child,”
- “abortionist,” and
- “city.”

Section B. Declares city

- to be a Sanctuary City for the Unborn;
- that abortion is at all times and at all stages of pregnancy an act of murder with malice aforethought, subject only to limited affirmative defenses;
- organizations that perform and assist in obtaining abortions are criminal organizations, excluding those which merely provide birth control devices or oral contraceptives to prevent pregnancy; and,
- that the U.S. Supreme Court’s rulings in *Roe v. Wade* and subsequent abortion jurisprudence which purport to establish a constitutional right to abortion are unconstitutional usurpations of judicial power

violating the Tenth Amendment to the U.S. Constitution and are null and void within the city.

Section C. Specifies what is an Unlawful Act, including

- procuring or performing an abortion of any type and at any stage of pregnancy within the city, and aiding or abetting an abortion occurring within the city.
- Clarifies that it shall be an affirmative defense to the above unlawful acts if the abortion was performed in response to a life-threatening physical condition to the pregnant woman.
- Declares that it is unlawful for a criminal organization defined above to operate within the city.

Section D. Establishes Public Enforcement of the ordinance, providing that

- neither the city nor any governmental officer or employee shall take steps to enforce this ordinance against a person or entity which commits an unlawful act unless and until the U.S. Supreme Court overrules *Roe v. Wade* and *Planned Parenthood v. Casey* and once again permits municipalities to enforce abortion prohibitions.
- Establishes that if the U.S. Supreme Court overturns *Roe* and *Casey*, a person or entity which committed an unlawful act described above shall be subject to the maximum penalty permitted under Texas law for violating a municipal ordinance governing public health and that each violation constitutes a separate offense.
- Clarifies that no punishment shall be imposed on the mother of the preborn child who was aborted.

Section E. Establishes Private Enforcement of the ordinance, providing that

- a person or entity which commits an unlawful act described above shall be liable in tort to any surviving relative of the aborted preborn child for compensatory and punitive damages and costs and attorneys' fees.
 - The surviving relatives of the aborted preborn child include the preborn child's mother, father, grandparents, siblings or half-siblings, aunts, uncles, or cousins.
 - Clarifies that the mother of the preborn child who was aborted is excluded from liability and that there is no statute of limitations for this private right of action.
- Establishes that any private citizen may bring a qui tam relator action against a person or entity which commits an unlawful act described above and may be awarded injunctive relief, statutory damages, and costs and attorneys' fees.
 - Clarifies that no damages or liability for costs and attorneys' fees may be assessed against the mother of the preborn child who was aborted and that there is no statute of limitations for this qui tam relator action.
 - Specifies that no qui tam relator action may be brought by the city or any governmental officer or employee.

Section F. Severability clause.

Section G. Effective date: immediate upon majority vote within the city council's meeting.