The Effort To Outlaw Abortion and Abortion Trafficking in Amarillo, Texas, Fact Sheet
(October 12, 2023)

As of Thursday, October 12, 2023, a total of 67 cities (50 in Texas, 8 in Nebraska, 2 in Ohio, 1 in Louisiana, 1 in Iowa, 4 in New Mexico, and 1 in Illinois) and 5 counties (2 in New Mexico and 3 in Texas) have passed ordinances prohibiting abortion within their city and county limits.

Cities in Texas which have already passed a similar ordinance include: Waskom (pop. 2,189), Omaha (pop. 1,021), Naples (pop. 1,378), Joaquin (pop. 850), Tenaha (pop. 1,160), Gilmer (pop. 5,216), Westbrook (pop. 312), Rusk (pop. 5,618), Colorado City (pop. 4,146), Gary (pop. 311), Big Spring (pop. 28,862), Wells (pop. 769), Whiteface (pop. 449), East Mountain (pop. 797), New Home (pop. 320), Morton (pop. 2,006), Ackerly (pop. 251), Grapeland (pop. 1,489), Goldsmith (pop. 257), Carbon (pop. 348), Gorman (pop. 1,083), Murchison (pop. 606), Latexo (pop. 322), Lubbock (pop. 264,000), Abernathy (pop. 2,839), Poyner (pop. 314), Levelland (pop. 14,582), Sundown (pop. 1,397), Sterling City (pop. 888), Centerville (pop. 892), Eastland (pop. 3,970), Leona (pop. 175), Crawford (pop. 733), Brownsboro (pop. 1,036), Impact (pop. 20), Nazareth (pop. 311), Cisco (pop. 3,913), Anson (pop. 2,556), Slaton (pop. 6,235), Jewett, (pop. 1,250), Shallowater (pop. 2,613), Lindale (pop. 6,730), Marquez (pop. 313), Normangee (pop. 778), Athens (pop. 13,121), Abilene (pop.124,407), San Angelo (pop. 101,612), Plainview (pop. 22,343), Odessa (pop. 125,413), and Little River-Academy (pop. 2,048).

Counties in Texas which have passed similar ordinances prohibiting abortion within the unincorporated area of their counties include Mitchell County (pop. 9,070), Goliad County (pop. 7,012), and Cochran County (pop. 2,547).

Currently only five Texas cities have passed the ordinance through the citizen initiative petition process: Lubbock (pop. 264,000), Athens (pop. 13,121), Abilene (pop.124,407), San Angelo (pop. 101,612), and Plainview (pop. 22,343). The remaining 45 cities in Texas have all passed their ordinances through the normal route by a vote of their mayor and city council. The citizen initiative process in these five cities were brought about because of an unwillingness of their elected officials to address the issue. The citizen initiative process should only be used as a last resort measure to pass the ordinance, as the proper way for this ordinance to be handled really is through a vote by the mayor and city council who are “the people’s elected representatives.”

How is the passage of this proposed ordinance even possible?

The findings of the proposed Amarillo, Texas, Sanctuary City for the Unborn Ordinance outlines the basis of why this measure should be passed and how the passage of this measure is even possible. While these findings are not part of the amendment to the city code, these findings make the foundations of thought for this proposed law clear.
The Sanctuary Cities for the Unborn Initiative was birthed out of a law passed during the 86th Legislative Session that prohibited any political subdivision of the State of Texas from using taxpayer dollars to fund any abortion provider or any affiliate of an abortion provider. In the prohibition, the Texas Legislature made clear that the law could not be construed to restrict a municipality or county from prohibiting abortion. The relevant statute, Texas Government Code § 2273.005, read, “This chapter may not be construed to restrict a municipality or county from prohibiting abortion.” While it was believed that cities and counties could prohibit abortion even without this statute, and that the statute itself was limiting only to the chapter it was in, the statute was a welcome addition to the laws of the State of Texas.

What really gives cities and counties the explicit ability to pass such ordinances, however, is a law that was passed during the 87th Legislative Session. During the 87th Legislative Session, the State of Texas explicitly allowed political subdivisions to outlaw and prohibit abortion and to establish penalties and remedies against those who perform or enable unlawful abortions. Texas Government Code § 311.036(b), reads, “A statute may not be construed to restrict a political subdivision from regulating or prohibiting abortion in a manner that is at least as stringent as the laws of this state unless the statute explicitly states that political subdivisions are prohibited from regulating or prohibiting abortion in the manner described by the statute.”

**Who are the closest abortion providers to Amarillo, Texas?**

The majority of elective abortions in America are chemical abortions where the first part of the abortion drug regimen is ingested at an abortion facility and then the second abortion drug is taken afterwards, away from the abortion facility.

The closest abortion facility to Amarillo, Texas, is the newly established C.A.R.E. Clinics for Abortion and Reproductive Excellence in Pueblo, Colorado - located about 259 miles away. We believe this facility would not be open had the Pueblo City Council passed an ordinance which was proposed to them this past year. The next closest abortion facility is Alamo Women’s Clinic in Albuquerque, New Mexico - located about 265 miles away.

C.A.R.E. Clinics for Abortion and Reproductive Excellence in Pueblo, Colorado, provides the abortion pill through 10 weeks, 6 days and surgical abortions through 18 weeks, 6 days. Alamo Women’s Clinic in Albuquerque, New Mexico provides the abortion pill through 11 weeks and surgical abortions through 21 weeks, 6 days.

**If abortions are not being provided in Amarillo, Texas, should this proposed ordinance even be considered?**

In January 2021, on the anniversary of Roe v. Wade, the Biden Administration stated their
commitment to make sure everyone has abortion access in every zip code. Since late June 2022, when Roe v. Wade (1973) and Planned Parenthood v. Casey (1992) were overturned, it is worth noting that the Biden Administration has not relented to continue their attempt to fulfill this promise of abortion access in every zip code as they have tried to make sure abortion can become a reality for anyone and everyone - even those who reside in the great state of Texas. The fact that our current administration has made these statements, and the fact that the Biden Administration is unrelenting in their pursuit in a post-Roe America is bringing concern to many throughout the United States - including those within Amarillo, Texas. That is reason enough to make sure that this proposed ordinance is on the books in Amarillo, Texas.

In addition to this, we know from Texas History that the first “legal” abortion facility in Texas was started in Dallas by an abortionist by the name of Curtis Wayne Boyd in 1973. Prior to opening his facility, we know that Curtis Wayne Boyd committed over 10,000 illegal abortions in 1968 - five years before the Roe v. Wade ruling, in a state which had completely outlawed abortion. Had there been an ordinance passed in Athens then, like the one which has been given to the City of Amarillo, Texas, allowing private lawsuits to be filed against the abortionist and anyone who aids or abets an abortion performed on a child from the moment of conception, then perhaps Curtis Wayne Boyd would have been stopped and those 10,000 lives could have been saved.

Since Curtis Wayne Boyd started committing abortions, he has committed over 250,000 abortions by himself, with his two abortion facilities in Texas and New Mexico being responsible for over 500,000 abortions. If only he had been stopped in Athens then perhaps that reign of terror would have never happened. By passing this ordinance in Amarillo, Texas, you are doing your part to stop the next Curtis Wayne Boyd.

Are cities and counties “out of their lane” when they consider “outlawing abortion”?

Mayors and city councils pass ordinances banning particular things or actions all the time. From the use of engine brakes on big trucks to the number of dogs or cats or chickens that one can own within the city limits, city leadership often decides what would and wouldn’t be good for their communities.

In February of 2021, the City Council of Petaluma, California, unanimously voted to permanently bar the construction of new gas stations as well as ban adding more gas pumps to existing stations. While some undoubtedly opposed the measure, the people elected to govern the City of Petaluma had a decision to make, and so they did. On December 9th, 2015, the Cincinnati, Ohio, City Council voted 7-2 in favor of an ordinance banning Gay Conversion Therapy. While the City of Cincinnati was the first city in the United States to pass such a ban, they would not be the last. Since 2015 over 80 cities have passed ordinances banning Gay Conversion Therapy within their city limits. While many in conservative circles oppose bans on Gay Conversion Therapy, many leaders in liberal cities across the United States have had no problem in putting forth such legislation.
The passage of an ordinance outlawing abortion is no different than any other ordinance. This proposed ordinance is being considered to protect the citizens of Amarillo, Texas, and their posterity.

**Isn’t abortion healthcare?**

Abortion is not healthcare. Dr. Karysse Trandem is an obstetrician and gynecologic surgeon who has been board certified for the last seven years and is practicing. Through her practice she has seen patterns of distress in women who have had abortions. She has done research at the National Institutes of Health in Washington, D.C., and the World Health Organization in Geneva, Switzerland. She has been able to compile the risks to women who undergo an abortion. At the Lubbock March for Life in January 2021, Dr. Trandem shared with those in attendance that “Healthcare is not abortion.” Dr. Trandem explained,

> “The risks to women are four-fold. (1) Breast Cancer. Women who have one abortion have a 30 - 40% increased risk of breast cancer in their lifetime. (2) Preterm Birth. Women who have a surgical abortion have a 36% increased chance of having a preterm birth because their cervix was damaged from an abortion. (3) Uterine Damage. There can be a hemorrhage that occurs when an active pregnancy is separated from the wall of the uterus. That can lead to severe hemorrhage, even death, and scarring that prevents future pregnancies. (4) Mental Health Issues. Women who have one abortion have an 81% increased risk of having emotional health problems that stays with them for the rest of their life. Like depression, anxiety, post traumatic stress disorder, and a higher rate of suicide.”

Abortion hurts women and kills their children. This is why so many across the United States are wanting to do their part and make sure that this practice never comes to their cities.

**What is the size of the cities which have passed Sanctuary for the Unborn ordinances?**

Of the 67 cities which have passed ordinances outlawing abortion within their city limits, 18 cities have populations over 5,000. The other 49 cities are all under 5,000. Out of those 49 cities under 5,000, 20 are under 500. While some may criticize the size of some of these cities which have outlawed abortion, it is worth noting that the majority of incorporated cities throughout the United States have less than 5,000 people and a good number of those cities have less than 500 people! According to the United States Census Bureau, “About 76% of the approximately 19,500 incorporated places had fewer than 5,000 people. Of those, almost 42% had fewer than 500 people.” The U.S. Census Bureau went on to state, “only 4.0% (780) of all cities had a population of 50,000 or more in 2019, yet nearly 39% of the U.S. population (127.8 million) live in those cities.”[2] Currently 4 of the 67 cities which have outlawed abortion are over 50,000: Lubbock (pop. 264,000), Abilene (pop.124,407), San Angelo (pop. 101,612), and Odessa (pop. 125,413).

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### POPULATION CATEGORIES FOR CITIES WHICH HAVE OUTLAWED ABORTION

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- **TEXAS:** 4 Cities Total
- **NEW MEXICO:** 30 Cities Total
- **ILLINOIS:** 14 Cities
- **NEBRASKA:** 19 Cities Total
- **LOUISIANA:** 14 Cities
- **IOWA:** 19 Cities Total
- **TOTAL:** 30 Cities Total
What does the proposed Amarillo, Texas, Sanctuary for the Unborn Ordinance do?

The proposed Amarillo, Texas, Sanctuary City for the Unborn Ordinance (1) prohibits elective abortions and the aiding or abetting of elective abortions within city limits – extending the private enforcement mechanism found in the Texas Heartbeat Act from the point of detectable heartbeat to the point of conception, (2) prohibits elective abortions or the aiding or abetting of elective abortions on residents who live within the city limits – regardless of the location of the abortion, (3) prohibits the manufacturing, possession, or distribution of abortion-inducing drugs within the city limits, and (4) prohibits abortion trafficking and the aiding or abetting abortion trafficking within the city limits – making it illegal for abortion traffickers to use any roads or runways within the city limits.

Lastly, the ordinance (5) prohibits the transport of the remains of unborn children who have been killed by an elective abortion from any abortion provider into the city limits, or to dispose of such remains within the city limits and (6) prohibits organizations seeking to profit off of the murder of innocent children from operating or doing business within the city limits.

Abortion is defined by the proposed ordinance as “the act of using, prescribing, administering, procuring, or selling of any instrument, medicine, drug, or any other substance, device, or means with the purpose to terminate the pregnancy of a woman, with knowledge that the termination by any of those means will with reasonable likelihood cause the death of an unborn child.”

The proposed ordinance is clear that the term does not include: “In vitro fertilization or fertility treatments of any type; The use, prescription, administration, procuring, or selling of Plan B, morning-after pills, intrauterine devices, or any other type of contraception or emergency contraception; or an act performed with the purpose to: save the life or preserve the health of the unborn child; remove a dead unborn child caused by spontaneous abortion; or remove an ectopic pregnancy, the implantation of a fertilized egg or embryo outside of the uterus.”

The proposed ordinance is also crystal clear that what is being covered are elective abortions. “Elective abortion” is defined as “any abortion that is not performed or induced in response to a medical emergency.” The term “medical emergency” is defined to mean “a life-threatening physical condition aggravated by, caused by, or arising from a pregnancy that, as certified by a physician, places the woman in danger of death or a serious risk of substantial impairment of a major bodily function unless an abortion is performed.”

Does the proposed Amarillo, Texas, Sanctuary City for the Unborn Ordinance penalize the mother of the unborn child?

The proposed Amarillo, Texas, Sanctuary City for the Unborn Ordinance does not penalize the mother of the unborn child that has been aborted. The proposed ordinance states, “under no circumstance may the woman upon whom the abortion was performed, or the pregnant woman who seeks to abort her unborn child, be subject to prosecution or penalty.”
How is the proposed Amarillo, Texas Sanctuary City for the Unborn ordinance different from the current laws on abortion in the State of Texas?

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<tr>
<th>TEXAS HEARTBEAT ACT</th>
<th>PRE-ROE v. WADE STATUTES</th>
<th>HUMAN LIFE PROTECTION ACT</th>
<th>PROPOSED AMARILLO SCFTU ORDINANCE</th>
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<tr>
<td>Went into effect on September 1, 2021</td>
<td>Came back into effect on June 24, 2022</td>
<td>Went into effect on August 25, 2022</td>
<td>Not in effect. Proposed ordinance.</td>
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<td>Passed by the Texas Legislature.</td>
<td>Passed by the Texas Legislature.</td>
<td>Passed by the Texas Legislature.</td>
<td>Can only be passed by the Amarillo City Council.</td>
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<td>Protects children with a detectable heartbeat within the State of Texas.</td>
<td>Protects children at the point of conception within the State of Texas.</td>
<td>Protects children at the point of conception within the State of Texas.</td>
<td>Protects children at the point of conception within the City of Amarillo, the State of Texas, and outside the State of Texas.</td>
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<td>Enforced by any Texas citizen through the filing of a civil lawsuit.</td>
<td>Enforced by the State of Texas through criminal penalties.</td>
<td>Enforced by the State of Texas through criminal, civil, and administrative penalties.</td>
<td>Enforced by any Texas citizen through the filing of a civil lawsuit.</td>
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<td>Abortions allowed in cases of medical emergency.</td>
<td>Abortions allowed in the case of the life of the mother.</td>
<td>Abortions allowed if the pregnancy poses a risk to the mother’s life or if there is a serious risk of substantial impairment of a major bodily function unless the abortion is performed.</td>
<td>Abortions allowed if the pregnancy poses a risk to the mother’s life or if there is a serious risk of substantial impairment of a major bodily function unless the abortion is performed.</td>
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The Texas Heartbeat Act and the proposed Amarillo, Texas, Sanctuary City for the Unborn Ordinance: Compared

The proposed Amarillo, Texas, Sanctuary City for the Unborn Ordinance outlaws abortion from the moment of conception - allowing private lawsuits to be filed against the abortionist and anyone who aids or abets an abortion performed on a child from the moment of conception, while the Texas Heartbeat Act outlaws abortion from the point of a detectable heartbeat - only allowing private citizens to file lawsuits against the abortionist and anyone who aids or abets an abortion performed on a child from the moment of a detectable heartbeat.

While the proposed Amarillo, Texas, SCFTU Ordinance is stricter than the Texas Heartbeat Act, the Texas Heartbeat Act allows for it to be stricter as long as the ordinance is not stricter than current state law. The Texas Heartbeat Act states in Sec. 17.206, “This subchapter does not create or recognize a right to abortion before a fetal heartbeat is detected. (b) This subchapter may not be construed to . . . (3) restrict a political subdivision from regulating or prohibiting abortion in a manner that is at least as stringent as the laws of this state.”

The Texas Heartbeat Act further stated, “The legislature finds that the State of Texas never repealed, either expressly or by implication, the state statutes enacted before the ruling in Roe v. Wade that prohibit and criminalize abortion unless the Mother’s life is in danger.”

In a May 2021 interview with KCBD Lubbock, Constitutional law professor Josh Blackman said the Governor’s signature on the Texas Heartbeat Act supports any city which wishes to outlaw abortion. Speaking of the Texas Heartbeat Act, Blackman shared, “It says that if a local municipality like Lubbock wants to go further and impose greater restrictions on abortion, they can, so they won’t be in conflict. These two laws will be in harmony”

Since September 2021, when the Texas Heartbeat Act went into effect, 15 cities and 3 counties in Texas have passed ordinances outlawing abortion within their city or county limits including: Impact (pop. 20), Nazareth (pop. 311), Cisco (pop. 3,913), Anson (pop. 2,556), Slaton (pop. 6,235), Jewett, (pop. 1,250), Shallowater (pop. 2,613), Lindale (pop. 6,730), Marquez (pop. 313), Normangee (pop. 778), Athens (pop. 13,121), Abilene (pop.124,407), San Angelo (pop. 101,612), Plainview (pop. 22,343), Odessa (pop. 125,413), and Little River-Academy (pop 2,048), Mitchell County (pop. 9,070), Goliad County (pop. 7,012), and Cochran County (pop. 2,547).

At the time of this writing the Texas Heartbeat Act is still in effect throughout the State of Texas.

The pre-Roe v. Wade Texas Criminal Abortion Statutes, the Human Life Protection Act, and the Amarillo, Texas, Sanctuary City for the Unborn Ordinance: Compared

The proposed Amarillo, Texas, Sanctuary City for the Unborn Ordinance outlaws abortion
from the moment of conception - allowing private citizens to file lawsuits against the abortionist and anyone who aids or abets an abortion performed on an unborn child from the moment of conception, while the pre-\textit{Roe v. Wade} Texas criminal abortion statutes and the Human Life Protection Act outlaw abortion from the moment of conception - but only enforces these violations through traditional means of public enforcement.

The pre-\textit{Roe v. Wade} Texas criminal abortion statutes and the Human Life Protection Act do not explicitly allow for private citizens to file lawsuits against the abortionist and anyone who aids or abets an abortion performed on an unborn child from the moment of conception.

While it may seem to some that this provision allowing for private lawsuits is not needed, all anyone has to do is look back to 1968, when the pre-\textit{Roe v. Wade} Texas criminal abortion statutes were the law of Texas – criminalizing abortion from the moment of conception. Even though this was the law of Texas, Henderson County Health Officer Curtis Wayne Boyd committed 10,000 illegal abortions in Athens, Texas. To this very day, Curtis Wayne Boyd has still not been held accountable for those crimes.

We need protections on our books to prevent horrible actions like this from happening ever again in our cities and counties. Athens, Texas, was the gateway for the abortion industry in Texas. This ordinance in Amarillo, Texas, would allow its citizens to do their part to make sure that their community never becomes a new gateway for abortion in Texas.

Since June 2022 – when \textit{Roe v. Wade} (1973) and \textit{Planned Parenthood v. Casey} (1992) were overruled, and the pre-\textit{Roe v. Wade} Texas criminal abortion statutes were able to be enforced again, and since August 2022 - when the Human Life Protection Act went into effect, 6 cities and 2 counties in Texas have passed ordinances outlawing abortion within their city or county limits including: Athens (pop. 13,121), Abilene (pop.124,407), San Angelo (pop. 101,612), Plainview (pop. 22,343), Odessa (pop. 125,413), and Little River-Academy (pop. 2,048), Mitchell County (pop. 9,070), Goliad County (pop. 7,012), and Cochran County (pop. 2,547).

At the time of this writing both the pre-\textit{Roe v. Wade} Texas criminal abortion statutes and the Human Life Protection Act are still in effect throughout the State of Texas.

\textit{What if Amarillo, Texas, passed a resolution instead of an ordinance?}

While some cities and counties across the United States have passed resolutions declaring themselves a “sanctuary for the unborn” those resolutions are just statements which do not outlaw anything. Currently there are 67 cities and 5 counties throughout the United States which have passed ordinances outlawing abortion - recognizing that it is not good enough to say they value the lives of their unborn neighbors if there are no actions to back up those words. A resolution or a proclamation does absolutely nothing to protect the health and welfare of the residents of Amarillo, Texas - \textit{which is why an enforceable ordinance is necessary.}
What if the City of Amarillo, Texas, is sued for passing the proposed Sanctuary City for the Unborn ordinance?

If the proposed ordinance is adopted by the Amarillo, Texas, city council, and the city faces a lawsuit as a result of the adoption of this ordinance, Attorney Jonathan F. Mitchell, the former Texas Solicitor General, has agreed to represent the City of Amarillo, Texas, at no cost to the city and at no cost to taxpayers, for any litigation which results in their passage of this ordinance.

In February of 2020, the ACLU filed a lawsuit against seven Sanctuary Cities for the Unborn only to withdraw their lawsuit in May of the same year. Every one of the seven Sanctuary Cities for the Unborn were represented at no cost to the cities and the taxpayers by Jonathan F. Mitchell. The lawsuit from the ACLU did not cost the seven cities which were sued or their taxpayers one cent, the cities were well represented and defended, and abortion continues to remain banned in every city which was sued.

In May of 2021 Planned Parenthood and the ACLU filed a lawsuit against the City of Lubbock for outlawing abortion within their city limits. The lawsuit was filed before the Honorable Judge James Wesley Hendrix of the United States District Court for the Northern District of Texas. A hearing was held on Friday, May 28, 2021 in the courtroom of the Honorable Judge James Wesley Hendrix of the United States District Court for the Northern District of Texas.

Prior to the hearing Judge Hendrix asked the Office of the Attorney General to respond to the views on the questions of Texas laws which were presented by Planned Parenthood in this particular case. In response to the request, Judd E. Stone, the Solicitor General of Texas, released a seven page letter on May 31, 2021, to Judge Hendrix’s court.

The letter read:

“In our view, Planned Parenthood has not shown that Lubbock’s ordinance is inconsistent with state law . . . the Texas Legislature has clarified that state law does not prevent cities like Lubbock from imposing regulations like those that Planned Parenthood challenges . . . Planned Parenthood has not identified a statute that ‘explicitly states that political subdivisions are prohibited from regulating or prohibiting abortion’—let alone one that prohibits the type of regulations at issue here . . . Lubbock’s ordinance is entirely consistent with state law.”

Late on June 1, 2021 Judge Hendrix ruled in Planned Parenthood of Greater Texas Surgical Health Services, et al. v. City of Lubbock, Texas with a 50 page ruling dismissing Planned Parenthood’s case for a lack of jurisdiction.

While Attorney Jonathan F. Mitchell was willing to represent the city of Lubbock at no expense
to the city or its taxpayers, the mayor and city council of Lubbock rejected Mitchell’s offer and hired attorneys out of Austin and Lubbock at the expense of the City of Lubbock.

**What if the City Attorney is against the ordinance?**

Just like every individual council member has their own opinion, attorneys have their own opinion as well. Over the course of the last 50 cities in Texas we have seen city attorneys who were in favor of their city passing the ordinance and city attorneys who were against their city passing the ordinance.

In an article published May 5, 2021 in the Texan, Houston law professor Josh Blackman said that the crafting of the Sanctuary City for the Unborn Ordinance’s text has “complicated pro-choice retaliation that would otherwise be cut-and-dry.” Speaking of the Lubbock Ordinance, Professor Blackman said,

“It’s actually a very clever ordinance, the way they’ve devised it. Usually, the way laws work is the government enforces it. So let’s say the city or county puts a restriction on abortion…. With the usual law, when the government enforces it, Planned Parenthood can bring what’s called a pre-enforcement challenge. It says, ‘Well, this law hasn’t been enforced yet, but they will enforce it, and when they do enforce it, we’ll have our rights violated. So we can sue now.’”

“This ordinance is different. It specifically says government, the Lubbock government, cannot enforce this law. Cannot. The only people who can enforce this law are private citizens… Why is this fact important? It’s almost impossible to do a pre-enforcement challenge when the government’s not enforcing it. In other words, they can sue the government — which they probably will try to — and the court will say, ‘Well, that’s nice, but the government can’t enforce this law, so what are you suing them for?’ There’s no way for a court to hear the validity of this law until someone actually brings a civil lawsuit.”

When the Lubbock Ordinance was passed, and challenged in a lawsuit by Planned Parenthood, the Attorney General’s Office weighed in on the lawsuit stating,

“In our view, Planned Parenthood has not shown that Lubbock’s ordinance is inconsistent with state law . . . the Texas Legislature has clarified that state law does not prevent cities like Lubbock from imposing regulations like those that Planned Parenthood challenges . . . Planned Parenthood has not identified a statute that ‘explicitly states that political subdivisions are prohibited from regulating or prohibiting abortion’—let alone one that

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prohibits the type of regulations at issue here . . . Lubbock’s ordinance is entirely consistent with state law.”

All of this was written in 2021, more than a year before Roe v. Wade (1973) and Planned Parenthood v. Casey (1992) were overturned by the Supreme Court of the United States.

Does the use of a “private enforcement mechanism” in the proposed Amarillo, Texas, Sanctuary City for the Unborn Ordinance seek to “turn neighbor against neighbor”?

The proposed Amarillo, Texas, Sanctuary City for the Unborn Ordinance was not designed to be enforced by the City of Amarillo, but was designed to be solely enforced through private citizens. The proposed ordinance does this by the creation of a private cause of action which allows for an individual to sue any individual or company who knowingly violates the proposed ordinance. While some have claimed that this “private enforcement mechanism” turns neighbor against neighbor, the ordinance would not “turn neighbor against neighbor” any more than a noise ordinance would turn “neighbor against neighbor.”

When the Texas Heartbeat Act went into effect on September 1, 2021, many opposed the state law’s use of a private enforcement mechanism and wholeheartedly claimed that the law would “turn neighbor against neighbor” and create mass chaos all over Texas. Many in opposition to the measure said this because they saw the use of a “private enforcement mechanism” as something diabolically evil. Truth be told, the private enforcement mechanism was not something new to the Texas Heartbeat Act or even to the Sanctuary Cities for the Unborn ordinances which came prior.

The use of private causes of action as enforcement provisions is actually more common than some people may realize. Governments at every level have created private causes of action. Congress created private causes of action in both the Americans with Disabilities Act (ADA) and the Health Insurance Portability and Accountability Act (HIPPA). In years past, the city councils of Portland, Oregon, and New York City, New York, have passed ordinances which created private causes of action against any entity that uses “facial recognition technology” in public places. Perhaps even more so, in the world of real estate, purchasers of a property are given a private cause of action against the seller of a property and may recover the actual damages, court costs, and reasonable attorney’s fees. Are people accusing real estate laws of creating a “bounty hunter mentality” or is the situation different because it is not about abortion?

The “private enforcement mechanism” found in the proposed measure does not seek to “turn neighbor against neighbor” but seeks to “love our neighbor” by making sure that we live in communities where our pregnant neighbor mothers are not traumatized by abortion, and our
unborn neighbors are not killed by an abortionist or by abortion-inducing drugs. No human being in this world has a right to kill another innocent human being.

For over 50 years, unborn children have been denied the “right to life” and this ordinance establishes, once and for all, that in the City of Amarillo, unborn children have the “right to life.” This ordinance is not about taking away rights; it is about establishing the rights of the smallest and most vulnerable in a Post-Roe Texas which is paving the way for a Post-Roe America.

**Has any individual brought a lawsuit under a Sanctuary City for the Unborn Ordinance?**

To our knowledge no individual has ever sued another person for violating any of the Sanctuary Cities for the Unborn ordinances which have been enacted. Of the cities which have passed the ordinances, only one had an abortion facility which was actively performing abortions at the time of the ordinance’s passage. That city, of course, was the City of Lubbock, which passed the ordinance in a landslide election on May 1, 2021.

Planned Parenthood of Greater Texas had started performing abortions on April 15th, right before early voting began on April 19. The Lubbock Ordinance Outlawing Abortion did not go into effect until June 1, 2021. Planned Parenthood brought a lawsuit on May 17th in an attempt to stop the ordinance from going into effect, but that attempt failed, and the case was dismissed in Federal Court. On May 31 a letter to Judge Hendrix from the Attorney General’s Office opined that the Lubbock Ordinance was consistent with State Law - both with and without the passage of Senate Bill 8. Even though Judge Hendrix did not rule until the night of June 1, Planned Parenthood of Greater Texas started complying with the ordinance the morning of June 1 and has complied with the Lubbock Ordinance Outlawing Abortion ever since. Because of their compliance with the law there has been no reason for anyone to file a lawsuit against an abortionist or anyone aiding or abetting an abortion.

**How does Texas State leadership feel about cities outlawing abortion?**

Those who we have elected to make laws at our State Capitol in Austin, Texas, have passed legislation which supports cities passing legislation on the local level which prohibits abortion within their jurisdiction. A letter signed by Senators and Representatives across Texas, which is dated August 21, 2023, encourages municipalities across Texas to consider the ordinance. The letter states,

> While it is true that abortion is outlawed in the entire State of Texas, from the point of conception, our work is far from over. Right now, throughout the State of Texas, women are being trafficked across our borders by abortion traffickers funded by abortion trafficking organizations still operating in our state. As a result, these women are being abused and traumatized by abortion across our Texas-New Mexico border and sent back
to Texas for our cities and counties to deal with the aftermath taking place in our homes, our schools, our churches, and our hospitals.

The Sanctuary for the Unborn ordinances seek to protect these institutions by putting safeguards in place to protect men, women, and their children for years to come. These ordinances, which seek to close as many loopholes as possible, do not penalize women who seek or undergo abortions, but places the penalty on the party who most deserves it — the abortionist and the industry profiting from the unjust procedure, including abortion traffickers.

While we intend to do our part to keep our strong pro-life protections for mothers and their unborn children, we believe it will help for cities and counties to do their part as well. As state elected officials who are trusted by Pro-Life Texans to stand for life at every available opportunity, we believe this is a viable and crucial opportunity for local governments to protect their most vulnerable members. We look forward to partnering with you as we seek to defend innocent human life at every level of government.

Signers of the letter include: Representatives Dustin Burrows (HD 83), Carl Tepper (HD 84), Jeff Leach (HD 67), Jared Patterson (HD 106), Briscoe Cain (HD 128), Greg Bonnen (HD 24), James Frank (HD 69), Cole Heffner (HD 5), Stephanie Klick (HD 91), Ellen Troxclair (HD 19), Gennie W. Morrison (HD 30), Mark Dorazio (HD 122), Matt Schaefer (HD 6), Carrie Isaac (HD 73), and Senators Charles Perry (SD 28), Mayes Middleton (SD 11), Bryan Hughes (SD 1), Tan Parker (SD 12), Donna Campbell (SD 25), and Lois W. Kolkhorst (SD 18).

**Does the proposed Amarillo Ordinance Outlawing Abortion violate the “right to travel”?**

The abortion trafficking provision of the Amarillo Ordinance does not violate the right to travel. What the ordinance does do, however, is as much as we can possibly do to protect life on this side of the Texas-New Mexico border. Nothing in this ordinance states that women cannot travel outside the State of Texas, what this ordinance does say, however, is that it is against the law to assist with trafficking a woman across state lines for the purpose of aborting her unborn child. When commenting on the abortion trafficking ordinance passed in Cochran County, Texas, KOAT Albuquerque legal expert John Day said, "The issue is if you're in the state of Texas, you're subject to Texas laws. And there's nothing that New Mexico could do to provide immunity for anyone who's caught up in this issue in Texas."

The abortion trafficking provision of the Amarillo Ordinance tracks the current wording of the federal Mann Act of 1910 almost verbatim, with the exception that we have a broader definition of the prohibited purposes. Our prohibited purposes include abortion trafficking. Abortion trafficking would have fallen within the erstwhile “immoral purpose” definition of the Mann Act. Since all previous iterations of the Mann Act were upheld as constitutional, the abortion trafficking provision should survive any court challenge regarding its constitutionality.
**Does the proposed Amarillo Ordinance Outlawing Abortion require checkpoints to be set up along the roads to stop abortion trafficking?**

Nothing in the ordinance says anything about checkpoints. In fact, the ordinance actually forbids the Government of Amarillo from enforcing the ordinance - as the ordinance is meant to be enforced purely through private citizens filing a civil suit against anyone found in violation of the ordinance.

**If an Amarillo resident were to call someone to be picked up after their elective abortion, while at an abortion facility in Colorado or New Mexico, would the person picking up the Amarillo resident be violating Section 8-6-2 (Abortion Prohibited Within City Limits) of the proposed Amarillo Ordinance Outlawing Abortion?**

It depends on the circumstance as to whether they were or were not in violation of the proposed ordinance. Under Section 8-6-2, entitled “Abortion Prohibited Within City Limits,” the proposed ordinance reads:

“(a) 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 Amarillo, 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 Amarillo, Texas, and it applies regardless of where the person who performs or procures the abortion is located.”

The very next line then reads,

“(b) It shall be unlawful for any person to knowingly engage in conduct that aids or abets an elective abortion described in subsection (a).

Under Definitions, “Conduct that aids or abets an elective abortion” is defined as including “Providing transportation to or from an abortion provider,” but the only conduct which is being addressed in this section would be the conduct described in subsection (a). What types of abortions are described in subsection (a)? Abortions which are performed in the city of Amarillo, Texas, and abortions where any part of the drug regimen is ingested in the city of Amarillo, Texas.

The only way you can violate Section 8-6-2 “Abortion Prohibited Within City Limits” of the proposed Amarillo ordinance in Amarillo, right now, is by picking up an Amarillo resident in Colorado or New Mexico who has taken the first part of the two-part abortion drug regimen with knowledge that the resident intends to take the second part in the city of Amarillo and drive them into the city of Amarillo. If you were to knowingly be involved in that process, you would be “knowingly engaging in conduct that aids or abets an elective abortion described in subsection (a).”
If an Amarillo resident were to call someone to be picked up after their elective abortion, while at an abortion facility in Colorado or New Mexico, would the person picking up the Amarillo resident be violating Section 8-6-3 “Abortions Prohibited On Amarillo Residents” of the proposed Amarillo Ordinance Outlawing Abortion?

It depends on the circumstance as to whether they were or were not in violation of the proposed Amarillo Ordinance Outlawing Abortion. Under Section 8-6-3, entitled “Abortions Performed On Amarillo Residents,” the ordinance reads:

“(a) It is the policy of the city of Amarillo to protect its unborn residents from individuals and organizations that aid or abet the killing of unborn children, and to protect the unborn from those who seek to kill or otherwise harm them, to the maximum extent permissible under state and federal law. The prohibitions in this section and chapter shall apply extraterritorially to the maximum extent permitted by the Constitution of the United States and the Texas Constitution.

(b) Except as provided by Subsection (c), it shall be unlawful for any person to knowingly engage in conduct that aids or abets an elective abortion performed on a resident of Amarillo, Texas, or to attempt to engage in conduct that aids or abets an elective abortion performed on a resident of Amarillo, Texas, regardless of where the abortion is or will be performed.”

Under Definitions, “Conduct that aids or abets an elective abortion” is defined as including “Providing transportation to or from an abortion provider.” This means that if someone were to knowingly drive someone to or from an abortion provider they would be in violation of this ordinance - as long as the process was contributing to that elective abortion. Knowingly picking up a pregnant mother who has taken the first abortion pill, but has yet to take the second pill is absolutely a violation of this ordinance as they are “aiding or abetting an elective abortion.”

With this being the case, does that mean that an individual who merely picked up a Amarillo resident from an abortion facility in Colorado or New Mexico, with the sole purpose of giving them a ride home from a completed abortion, be guilty of “aiding or abetting an elective abortion” of a Amarillo resident?

This question first came up by a councilwoman in Llano, Texas, during the August 21, 2023, meeting of the Llano City Council. During the council meeting, the councilwoman shared a story from her college years about how she picked up a friend from an abortion facility to give her a ride home after her abortion. Based on the timeline of her story, and what that councilwoman shared about her experience, I do not believe that her actions would have violated this ordinance if this exact same scenario was replicated today in New Mexico - which is the closest abortion facility where a resident of Llano, Texas, can obtain an abortion.

Here’s why: The type of abortion which would have most likely been performed when the councilwoman was in college would have been a surgical abortion. If she picked up a Llano
resident today in New Mexico, after her friend had a completed surgical abortion, she would not be guilty of knowingly engaging in “conduct that aids or abets an elective abortion performed on a resident of Llano” because the abortion would be over.

Had it been a chemical abortion, however, that would make it a different story altogether. If it was a chemical abortion and the councilwoman knew that her friend had taken one of the two pills which are a part of the abortion drug regimen and was planning on taking the second pill, then she would be knowingly engaging in “conduct that aids or abets an elective abortion performed on a resident” of her city because she would be “Providing transportation to or from an abortion provider” when the abortion is in process.

**How can the Mayor and City Council truly know that the majority of the citizens of Amarillo are against abortion?**

An overwhelming majority of those who vote in Randall and Potter Counties are conservative Republican voters. In Randall County, during the 2020 Presidential Election, 78.54% (50,796) voted Republican, 19.79% (12,802) voted Democrat, and 1.66% (1,076) voted for other candidates. In Potter County, during the 2020 Presidential Election, 68.45% (22,820) voted Republican, 29.76% (9,921) voted Democrat, and 1.79% (596) voted for other candidates.

During the 2018 Republican Party Primary, voters had the opportunity to vote on proposition #7. This proposition gave voters the opportunity to vote FOR or AGAINST the following statement, “I believe abortion should be abolished in the State of Texas.” In Randall County, out of 16,363 votes, a total of 12,154 (74.28%) voted in favor of the statement and 4,209 (25.72%) voted against the statement. In Potter County, out of 7,693 votes, a total of 5,436 (70.66%) voted in favor of the statement and 2,257 (29.34%) voted against the statement. This means a majority of the majority of those who vote in Randall and Potter Counties are in favor of abortion being abolished in the State of Texas.

In addition to this, one of the official planks of the Republican Party of Texas 2020 Platform reads, “We support the right of Texas municipalities to protect mothers and preborn children in their communities by passing enforceable city ordinances that ban abortions and abortion industry businesses within their city limits.” Over 92% of Republican Party of Texas delegates voted in favor of this plank being added to the Republican Party of Texas 2020 Party Platform.

Most recently, during the 2022 Republican Party Primary on March 1st, voters in Randall and Potter Counties had the opportunity to vote on proposition #5. This proposition gave voters the chance to voice their opinion if they were “In Favor” or “Against” this following statement: “Texas should enact a state constitutional amendment to defend the sanctity of innocent human life, created in the image of God, from fertilization until natural death.” In Randall County, out of 17,540 votes, a total of 15,459 (88.14%) voted in favor of the proposition and 2,081 (11.86%) voted against the proposition. In Potter County, out of 7,619 votes, a total of 6,582 (86.39%) voted in favor of the proposition and 1,037 (13.61%) voted against the proposition.

While it is true that not every Republican is against abortion, it is also true that not every Democrat is for abortion. It should be noted that in Lubbock, Texas, many registered
Democrats signed the petition to outlaw abortion in the City of Lubbock, reminding many in Lubbock that many Democrats stand in opposition to the Biden Administration on the issue of abortion.

In response to an effort to pass an ordinance outlawing abortion in Manatee County, Florida, Kristen Day, the Executive Director with Democrats for Life of America, shared, “One out of every 3 Democrats support reasonable regulation of and limits on abortion. We support the county’s right to protect preborn life and we urge all pro-life Democrats to support similar initiatives to protect life and truly empower women.”

**How Grapeland, Texas, Came To Outlaw Abortion**

In a January 27, 2021, interview with KETK News, which can be found here: (www.ketk.com/news/local-news/grapeland-passes-ordinance-outlawing-abortion-in-city/), Mayor Mitchell Woody explained how the City of Grapeland, Texas (Population 1,489), came to pass an ordinance outlawing abortion within their city limits.

Mayor Mitchell Woody stated, “We had residents in our community who approached me wanting to see abortion outlawed in our community. It caught me off guard at first, but I was elected as the mayor of Grapeland to listen to the people.” KETK reports that before the ordinance passed, Mayor Woody was said to have met with Mark Lee Dickson - director with Right To Life of East Texas - as well as mayors of other cities in Texas which had passed a similar ordinance, including Waskom (Population 2,189), Rusk (Population 5,618) and Big Spring (Population 28,862). Waskom passed the ordinance on June 11, 2019, Rusk passed the ordinance on January 9, 2020, and Big Spring completed passing the ordinance on January 28, 2020. According to Mayor Woody, “Each one of them, all having passed the ordinance a year or more ago, have no regret for passing the ordinance.” Mayor Woody also said, “Our city attorney also looked at the ordinance and saw no problem with it. This is an ordinance which is backed by attorneys across the state of Texas and has the support of many of our state senators and representatives.”

Elected officials from cities throughout the United States are showing interest in passing enforceable ordinances outlawing abortion within their city limits as they do their part to protect the health and welfare of the residents of the zip codes in their cities.

**Questions or Media Inquiries can be directed towards:** Mark Lee Dickson, Director with Right To Life of East Texas and Founder of the Sanctuary Cities for the Unborn Initiative. Mark can be contacted by phone at 806-598-1919, by e-mail at markleedickson@gmail.com, or through his website at www.markleedickson.com. Mark has been involved in all 67 cities and 5 counties outlawing abortion in the United States.

[www.sanctuarycitiesfortheunborn.com](http://www.sanctuarycitiesfortheunborn.com)