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To: Mineral Wells City Council
From: Anjali V. Salvador
Date: July 16, 2019
Re: Mayor's Request for Consideration as a "Sanctuary City for the Unborn"

It is the view of the ACLU of Texas that declaring Mineral Wells to be a "sanctuary city for the unborn" in a similar manner to Waskom, Texas would be unconstitutional and potentially open Mineral Wells up to costly legal liability.

The Supreme Court ruled in *Roe v. Wade*, 410 U.S. 113 (1973), that access to abortion is a fundamental right guaranteed by the United States Constitution. It clarified in *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), that until the point when a fetus can survive outside the womb, or viability, every person has a constitutional right to access abortion care without undue interference from the government. Even after viability, governments cannot pass restrictions on abortion that do not have exceptions for the situation where someone's life or health is in danger.

In the last year, the ACLU has filed lawsuits in Alabama, Arkansas, Georgia, Kentucky, and Ohio challenging unconstitutional abortion bans. This type of litigation can be immensely costly. Restrictions on abortion passed in 2013—declared unconstitutional in *Whole Woman's Health v. Hellerstedt*, 136 S. Ct. 2292 (2016)—cost the state of Texas more than one million dollars.¹

In addition to implicating the fundamental right to abortion, targeting abortion providers for performing important constitutional work implicates other rights that the ACLU holds dear. We remain dedicated to protecting the rights of free speech and free association enjoyed by each person who lives in the United States. As the Supreme Court has stated, "long understood as implicit in the right to engage in activities protected by the First Amendment [is] a corresponding right to associate with others in pursuit of a wide variety of political, social, economic, educational, religious, and cultural ends." *Roberts v US Jaycees*, 468 U.S. 609, 622 (1984).

The ACLU of Texas urges the city of Mineral Wells to consider the best interests of its citizens and comply with its constitutional obligations.

¹ Alexa Ura, *Abortion Legal Fight Cost Texas More Than \$1 Million*, THE TEXAS TRIBUNE (June 29, 2016) <https://www.texastribune.org/2016/06/29/abortion-legal-fight-cost-texas-more-1-million/>.