



Written by [Dave Bohon](#) on February 6, 2012

Austin, Texas Maintains Harassing Ordinance Against Pro-Life Pregnancy Centers

A team of conservative legal advocacy groups has come to the aid of pro-life pregnancy centers in Austin, Texas, which continue to be harassed by city ordinances making it difficult for them to help women choose life for their babies. Late last year the city of Austin abandoned an ordinance it had passed requiring crisis pregnancy centers to post signs stipulating that they do not perform abortions or prescribe emergency birth control such as the morning-after abortion pill. But now the city council has implemented a new ordinance which omits the words “abortion” and “birth control,” but still requires the pro-life centers to stipulate whether or not they offer medical services under the direction of a licensed health-care provider.



The point of both versions of the law, the pregnancy centers and their attorneys point out, is to discourage expectant mothers from accessing the services of the centers and to turn instead to the city’s abortion clinics, which are not held to the same onerous standard.

The city’s manipulative campaign against the life-saving crisis pregnancy centers began in April 2010, [LifeSiteNews.com](#) reported, when the Austin city council voted to require its four pro-life pregnancy centers — Austin Pregnancy Resource Center, South Austin Pregnancy Resource Center, the Gabriel Project Life Center, and Austin LifeCare — to post signs outside their facilities stating in both English and Spanish: “This center does not provide abortions or refer to abortion providers. This center does not provide or refer to providers of U.S. Food and Drug Administration approved birth control drugs and medical devices.”

Failure to post the signs brought the charitably-funded centers fines of \$250 for the first offense, \$350 for a second citation, and \$450 for a third.

After the [Alliance Defense Fund](#) (ADF) and the [Texas Center for Defense of Life](#) (TCDL) teamed up to file a federal lawsuit against the city on behalf of one of the centers, Austin LifeCare, the city’s attorneys recommended that the ordinance be repealed “to avoid further litigation costs.”

But instead of abandoning its attack on the pregnancy centers, the city council simply replaced its objectionable ordinance with another equally onerous statute that, [explained the ADF](#), “continues to require pro-life centers to post negative signs simply because the centers speak to women about pregnancy.” As with the first, the replacement ordinance continues to exempt abortion facilities from the First Amendment-violating law.

“Under the ordinance, pro-life centers that don’t offer medical services must post negative signs even if



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the centers don't claim they are medical," explained the ADF. But perhaps most infuriating, explained the ADF, is the requirement that pro-life centers with licensed doctors who supervise ultrasounds procedures "must still post a sign declaring that the facility is not licensed to offer ultrasounds — even though there is no such thing as a facility license to perform ultrasounds, and, therefore, centers cannot obtain such licenses."

In response to the city's revised ordinance, the ADF, the TCDL, and the [Law of Life Project](#) have teamed up to file an amended federal complaint against the city on behalf of Austin LifeCare, asking a U.S. district court to halt enforcement of the statute.

"Pregnancy centers, which offer real help and hope to women, shouldn't be punished by political allies of the abortion industry," said ADF Legal Counsel Matt Bowman. "The city should recognize that using a sleight-of-hand to force pro-life centers to post the message the city wants does not solve the First Amendment problems with the law. Courts around the country have been striking these types of laws down."

According to the ADF, in January 2011 a federal judge struck down a [similar ordinance in Baltimore](#), and two months later ADF attorneys [secured an initial injunction](#) against an ordinance in Montgomery County, Maryland. Similarly, pro-life attorneys won the suspension of an ordinance in New York City that required pro-life pregnancy centers to post signs indicating that they did not perform abortions.

Samuel B. Casey of the Law of Life Project told LifeSiteNews that like Austin's original ordinance, the replacement law is a violation of the First Amendment, which guarantees individuals the right of free speech — including the right *not* to speak. Casey pointed out that the city has no authority to "make a private citizen speak the government's message. It doesn't matter what the message is. What matters is that it's the government's message."

TCDL president Gregg Terra added that the Austin ordinance is ideologically motivated and seeks "only to harass and to hinder the free services that pro-life pregnancy centers provide. This ordinance targets pregnancy centers for purely ideological reasons — simply because they are pro-life and encourage women to consider options other than abortion." He predicted that under the federal lawsuit the statute "will eventually suffer the same fate as all the other similar ordinances passed in other jurisdictions."

According to the [Catholic News Agency](#), the Catholic Diocese of Austin has joined with three Austin area crisis pregnancy centers — the Gabriel Project of Austin, Austin Pregnancy Resource Center, and the South Austin Pregnancy Resource Center — in their own lawsuit against the city over the ordinance.

"The decision by the Austin City Council to compel false and misleading speech is a clear violation of the pregnancy centers' constitutional rights and is a despicable ploy to deter women and families from using these charitable centers," said Jonathan Saenz of the [Liberty Institute](#), the Texas-based legal group representing the diocese and the centers in the case.

Saenz argued that the city council is pursuing a "national pro-abortion agenda" at the expense of women and unborn children who are benefiting from the free services of the clinics.

"The ordinance enacted by the City of Austin impedes our ability to perform this ministry effectively and it is unjust," said Bishop Joseph Vasquez of Austin. "We turn now to the courts to protect our constitutional rights."

Also speaking up for the pro-life pregnancy centers was former Texas Supreme Court Justice Raul Gonzalez, who said that the ordinance is "nothing more than an attempt to limit the options offered to



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women in pregnancy situations. Rather than allow women to actually have a choice and consider all of their options, NARAL [Pro-Choice America] and the City of Austin have chosen to bully these non-profit pregnancy resource centers who provide valuable services to women. Less competition means more money, and the abortion industry is all about the money.”

Photo: Austin City Hall



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