

**News Release**

**For Immediate Release**

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**AUSTIN CITY COUNCIL IGNORES ADVICE OF ITS OWN LAWYERS AND PROPOSES YET ANOTHER UNCONSTITUTIONAL ORDINANCE**

**Liberty Institute Defends First Amendment Rights of Roman Catholic**

**Diocese of Austin and Austin-Area Pregnancy Resource Centers**

**AUSTIN, TX, January 24, 2012**—Today, Liberty Institute, on behalf of three Austin, TX-area pregnancy resource centers, submitted a comment letter to the Mayor, City Council members and attorneys for the City of Austin, opposing as unconstitutional a newly proposed city ordinance requiring pregnancy centers, under the threat of criminal penalties, to disclose government-mandated information about their services at their front entrances—information the pregnancy centers already provide to women inside their facilities.

On January 26, the Austin City Council will discuss Chapter 10-9 of the Austin City Code, which, last week, the City’s Law Department recommended should be repealed. In addition to repealing the unconstitutional ordinance, the Austin City Council will also consider amending the ordinance. The newly proposed ordinance, however, suffers from many of the same defects including unfair application to facilities the City disagrees with and violates the First Amendment because it is compelled speech and discriminates on the basis of viewpoint.

“We encourage the Austin City Council to follow the recommendations of its own lawyers and simply repeal the current ordinance—that the City never enforced and is already the subject of a federal lawsuit—and do nothing more,” said Jonathan Saenz, an attorney and director of legislative affairs for Liberty Institute in Austin. “This rogue Council has now proposed an even more unconstitutional new ordinance, which shows that Mayor Leffingwell and Member Spelman would rather waste taxpayer dollars in court than do what is best for the people.”

Coauthors of the letter include former Texas Supreme Court Justice Raul Gonzalez, David Lill, and attorneys with Liberty Institute, who are co-counsel representing three Austin-area pregnancy resource centers in the pending federal lawsuit, *Roman Catholic Diocese of Austin, et al. v. City of Austin*.

If the Austin City Council fails to repeal the original ordinance or passes an amended ordinance as proposed, Liberty Institute’s clients, the Roman Catholic Diocese of Austin, Catholic Charities of Central Texas, the Austin Pregnancy Resource Center, and the South Austin Pregnancy Resource Center, will proceed with their federal lawsuit challenging the constitutionality of the ordinance. In three other federal district court cases in other jurisdictions, federal judges have held similar ordinances unconstitutional.

Liberty Institute is a non-profit legal firm defending and restoring religious freedom across America. For information, visit [www.LibertyInstitute.org](http://www.LibertyInstitute.org).

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*Liberty Institute attorneys are available to discuss the legal battle over whether it is constitutionally permissible for the City of Austin to force pregnancy centers to post a government-mandated disclaimer in their entrances.*