



The Justice Foundation

Advancing Life, Liberty, and Justice

CENTER AGAINST FORCED ABORTION

Dear Police or other Government Official:

If you are receiving this letter, then you have probably received a report of a threatened forced, coerced, or unduly pressured abortion. In order to avoid personal liability, you need to be aware that you could be held civilly liable under §1983 for failing to follow the law properly in this situation.

Under *Arnold v. Escambia Board of Education, Alabama*, a United States Federal Court of Appeals has already found that the **constitutional** right to decide whether or not to have an abortion enunciated in *Roe v. Wade* includes the right for a woman to decide whether or not to have an abortion **or carry the baby to term. That decision extends to minors under the Arnold case.**

The Arnold case holds that a government official who coerces “a minor to abort a child violates the minor’s constitutionally protected freedom to choose whether to abort or bear her child.” *Arnold v. Bd. of Ed. of Escambia County, Alabama*, 880 F. 2d 305 (11th. Cir. 1989) (*reversed on other procedural grounds*).

What you may not know, but need to know, is that if you as a government official tell a minor that she has to do what her parents tell her to do, when they are forcing her to have an abortion, you are violating her constitutional right to make the decision for herself. You and your department may be held liable for such action. Forced abortion can result in death or severe trauma. An involuntary forced abortion case is a potential criminal case such as homicide, child abuse, kidnapping, domestic partner violence, etc., depending on the specific facts and upon your state's criminal law. It is always a violation of the woman’s constitutional right for which you could potentially be civilly liable if you help the forced abortion occur rather than protecting the pregnant victim.

If you have further questions or would like more information, feel free to contact us by phone or visit our website at www.thejusticefoundation.org/cafa.

Respectfully Submitted,

Allan E. Parker, Jr.
President

**Disclaimer: This letter is for general educational and information purposes and does not constitute specific legal advice. Situations and state laws vary and you should consult an attorney for specific legal advice.*

The Justice Foundation is a non-profit, 501(c) (3) organization.

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