

## The New Mexico Life Case

**Case Name:** *State of New Mexico v. Board of County Commissioners for Lea County, Board of County Commissioners for Roosevelt County, City of Clovis, and City of Hobbs*

**Case Status:** New Mexico Supreme Court oral argument to be held on Dec. 13, 2023.

**Significance:** Whether state attorneys general may bypass the ordinary legal process to declare a new so-called “right” to abortion.



**Background:** Roosevelt County, along with other New Mexico localities, enacted ordinances that adopted longstanding federal law, prohibiting the shipment of abortion materials by mail or other common carriers. The state of New Mexico enacted legislation preempting these local ordinances. However, the Attorney General of New Mexico continued to pursue a mandamus action asking the state’s high court to create a new so-called “right” to abortion in the state’s constitution, bypassing the ordinary legal process and democratic procedures. The AG’s actions are an unfounded, drastic remedy. And the life and health of mothers and their children are at stake. In February 2023, Alliance Defending Freedom filed a friend-of-the-court brief on behalf of three pro-life advocacy organizations, arguing that the New Mexico Constitution does not contain a right to abortion. These New Mexico groups—New Mexico Family Action Movement, Right to Life Committee of New Mexico, and New Mexico Alliance for Life—are committed to preserving the welfare of mothers and their children, including life in the womb. Alliance Defending Freedom now represents Roosevelt County, a defendant in the case, urging the court to safeguard maternal health and unborn lives, and reject the Attorney General’s unlawful attempt to use mandamus to create a new right to abortion.

### Key Points

- Government officials like the Attorney General of New Mexico do not have the power to bypass ordinary legal processes to further their own political agenda.
- Pro-life laws affirm women’s dignity and prioritize their physical and emotional health and ensure that women aren’t put at the heightened risk of death, illness, and psychological trauma caused by abortion.

### Key Facts

- Roosevelt County enacted an ordinance that adopted longstanding provisions of federal law prohibiting the shipment of abortion materials by mail or common carrier.
- The Attorney General asked the Court to strike down the Roosevelt County ordinance and create a new so-called “right” to abortion in the New Mexico Constitution.
- The New Mexico Constitution does not contain a right to take innocent, unborn life.

**The Bottom Line:** State officials have no right to disregard federal law nor force illegal requirements that interfere with existing laws protecting the health and welfare of mothers and their unborn children. Women deserve real support and real health care.