Dear Clerk Fowler and Council President Scott,

This letter regards Bill 05-18, which was presented to me for signature after it was passed by Common Council in a 5-4 vote on Monday, April 23, 2018. If enacted, the Bill would amend the zoning ordinance to allow for the construction of a Women’s Care Center facility, next to the site of Whole Women’s Health Alliance, a proposed clinic that would provide services including abortion care.

The passage of this Bill presents me with a decision of whether to sign it, or to veto it pursuant to my authority under South Bend Municipal Code Section 21-09.05(e)(1)(F) concerning proposed zone map changes.

In recent days, I have heard from countless residents and activists on this issue. I have spoken directly with representatives of the Women’s Care Center and of Whole Women’s Health. I have also received a letter from the Council members whose districts are most directly affected, asking that I veto the zone map change.

I am aware that many of those who have asked me to pass or to veto this Bill have been motivated by their views on abortion rights. But legal and moral judgments about abortion are beyond the scope of this decision. The City of South Bend does not have a policy on abortion rights. The City does have a set of neighborhood policies, intended to ensure that growth and development benefit all concerned. I am responsible for guiding and impartially applying these policies. I must evaluate this case in the same way as if the situation were reversed, with an abortion clinic asking for a change in law to allow them to locate next door to a pro-life facility.

To sign this legislation in good conscience, I would have to concur that this is the highest and best use of the land, meriting a change in zoning. I would have to find that the neighborhood would be made better by this change in law, and that the proposed change is compatible with current conditions, future development, and property values in the area.
I have a very high regard for the representatives and volunteers of Women’s Care Center whom I have met and heard from. I believe that both they, and the Whole Women’s Health Alliance, are good residents who seek to support women by providing services consistent with their values.

I also appreciate efforts to reach an accommodation in this case, including commitments by Women’s Care Center to attempt to inhibit protesting on their side. In addition, after I suggested taking proactive measures to prevent any risk of confusion between their facility and an abortion clinic, I appreciate that Women’s Care Center acted quickly to post language on their website, clarifying that they are not a provider of abortion services.

Ultimately, though, my decision must be grounded, not in my views of the Women’s Care Centers, but whether I determine that the neighborhood would benefit from changing the law to allow them to establish a new location in this place. I do not believe that it would.

**In my judgment, the neighborhood would not benefit from having the zoning law changed in order to place next door to each other two organizations with deep and opposite commitments on the most divisive social issue of our time.** However respectful and well-intentioned the people I have met from both proposed facilities, I do not find that the neighborhood would benefit from placing them in close proximity to one another.

It is far from clear that a neighborhood benefits from co-locating facilities with such opposite views. Further, the existing Whole Women’s Health Alliance has written to express the view that they would be harmed by such a re-zoning. They cite research indicating that clinics in close proximity to a crisis pregnancy center experience significantly higher rates of violence, threats, and harassment (21.7%) than those not near such a center (6.8%). While Women’s Care Center has stressed differences between them and some other organizations with pro-life commitments, the possibility of issues beyond their control is a real concern. Whole Women’s Health also indicated that a reason they chose their existing site was that the adjacent property was zoned residential—something that this Bill would change.

I am aware that earlier in this process, a favorable recommendation on this zoning change was offered by Department of Community Investment staff. This recommendation was based on a finding that “a use more intense than single-family residential would be appropriate” for the Bendix Node. However, the recommendation did not contemplate broader concerns about the health and welfare of the area, given the deep opposition in values between the petitioner and its existing neighbor. As mayor, I am responsible for taking the broadest view of these impacts.

I have great respect and appreciation for the people who serve at the Women’s Care Center, and for the work that they do to support new and expecting parents. I know that they will continue to do good work at their many existing facilities in our region. In addition, they may expand this
work to future locations in the city that are properly zoned for this purpose, or that could be re-zoned without causing the unique concerns associated with this site.

Still, in my judgment, a change in zoning to emplace them as close as possible to a provider of abortion services is not appropriate, because of the risks that this would pose to the harmony, character, and value of this neighborhood.

Accordingly, this letter serves as notice of my veto of Bill 05-18.

Sincerely,

Pete Buttigieg

Cc: South Bend Common Council