



Written by [Dave Bohon](#) on July 18, 2011

Judge Blocks Restrictions on NYC Pro-Life Pregnancy Centers

A federal judge has blocked enforcement of a new ordinance in New York City requiring pro-life pregnancy centers to post signs announcing that they do not perform abortions or make referrals to abortion providers. U.S. District Judge William Pauley (picture, left) made his ruling on July 13, a day before the new law was to go into effect.



As reported by the [Associated Press](#), the law was designed “to stop some pregnancy centers from what the City Council concluded were deceptive practices meant to delay women from getting abortion services and emergency contraception.”

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Abortion proponents accused the pro-life pregnancy centers of opening offices near abortion clinics and deceiving women into assuming they would refer them to abortion providers. As written, the law would require the centers to inform clients that they do not provide abortions or abortion referrals, nor do they dispense such “emergency contraception” as RU-486, the drug also known as the “abortion pill” because of its ability to cause abortion by preventing the implantation of the embryo in the uterine wall after conception.

According to the AP, a group of individuals operating clinics that provide pregnancy testing, ultrasounds, and counseling — but not abortion referrals — filed suit to stop implementation of the law, citing “moral and religious reasons to explain why they do not offer or provide referrals for abortions or emergency contraception.”

Had the ordinance gone through, it would have fined pregnancy centers between \$200 and \$1,000 for first violations, and up to \$2,000 for subsequent citations, with three or more violations resulting in possible closure.

But Judge Pauley “agreed with the plaintiffs that the new law seems unconstitutionally vague and may infringe upon First Amendment rights,” reported AP. “He wrote that the plaintiffs had demonstrated that the law would ‘compel them to speak certain messages or face significant fines and/or closure of their facilities.’”

In his 22-page opinion, Pauley struck down the city’s contention that because the pregnancy centers offer such goods and services as diapers, pregnancy tests, and ultrasounds — while pressing a pro-life point of view — their actions represent commercial rather than constitutionally protected free speech. Pauley explained that such an interpretation of the pregnancy centers’ position “would represent a breathtaking expansion of the commercial speech doctrine.”

Jeanneane Maxon, general counsel for Care Net, a network of over 1,000 pregnancy centers in the



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United States, called the ordinance “a classic example of viewpoint discrimination,” adding that the pro-life network is “hopeful that these centers will be fully protected by the final decision in this case.”

Meanwhile, [New York City Council Speaker Christine Quinn](#) said the ruling was “deeply disappointing,” and a “disservice to women,” adding that the city would appeal the decision. “Today’s decision means that pregnancy service centers can continue deceiving women who seek their services,” she said. “Equally troubling is that the centers will not be required to keep confidential the information collected from women who visit them.”

Similarly, Simone Ward of the [New York City’s Planned Parenthood](#) office said that the abortion business would “stand by the New York City Council as they continue to fight to protect the health and safety of the men, women, and teens we serve as well as of all New Yorkers.”

But Chris Slattery of [Expectant Mother Care/EMC FrontLine Pregnancy Centers](#), a plaintiff in the case that operates at least a dozen centers throughout the city of New York, applauded the pro-life victory. “We think this is a resounding defeat of the Gestapo-like tactics of Christine Quinn and Mayor Bloomberg,” said Slattery. “This is one of the most important First Amendment decisions in American history, and will very strongly boost pro-life free speech initiatives and protect pregnancy centers not only here in New York, but across America.”

The pro-life plaintiffs were assisted in their case by attorneys from three powerful conservative legal advocacy groups, the [American Center for Law and Justice](#) (ACLJ), the [Alliance Defense Fund](#) (ADF), and the [Catholic Lawyers Association](#). ACLJ attorney CeCe Heil called the ruling a “resounding victory,” noting that the law, “which forces crisis pregnancy centers to adopt and express views about abortion and contraception that they strongly disagree with, is constitutionally flawed.” Added the ACLJ’s president, Jay Sekulow, “What’s encouraging is that the court clearly understood that this measure is not only wrong, but violates the First Amendment rights of our clients.”

In a statement, the ADF said that the ordinance threatened “non-medical, pro-life pregnancy services centers with heavy fines and possible closure if they don’t provide posted, printed, and oral notices crafted by the city that encourage women to go elsewhere.” ADF attorney Matt Bowman noted that the centers, “which freely offer real help and hope to women and their pre-born children, shouldn’t be punished by political allies of those who make their money aborting babies.” He added that the court ruling “keeps the city from enforcing a law that is specifically designed to deter pregnant women from receiving the help they need to make fully informed choices about their pregnancy while this lawsuit goes forward.”

According to the [National Catholic Register](#), “recent statistics show that 41% of pregnancies in New York City end in abortion.”

[Baptist Press News](#) reported that New York “is at least the third city to pass a restrictive measure on pregnancy centers. Pauley’s decision made it the second city to lose in court over such an ordinance.” The Baptist news site recalled that in January of this year “a federal judge struck down a similar 2009 Baltimore, Md., ordinance as a violation of the centers’ free-speech rights. Austin, Texas, passed such a law in 2010.” And in May “a federal court in Maryland blocked enforcement of part of a similar law in Montgomery County while the case proceeds.”

The ACLJ’s Sekulow said the next order of business would be to prepare for an appeal by the city of New York and to press to make the injunction against the ordinance permanent. “At the end of the day, though, we’re confident this troubling measure will never be enacted,” he said. “And, with the issuance



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of this preliminary injunction, we took an important step toward ensuring that the constitutional rights of crisis pregnancy centers in New York City remain protected.”



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