

ACLJ Urges Appeals Court to Protect NYC Crisis Pregnancy Centers

The American Center for Law and Justice (ACLJ) has urged a federal appeals court to uphold an earlier decision that blocked the enforcement of New York City's recently approved ordinance targeting crisis pregnancy centers.

In July, a federal judge issued a preliminary injunction blocking the enactment of the measure, protecting the First Amendment rights of the crisis pregnancy centers. The **ACLJ**, which filed a federal lawsuit challenging the constitutionality of the new ordinance, filed its brief at an appeals court Tuesday in response to New York City's appeal of the preliminary injunction.

"This is a case where the federal district court was absolutely correct in its analysis and decision," stated CeCe Heil, senior counsel of the ACLJ. "The lower court correctly concluded that this faulty law targets and punishes pro-life advocates.

"Crisis pregnancy centers enjoy constitutional protections and must never be compelled to adopt and express views about abortion and contraception that they strongly disagree with, as this law requires. We're hopeful the appeals court will affirm the district court's injunction, ensuring that pro-life advocates are not punished for their beliefs."

When the preliminary injunction was issued in July, a federal district judge concluded that the law violates **free speech** of the crisis pregnancy centers saying the law's "over-expansiveness is evident from its very language." The court was especially critical of the City's desire to single-out crisis pregnancy centers with the new law.

In a response to the city's appeal filed at the U.S. Court of Appeals for the Second Circuit, the ACLJ argues in its brief that the law violates the First Amendment right to the freedom of speech and violates the Fourteenth Amendment because it is "impermissibly vague."

The brief contends the law is flawed in many areas: "The law is subject to strict scrutiny because it significantly burdens and alters [the] plaintiffs' expression and does not regulate commercial speech or the speech of a regulated profession. LL17 fails strict scrutiny because it is not based upon a compelling record of harm, is not narrowly drawn to the city's stated interests, and is not the least restrictive means of achieving a compelling governmental interest.

"In addition, LL17 is impermissibly vague because key terms are not sufficiently defined, and the commissioner has unbridled discretion to subject a facility to LL17's requirements."

The city ordinance requires crisis pregnancy centers to post signs in the lobbies of their counseling centers, add extensive additional written language to their advertising materials, and to provide oral statements during both "in person" and telephonic conversations regarding the services offered by crisis pregnancy centers. The requirements apply only to crisis pregnancy centers and not to abortion businesses like Planned Parenthood.

The ACLJ represents The Evergreen Association (Expectant Mother Care Pregnancy Centers-EMC Frontline Pregnancy Centers) and Life Center of New York (AAA Pregnancy Problems Center), which operate a total of 13 crisis pregnancy centers across New York City. In its lawsuit, the ACLJ contends that the ordinance violates the constitutionally protected rights to freedom of speech, freedom of assembly and association, freedom of the press, and due process of law, guaranteed to plaintiffs by the First and Fourteenth Amendments to the U.S.

Constitution, as well as the New York Constitution.

Similar ordinances were recently struck down as unconstitutional by federal judges in Baltimore and Montgomery County, Maryland.

Led by Chief Counsel **Jay Sekulow**, the American Center for Law and Justice focuses on **constitutional law** and is based in Washington, D.C.