

Appeals panel overturns language mandate for pro-life pregnancy centers

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RICHMOND, Va. -- In a ruling hailed by Baltimore Archbishop William E. Lori as "a major victory for the First Amendment," a federal appeals court in Richmond said two Maryland pregnancy centers cannot be compelled to post notices that they do not have licensed medical professionals on staff.

In separate decisions, a three-judge panel of the 4th U.S. Circuit Court of Appeals overturned ordinances passed by the Montgomery County Council and the Baltimore City Council in 2010 but never enforced because of court challenges.

Writing for himself and Judge G. Steven Agee in the Montgomery County case, Judge Paul V. Niemeyer said the county "is entitled to believe that pregnancy is first and foremost a medical condition, but it may not compel unwilling speakers to express that view." He said pregnancy centers that did not provide or refer for abortions were being "singled out for disfavored treatment."

Lori said that "at a time when religious freedom is being challenged on many fronts," the decision represented a win "for those people who seek to live their lives and their faith according to" the First Amendment.

"I applaud the court for recognizing that these centers were being targeted for their pro-life views and for sending a strong message to the rest of the nation that these kinds of onerous, discriminatory laws have no place in a nation founded on freedom," he added.

The Montgomery County case had been brought by Centro Tepeyac Women's Center in Silver Spring, Md., while the Baltimore lawsuit was filed by the Greater Baltimore Center for Pregnancy Concerns, St. Brigid Parish in Baltimore, where the center is located, and Archbishop (now Cardinal) Edwin F. O'Brien, Lori's predecessor as archbishop of Baltimore.

The ordinances in question had applied only to what were called "limited-services pregnancy centers" and required them to post notices that they had no licensed medical staff and advising women to find "a licensed health care provider."

"If Montgomery County wishes 'to encourage women who are or may be pregnant to consult with a licensed health care provider,' it must, at a minimum, first do so using its own voice," Niemeyer wrote in his majority opinion.

Officials in both Montgomery County and Baltimore City said they were considering whether to appeal the decision to the U.S. Supreme Court.

"The law itself would not have been necessary if there were not serious and compelling evidence and testimony that the centers provided false and misleading medical information to vulnerable women," said Ryan O'Doherty, a spokesman for the city.

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