

Judge affirms: Law was bad from the start

Here at The Catholic Review, we're not lawyers - we don't even play them on TV - but way back in 2009, we said a bill proposed by the Baltimore City Council aimed at what the city called "limited-service pregnancy counseling centers" was bad law, and bad public policy. It turns out, we were right.

U.S. District Court Judge Marvin J. Garbis ruled late last week that it is unconstitutional to require Baltimore City pro-life pregnancy counseling centers to post signs informing their clients about the services they don't provide. Essentially, the judge determined that the city could not compel the centers when and how to introduce the topics of abortion and birth control to their clients.

The ordinance, as passed, did not require other family planning centers, such as those operated by Planned Parenthood, to also post signs noting the services unavailable at their facilities. So, while the pro-life pregnancy centers routinely provide parenting classes, maternity and infant clothing, baby formula, diapers and a host of other post-natal support for mothers, Planned Parenthood centers did not have to acknowledge how little of that was available to their clients. It seemed unfair, and it was.

By aiming the ordinance only at centers with which it disagreed - those not supporting abortion and all varieties of birth control - the city made clear it endorsed one point of view and targeted another. That, according to the judge's ruling, made it harder for the city to contend that its ordinance was "content-neutral."

"It is revealing that defendants refer to the ordinance as a means of mitigating the 'harm' caused by plaintiffs' underlying 'propaganda' speech relating to abortion and contraception," Judge Garbis said in his Jan. 28 ruling. "Such descriptions can only support the conclusion that defendants enacted the ordinance out of disagreement with plaintiffs' viewpoints on abortion and birth-control."

The Center for Reproductive Rights, which had worked with the city in defending the lawsuit, announced Jan. 31 it plans to join the city in “immediately appealing” the ruling to the U.S. Court of Appeals for the Fourth Circuit. We sincerely hope that Baltimore City leaders rethink that decision to appeal. Passing the ordinance was a bad idea; appealing this ruling would be a waste of taxpayer dollars. At this time, the city ought to do all it can to find ways to embrace the work of facilities such as the Greater Baltimore Center for Pregnancy Concerns. These centers assist mothers, especially from low-income areas, by acknowledging their inherent value and dignity as well as the sanctity of the child within. They embrace these women at a time of uncertainty, and respond with compassion and love, not with a procedure that sucks the life from their womb and harms the mother in countless ways.

The City of Baltimore and other Maryland jurisdictions should heed the lesson that comes from Judge Garbis’ ruling. Ordinances like this are bad public policy, and now we also know: they’re unconstitutional. Let’s move on, and find ways to support families, not tear them apart.

Christopher Gunty is associate publisher/editor of The Catholic Review.