



Easthampton City Council
50 Payson Avenue
Easthampton, MA 01027

July 20, 2023

Re: Ordinance #6-23 “Safe and fair access to legally protected reproductive and gender-affirming health care services”

Dear Members of the City Council,

First Liberty Institute is the nation’s largest law firm dedicated exclusively to defending and restoring religious liberty for all Americans. Massachusetts Family Institute is a nonpartisan public policy organization dedicated to strengthening families in Massachusetts. We represent Bethlehem House, Inc., an Easthampton non-profit organization which offers free pregnancy resources for women in crisis. We write today to express our client’s concerns about the legal ramifications that Ordinance #6-23, “Safe and fair access to legally protected reproductive and gender-affirming health care services,” could have for the City of Easthampton and to request that you leave the Mayor’s veto of this ordinance undisturbed.

The history of the ordinance makes it clear that it is likely to be used to target faith-based, pro-life pregnancy resource centers (PRCs), like Bethlehem House, for disfavored treatment. The original version of the ordinance would have singled out PRCs for fines whenever the City deemed them to have violated a vague prohibition on “deceptive statements.” It was designed to chill the free speech of these charitable organizations while giving abortion clinics a free pass. This is further established by the fact that the language of the ordinance was, according to Councilor Zaret, developed in cooperation with Planned Parenthood.

The language of the current ordinance exposes Bethlehem House and other PRCs to a smear campaign by the City and opens them up to complaints to the Attorney General’s Office. Section 6-23.4 directs the City to publish “advisories” about “Limited Services Pregnancy Centers” (i.e., PRCs). Based on the history and intent of this ordinance, we have reason to believe that these advisories will contain propaganda and misinformation about our client. Section 6-23.5 directs the City to advise residents of their right to file consumer complaints against PRCs to the Attorney General’s Office. We expect that this could result in the targeting and harassment of our client for their religious beliefs. To the extent the City participates in smearing, targeting, or harassing Bethlehem House, we reserve all legal remedies available to vindicate their rights under the state and federal constitutions and state and federal statutes.

Life-affirming pregnancy resource centers like Bethlehem House do vital work to assist low-income women with crisis pregnancies. They deserve to be celebrated and supported, not

targeted and maligned. We trust that this Council will take the legal ramifications of this ordinance seriously and will not vote to override the Mayor's veto.

Sincerely,



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Cc: Mayor Nicole LaChapelle
Barbara LaBombard, City Clerk