

CATHOLIC COMMUNITY RELATIONS COUNCIL

INTRO. 371 -- *LIMITED SERVICES PREGNANCY CENTERS*
NEW YORK CITY COUNCIL COMMITTEE ON WOMEN'S ISSUES
TESTIMONY BY ROSEMARY GINTY, EXECUTIVE DIRECTOR
TUESDAY, NOVEMBER 16, 2010

Good afternoon Madame Chair and committee members. My name is Rosemary Ginty, Executive Director of the Catholic Community Relations Council, a not-for-profit corporation established by the Archdiocese of New York and the Diocese of Brooklyn to handle public policy and legislative issues on the municipal level of government.

I am here today to speak in opposition to Intro. 371.

The proposed legislation is of great concern to us. It is an assault on the work of groups that provide alternatives to abortion and this is work we support. The legislation unfairly stigmatizes and penalizes all groups. This view comes from looking at the bill itself and the report that is presented as the supporting rationale for the legislation.

First, the NARAL report. It is not a scientific study. It does not follow standard research or statistical protocols. It reaches a conclusion namely, that there is widespread deception and manipulation, and once reached, repeats it. It does not offer specific evidence or data one can test or examine. A few examples from the report itself:

- Eight (8) telephone calls were made and in the report's own words, they found that "no inaccurate information was given." Where is the deception?
- They examined fourteen (14) websites and found that over 63% of the centers either identify themselves as "pro-life" or "explicitly state they do not recommend abortion." Where is the deception?
- And there was not one example of confidential information being divulged. The report states only that information could be divulged.

The basis for Intro. 371, i.e. that there is wide-ranging deception and manipulation in pregnancy centers, is not supported by this study. Yet the legislation indicts all. The centers are labeled as "misleading," "manipulative," "deceptive" and "fake," and are accused of "masquerading as" something other than a place that offers alternatives to abortion. They are charged with "coercing" and "terrorizing" women to have babies. Note the basis for this legislation is that deception is widespread and pervasive. If there are problems in a few cases, would they require this legislative response?

Second, the penalties. They are an alarming exercise of government power. The penalty section of a similar statute in Baltimore allows their Commissioner of Health to notify a center if they do not have the required sign. After 10 days, a \$150 fine is issued. Compare this to the proposed penalties in Intro. 371. (*Reference Penalty Chart*).

- First violation is a civil penalty of not less than \$200 and not more than \$1,000
- Second violation is a penalty of not less than \$500 and not more than \$2,500
- For the third violation, in addition to above penalties, the commissioner may, after a hearing, order the center sealed.
- Ten days after posting an order to close, the New York Police Department may enter the center and enforce the order.
- Mutilation or removal of an order is punishable by \$250 fine or 15 days in jail or both.
- Any “disobedience or resistance” to an order is punishable by \$1,000 or six (6) months in jail or both.
- Private cause of action is created for failure to comply with confidentiality requirements. Remedies are compensatory and punitive damages; injunctive or declaratory relief; attorney’s fees and costs.

This last penalty – creation of a private cause of action – is for breach of confidentiality. I remind the members that there is no proof offered of any breach of confidentiality. The material states only that confidential information could be divulged.

The penalties are unprecedented, excessively punitive and a troubling exercise of government power. There are no examples in current New York City or State law of such severe monetary penalties, imprisonment, and exercise of police power for failure to display a sign.

So what is wrong with a sign stating what the centers do not do?

First, they stigmatize the groups. There are no other examples of any establishment having to disclose what they do not do. More importantly, the reason for the signs is to stop alleged deception. Yet, there is no proof of widespread deception or breaches of confidentiality. My fear is that the reason for a sign is because of what the centers do, i.e. provide alternatives to abortion. Because someone may not like what they do, is not a reason to require such signs and penalties.

I ask you to re-think Intro. 371 – its foundation, its stigmatizing requirements and its unprecedented imposition of penalties – and do not approve it.

Thank you.

PENALTIES FOR FAILURE TO POST SIGNS

Baltimore Law	Point of Sale Tobacco Health Warnings	Intro. 371
<p>3-503 Health Commissioner can issue a \$150 fine after 10-day written notification to cure</p>	<p>§ 181.19 New York Health Code fine: of \$200 per register up to \$2,000 per store</p>	<p>20-818(a) for first violation, a civil penalty of not less than \$200 and not more than \$1,000</p> <p>§ 20-818(a) For second violation a penalty of not less than \$500 and not more than \$2,500</p> <p>§ 20-818(b)(1) For third violation or more, in addition to above penalties, commissioner may, after a hearing, order the center sealed.</p> <p>§ 20-818(b)(3) Ten days after posting an order to close, the NYPD may enter the center and enforce the order.</p> <p>§ 20-818(b)(5) Mutilation or removal of an order is punishable by \$250 fine or 15 days in jail or both.</p> <p>§ 20-818(b)(5) Any "disobedience or resistance" to an order is punishable by \$1,000 or 6 months in jail or both.</p> <p>§ 20-820 Private cause of action is created for failure to comply with confidentiality requirements. Remedies are compensatory and punitive damages; injunctive or declaratory relief; attorney's fees and costs.</p>