



MASSACHUSETTS FAMILY INSTITUTE

*Dedicated to Strengthening the Family*

Easthampton City Council  
50 Payson Avenue  
Easthampton, MA 01027

July 5, 2023

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

Dear Members of the City Council,

I write as an attorney for Massachusetts Family Institute, a nonprofit organization dedicated to strengthening the family in Massachusetts, regarding this Council’s consideration of an ordinance that was designed to target pro-life pregnancy resource centers (PRCs). As an organization with numerous allies and constituents in Easthampton, MFI is deeply concerned about this proposed ordinance. We are especially troubled by the effects that it could have on Bethlehem House, your local PRC. This letter will outline a few of the reasons why the Council should reject this ordinance or, at a minimum, eliminate sections 6-23.4 and 6-23.5, which were designed to be used against PRCs.

The history of this ordinance exposes its true intent. The first version of this ordinance was introduced by Councilors Zaret, Denham, and Derby in May of 2022 and would have clearly violated the free speech rights of pro-life PRCs. It targeted PRCs, and *only* PRCs, with fines any time they violated a vaguely-worded prohibition on “deceptive practices” – all while allowing Planned Parenthood and other abortion providers free rein. In November, Councilor Zaret submitted an amended version that would have outsourced enforcement to the Attorney General’s Office, but which still implicated the same legal concerns. Councilor Zaret admitted that the language was developed with help from pro-abortion groups, including Planned Parenthood and Reproductive Equity Now. The current version of the ordinance has pared back the worst features of the ordinance significantly. We are thankful for that. However, the history of this ordinance and the remarks by Councilor Zaret and others show that, even with the amended language, its clear intent and likely application will be to single out pro-life PRCs for disfavored treatment. That cannot stand.

Regardless of one’s personal views on abortion or on abortion clinics like Planned Parenthood, it is undeniable that these clinics have a vested financial interest in passing laws and ordinances that limit the effectiveness of pro-life pregnancy resource centers. PRCs offer resources to mothers that allow them to choose options other than abortion. Despite what Planned Parenthood and other abortion clinics may [falsely claim](#), abortion is a major component of what those clinics do, and is therefore a major driver of profits for them. PRCs undermine that source of profit for abortion clinics. To allow Planned Parenthood to draft language for this city’s



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code of ordinances that would target pro-life charities that they see as a financial threat is deeply unethical.

Moreover, despite the changes to the language of the proposed ordinance, it still exposes the City to unnecessary legal liability. It is true that the proposed ordinance now purports to cover both “Limited Services Pregnancy Centers” (i.e., PRCs) and “other reproductive health care,” which presumably includes abortion clinics. But if this ordinance is used to selectively target PRCs but not abortion providers, the City may face lawsuits for violating the free speech, free exercise, and equal protection rights of the PRCs it targets. For instance, if the City aids residents in filing complaints to the State against PRCs, but will not also aid in filing complaints about unfair or deceptive practices by abortion clinics, clear Constitutional issues would arise.

Here is the bottom line: the City can say whatever it wants in support of abortion, but it needs to leave pregnancy resource centers out of it. PRCs like Bethlehem House do heroic work for low-income women with unplanned pregnancies, providing free resources like diapers, wipes, and clothing up to 18 months after a baby is born. They do not deserve to be disparaged by “consumer advisories” or threatened with politically motivated complaints to the Attorney General’s Office. They deserve to be left alone so that they can continue helping moms in need. The Council should do the right thing and reject this ordinance. At a minimum, we urge this Council to amend the language of this proposed ordinance to eliminate sections 6-23.4 and 6-23.5, which were designed to target PRCs.

Sincerely,

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