



January 29, 2024

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**RE: Open Letter From Attorneys General Regarding CPC Misinformation and Harm**

Dear Attorney General Henry,

The following letter is on behalf of the Pennsylvania Pregnancy Wellness Collaborative (PPWC), as well as pregnancy resource centers across the country, currently represented by the American Center for Law & Justice (ACLJ). By way of introduction, the ACLJ is an organization dedicated to the defense of constitutional liberties secured by law, including the defense of the sanctity of human life. Counsel for the ACLJ have presented expert testimony before state and federal legislative bodies, and have presented oral argument, represented parties, and submitted amicus curiae briefs before the Supreme Court of the United States and numerous state and federal courts in cases involving a variety of issues, including the right to life. *See, e.g., Pleasant Grove City v. Summum*, 555 U.S. 460 (2009); *Livingwell Med. Clinic, Inc. v. Becerra*, 138 S. Ct. 2701 (2018); *Dobbs v. Jackson Women’s Health Org.*, 142 S. Ct. 2228 (2022); *June Medical Servs. v. Russo*, 140 S. Ct. 2103 (2020); *Nat’l Inst. of Family & Life Advocates v. Becerra*, 138 S. Ct. 2361, 2368 (2018); *Whole Woman’s Health v. Hellerstedt*, 579 U.S. 582 (2016); *Gonzales v. Carhart*, 550 U.S. 124 (2007); *Schenck v. Pro-Choice Network*, 519 U.S. 357 (1997).

As you may be aware, on October 23, 2023, sixteen State Attorneys General signed onto an Open Letter “Regarding CPC Misinformation and Harm.” This letter addresses concerns and counters claims made by those State Attorneys General about pregnancy resource/maternal health centers (PRCs). The Attorneys General often use a blanket term of “crisis pregnancy centers” or “CPCs” to describe these organizations. A term coined in the early 1980s, and that is out of step with the scope of services provided by PRCs.

## I. INTRODUCTION

As we detailed in our brief before the Supreme Court in *Livingwell Med. Clinic, Inc. v. Becerra*, 138 S. Ct. 2701 (2018), Pregnancy Resource Centers provide essential and professional services at no, or on occasion nominal, cost, such as: “pregnancy options education and consultation; pregnancy testing and verification; limited obstetrical ultrasounds; STI/STD testing, education, and treatment; past abortion healing retreats; community education presentations; and material support.”<sup>1</sup> Other services Pregnancy Resource Centers provide “help[] women deal with unplanned pregnancies by offering, free of charge, a variety of educational, medical, and material resources, including ultrasounds, counseling and emotional support, and maternity and baby items.”<sup>2</sup>

In fact, Pregnancy Resource Centers provide free or nominal cost assistance to millions of women annually, including hundreds of thousands of free ultrasounds each year (over 486,000 in 2019) along with medical services, education, and referrals.<sup>3</sup> In 2019, over 10,000 licensed medical professionals served as paid or volunteer workers in 2,700 Pregnancy Resource Centers across the United States.<sup>4</sup> Thousands more people serve voluntarily at Pregnancy Resource Centers on an annual basis. Pregnancy Resource Centers save taxpayers countless millions of dollars each year, again because many of the services that they provide for free—through the work of volunteers and the support of donors—would otherwise have to be provided by government agencies through publicly funded programs.<sup>5</sup>

Pregnancy Resource Centers provide invaluable information and resources that help ensure that a woman is fully aware of all the facts and options truly available to her – to help inform her decision and truly gives her *choices*. Including the fact that abortion is an act that is intended to permanently end the life of a preborn child the act is extremely grave, gruesome, and irreversible. Thus, a woman’s decision should be fully informed, and should be made only after careful consideration of all the facts. If you only have one option, it is not a real choice, and Pregnancy Resource Centers play a vital role in providing alternatives to the one option pushed by abortion clinics.

Moreover, Pregnancy Resource Centers provide material assistance and support beyond merely consultation or medical services. As such, we respectfully request that information about the services and resources that Pregnancy Resource Centers provide for women be included in the information that the Department of Health and Human Services is dedicated to providing the American public in the weeks and months ahead.

## II. PRCS PROVIDE FULL-SCOPE REPRODUCTIVE HEALTHCARE

The first concern raised by the Attorneys General that is at issue is the false claim that PRCs do not provide “full-scope” reproductive healthcare. This could not be further from the truth.

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<sup>1</sup> Petition for Writ of Certiorari, *Livingwell Med. Clinic, Inc. v. Becerra*, 138 S. Ct. 2701 (2018), 4, available at [http://media.aclj.org/pdf/Living-Well-Petition-Final-w\\_o-App\\_Redacted.pdf](http://media.aclj.org/pdf/Living-Well-Petition-Final-w_o-App_Redacted.pdf).

<sup>2</sup> *Id.* at 6.

<sup>3</sup> *Fact Sheet: Pregnancy Centers – Serving Women and Saving Lives (2020 Study)*, CHARLOTTE LOZIER INSTITUTE (July 19, 2021), <https://lozierinstitute.org/fact-sheet-pregnancy-centers-serving-women-and-saving-lives-2020/>.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

PRCs have been a part of the healthcare landscape for over 50 years,<sup>6</sup> and they have always made sure to prioritize early pregnancy education and ongoing postnatal support. They offer essential services like no-cost limited obstetrical ultrasounds, which are vital for diagnosing pregnancy, confirming its placement, and determining the gestational age of the preborn child.<sup>7</sup> These services are fundamental for *informed* decision-making and connecting women to genuine healthcare as early as possible. Moreover, PRCs offer a range of educational programs, from prenatal education to birthing classes, new father mentoring, and more.<sup>8</sup> These programs are crucial in supporting families through pregnancy and beyond. In 2019, over 10,000 licensed medical professionals served as paid or volunteer workers in 2,700 Pregnancy Resource Centers across the United States.<sup>9</sup> Additionally, despite not being bound by HIPAA due to the nature of the free services provided, many PRCs adhere to it as the accepted standard of care. All comply with state and federal privacy regulations, ensuring the confidentiality and respect that our clients deserve.

### **III. PRCs ARE TRUSTWORTHY IN DEALING WITH PATIENTS SEEKING REPRODUCTIVE HEALTHCARE**

The second misleading concern raised was that PRCs allegedly “use deceptive and unethical methods to lure” in patients. This is another mischaracterization. During the 50 years PRCs have existed, they have held a consistent track record of compliance with Truth in Advertising laws. Furthermore, no PRC in our network has received a formal warning or been found in violation of these laws. This long history stands as a testament to our commitment to ethical practices.

### **IV. PRC SERVICES HELP PATIENTS IN NEED**

The third and most disparaging concern raised was that PRCs supposedly directly harm patients seeking healthcare. PRCs in Pennsylvania and across various states have been integral in lowering maternal and infant mortality rates, providing support to families, and filling gaps in care for young families.<sup>10</sup> Many have evolved into medical models and invested substantially in expanding pregnancy and parenting services in both rural and urban communities saving the state hundreds of millions of dollars.<sup>11</sup> In 2019 alone, Pennsylvania PRCs aided over 60,000 individuals; distributing over 91,000 baby items, conducting over 10,000 STD/STI tests, performing over 9,000 ultrasounds, and offering over \$5.6 million worth of resources overall.<sup>12</sup> This level of support is a clear indication of the significant positive impact the centers in Pennsylvania – and across the country – have on communities.

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<sup>6</sup> *A Brief History of Pregnancy Resource Centers*, ETHICS AND RELIGIOUS LIBERTY COMMISSION (Jan. 28, 2022), <https://erlc.com/resource-library/articles/a-brief-history-of-pregnancy-resource-centers/>.

<sup>7</sup> *Pregnancy Resource Centers: Essential to Pennsylvania Families*, PA FAMILY (Jun. 20, 2023) <https://pafamily.org/2023/06/20/pregnancy-resource-centers-essential-to-pennsylvania-families/>.

<sup>8</sup> *Id.*

<sup>9</sup> *Fact Sheet: Pregnancy Centers – Serving Women and Saving Lives (2020 Study)*, CHARLOTTE LOZIER INSTITUTE (July 19, 2021), <https://lozierinstitute.org/fact-sheet-pregnancy-centers-serving-women-and-saving-lives-2020/>.

<sup>10</sup> *Client Statistics Pennsylvania Program*, REAL ALTERNATIVES (last visited Jan. 26, 2024) <https://www.realalternatives.org/client-statistics/>.

<sup>11</sup> *PRESS RELEASE: PA Pregnancy and Parenting Support Services Program Termination*, REAL ALTERNATIVES (Aug. 4, 2023) <https://www.realalternatives.org/dhscontract/>.

<sup>12</sup> *Pregnancy Resource Centers: Essential to Pennsylvania Families*, *supra* note 7.

## V. PRCs SHOULD NOT BE TARGETED BY STATE LEADERS

Over the last few years, PRCs have been targeted with violence and disparaged by political leaders. These attacks, including the letter from the sixteen attorneys general, are of great concern not only because of current and extremely charged political rhetoric regarding Pregnancy Resource Centers, but because of the history pro-abortion governments have of government overreach that has resulted in the abridgement of the constitutional rights of Pregnancy Resource Centers.

On June 17, 2022, pro-abortion members of Congress sent a letter to the Chief Executive Officer of Google. In that letter the Members of Congress referred to “crisis pregnancy centers,” or “pregnancy resource centers,” as “fake clinics.”<sup>13</sup> The letter goes on to call on Google to, inter alia, “limit the appearance of . . . fake clinics or so-called ‘crisis pregnancy centers’ in Google search results, Google Ads, and on Google Maps . . . .”<sup>14</sup> The Office of Letitia James, Attorney General of the State of New York, wrote a similar letter to General Counsel for Google, stating:

[O]rganizations known as “crisis pregnancy centers” (CPCs) are not health care providers . . . . CPCs exist solely to intercept and dissuade pregnant people from making fully informed decisions about their healthcare such as the choice to obtain an abortion. Including these organizations in a list for an individual seeking abortion services is dangerous and misleading. . . . For example, a Google Maps search for “abortion Binghamton, NY” lists several crisis pregnancy centers such as Life Choices Center and Women’s Life Services along with legitimate health care providers who offer abortion and abortion counseling . . . it is imperative that pregnant people are receiving accurate information and are able to obtain the medical services they need efficiently and with minimal confusion.<sup>15</sup>

Similarly, Senator Elizabeth Warren has made a series of remarks regarding Pregnancy Resource Centers: “We need to shut them down here in Massachusetts, and we need to shut them down all around the country.”<sup>16</sup> She also accused Pregnancy Resource Centers of “[d]eceiving people in order to provide services,” “[springing] up to prey on people who are pregnant and vulnerable and seek[ing] help . . . ,”<sup>17</sup> accused Pregnancy Resource Centers of “wishing [women] harm,”<sup>18</sup> and stated “[they] should not be able to torture a pregnant person like that.”<sup>19</sup>

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<sup>13</sup> Letter from Members of Congress to Sundar Pichai, Chief Executive Officer of Google (June 17, 2022), *available at* [https://www.warner.senate.gov/public/\\_cache/files/5/6/5698c724-cc0d-42f6-bbb6-b05e472b4564/26F26BB28841042A7931EEC58AC80E08.anti-abortion-letter-to-google-final.pdf](https://www.warner.senate.gov/public/_cache/files/5/6/5698c724-cc0d-42f6-bbb6-b05e472b4564/26F26BB28841042A7931EEC58AC80E08.anti-abortion-letter-to-google-final.pdf).

<sup>14</sup> *Id.*

<sup>15</sup> Letter from Oarsana Srinivasan, Chief, Health Care Bureau, Office of the Attorney General, State of New York, to Hamilmah DeLaine Prado, General Counsel, Google (June 28, 2022), *available at* [https://ag.ny.gov/sites/default/files/202206.28\\_letter\\_to\\_google\\_re\\_cpcs.pdf](https://ag.ny.gov/sites/default/files/202206.28_letter_to_google_re_cpcs.pdf) (emphasis added).

<sup>16</sup> Greg Price (@greg\_price11), TWITTER (July 12, 2022, 4:41 PM), [https://twitter.com/greg\\_price11/status/1546957961439969280](https://twitter.com/greg_price11/status/1546957961439969280).

<sup>17</sup> Kate Selig, *Elizabeth Warren Calls for Action Against ‘Crisis Pregnancy Centers’ in Wake of Supreme Court Overturning Roe* (June 29, 2022), <https://www.msn.com/en-us/news/politics/elizabeth-warren-calls-for-action-against-crisis-pregnancy-centers-in-wake-of-supreme-court-overturning-roe/ar-AAZ0wK6>.

<sup>18</sup> RNC Research (@RNCResearch), TWITTER (July 6, 2022, 11:39 AM), <https://twitter.com/RNCResearch/status/1544707511906930690?s=20&t=iumDjtgeoBXVKChVlo2Zjg>.

<sup>19</sup> Isabel Brown, *Senator Elizabeth Warren Calls for Crisis Pregnancy Centers to be Shut Down*, TURNING POINT USA, <https://www.tpusa.com/live/senator-elizabeth-warren-calls-for-crisis-pregnancy-centers-to-be-shut-down> (last visited July 21, 2022).

On November 24, 2023, your office issued a press release falsely claiming that “many facilities known as . . . pregnancy resource centers . . . are *not* staffed by licensed medical professionals and therefore cannot provide medical care.”<sup>20</sup> Furthermore, you personally made a statement insinuating that PRCs do not provide “truthful and accurate information about the products and services”<sup>21</sup> that PRCs provide.

These disparaging remarks regarding Pregnancy Resource Centers are not only incorrect, but blatantly so. As we detailed above, Pregnancy Resource Centers provide *legitimate* and invaluable healthcare in addition to counseling and material support to women, babies, and families. However, these remarks are far from extraordinary, and we have seen Pregnancy Resource Centers targeted unconstitutionally in, among other places, states like California and New York.

In California, ACLJ sued on behalf of three Pregnancy Resource Centers challenging the California Reproductive FACT Act. *LivingWell Med. Clinic v. Becerra*, 138 S. Ct. 2701 (2018), *cert. granted* (vacating and remanding *LivingWell Med. Clinic v. Harris*, 669 F. App’x 493 (9th Cir. 2016)). The FACT Act attempted to force our clients to tell every one of their visitors, no matter the reason for their visit, that California provides free or low-cost abortions to eligible women. The Act not only attempted to force the centers to advertise the State’s abortion subsidy program, but it also required that the centers provide a telephone number that women could call to see if they were eligible for a free abortion.

In *Nat’l Inst. of Family & Life Advocates v. Becerra*, the Supreme Court reversed a decision by the U.S. Court of Appeals for the Ninth Circuit, concluding that the Pregnancy Resource Centers challenging the Act were likely to succeed on the merits of their claim that the California Reproductive Fact Act violated the First Amendment. Ultimately, a federal court in Oakland, California permanently blocked the State of California from violating the rights of Pregnancy Resource Centers as guaranteed under the First Amendment of the Constitution.<sup>22</sup>

In New York, the ACLJ successfully sued on behalf of two organizations that run Pregnancy Resource Centers in New York City. *Evergreen Ass’n. v. City of New York*, 740 F. 3d 233 (2d Cir. 2014). In that case, the Second Circuit considered New York City’s misguided attempt to regulate the centers on the same pretext as that appearing in the current Executive Order, i.e., trumped up, politically motivated charges of “deceptive practices.” The Court held that by requiring Pregnancy Resource Centers to disclose at the beginning of contact with potential clients whether they provided referrals for abortion, emergency contraception, or prenatal care and to disclose that the New York City Department of Health and Mental Hygiene encouraged pregnant women to consult with a licensed provider was overly burdensome in violation of the First Amendment.

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<sup>20</sup> Press Release, AG Henry Encourages Pennsylvanians to Seek Information from Providers to Make Informed Pregnancy-Related Health Care Choices, Pennsylvania Attorney General Michelle A. Henry (Nov. 24, 2023), *available at* <https://www.attorneygeneral.gov/taking-action/ag-henry-encourages-pennsylvanians-to-seek-information-from-providers-to-make-informed-pregnancy-related-health-care-choices/> (emphasis added).

<sup>21</sup> *Id.*

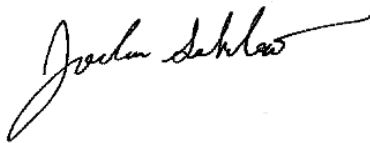
<sup>22</sup> Ord. Regarding Permanent Injunction, *Livingwell Med. Clinic, Inc. v. Becerra*, Nov. 26, 2018, 4:15-cv-04939-JSW, <http://media.aclj.org/pdf/LivingWell-Court-Order.pdf>.

## VI. CONCLUSION

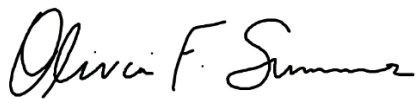
The allegations of deceptive practices and misinformation are a targeted misinformation campaign against the work PRCs do. The centers in Pennsylvania, as in other states, are committed to providing safe, confidential, and ethical maternal and infant healthcare. For those who choose life for their preborn children or seek post-abortion care, PRCs provide necessary support and care. As a collaborative, the PPWC advocates for policies that protect its organizations and the families they serve. Their collective voice stands for the sanctity of human life and the well-being of their communities. Accordingly, our clients invite you, Attorney General Henry, to engage with them directly, to visit their centers, learn about the positive impact they have in Pennsylvania and across America, and they respectfully ask that you retract the incorrect statements made about PRCs in November 2023, and acknowledge the vital role they play in providing choice, care, and support to women and families.

The ACLJ greatly values and appreciates the important role of Pregnancy Resource Centers, including the centers run by our clients, in providing maternal and infant healthcare, counseling, and material resources and support, among other things, to women, babies, and families across the United States. Not only is this work vitally important, but it is also protected under the law, as we have succeeded in establishing in litigation on more than one occasion. And the ACLJ will also be prepared to immediately challenge in court any guidance, order, false reports, or other form of regulation within Pennsylvania that constitutes an abridgement of the rights of Pregnancy Resource Centers.

Sincerely,



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