

**No. 16-2325**

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**In the  
United States Court of Appeals  
for the Fourth Circuit**

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GREATER BALTIMORE CENTER FOR PREGNANCY CONCERNS, INC.,

*Plaintiff-Appellee,*

v.

MAYOR AND CITY COUNCIL OF BALTIMORE; CATHERINE E.  
PUGH, in her official capacity as Mayor of Baltimore; and LEANA S.  
WEN, M.D., in her official capacity as Baltimore City Health  
Commissioner,

*Defendants-Appellants.*

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ON APPEAL FROM THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(Case No. 1:10-cv-00760-MJG)

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**BRIEF OF *AMICI CURIAE* EBONY HARRIS, ETHAN TAYLOR, LINDA  
HOLLIDAY, NICOLE HOWARD, DESTINIE JACKSON, & JENNERA  
SMALLS IN SUPPORT OF PLAINTIFF-APPELLEE FOR AFFIRMANCE**

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## INTEREST OF *AMICI CURIAE*<sup>1</sup>

*Amici*, described below, are either direct beneficiaries of the not-for-profit, free services provided by the Greater Baltimore Center for Pregnancy Concerns (“the Center”) or directly related to a beneficiary. They attest to the dignified care and hope that marginalized women and children receive at the Center. The interest of the *Amici* is to continue to partake of the free and life-enhancing family services provided at the Center and to ensure that these same services are available to other Baltimore women and their families. *Amici* strongly oppose any civil or criminal sanctions that would impede the Center’s ability to provide free support and services to the women and children of Baltimore.

**EBONY HARRIS** was a bright and vivacious 19-year-old when she suddenly faced the most troubling and confusing news of her life: she was unexpectedly pregnant. Gripped with anxiety

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<sup>1</sup> Pursuant to Rule 29(a)(4)(E), all parties have consented to the filing of this *Amicus Curiae* brief. Further, no counsel for a party authored this brief in whole or in part, and no person or entity other than *Amici* or their counsel has made a monetary contribution to the preparation or submission of this brief. All statements made by *Amici* are on file with counsel for *Amici Curiae*.

and uncertainty, Ebony resolved that her own future well-being mandated quick and decisive action. She would have an abortion. Nobody had to know. Ebony scheduled the abortion at the clinic but left with an uneasy feeling. The clinic's staff was cold and harsh, offering no information about the procedure apart from its price and no counsel other than pressure. One staff member told her "the cost of raising the child will be far more expensive than the cost of an abortion." She did not meet with a doctor or nurse and was not informed of any other option.

After hearing about the Center through the radio, Ebony met with Linda, one of its coordinators. Ebony was surprised when the first thing Linda did was to hug her. This was the first time anyone had shown Ebony any compassion or support. Linda advised Ebony that the Center did not perform or refer for abortions, but offered many other services, all free of charge, including sonograms, pregnancy tests, prenatal classes, post-pregnancy classes, and material support such as diapers, formula, clothes, and toys. According to Ebony, "Linda was warm, gentle, and supportive." Ebony was also surprised to see jars of baby food, diapers, and baby formula sitting on a table. Ebony

requested a sonogram, saw and heard her child's heartbeat for the first time, and received information about the development of her child. Ebony referred to this meeting as

educational and very informative, something the clinic did not do. I am not pro-life and I am not pro-choice. I am pro-information. People should be properly educated before making a decision. The abortion clinic did not offer any education, counseling, or support. The clinic had a cold attitude. It felt like someone was trying to make a sale.

After Ebony left the Center, she still leaned toward having an abortion. Linda unequivocally stated that "either way, the Center will be there for her." After much deliberation, Ebony decided to give birth to her son, and Linda kept her promise. Center staff visited Ebony at her house and brought baby clothes, diapers, wipes, food, toys, and even a stroller. The staff helped her beyond merely caring for her baby. When Ebony had to move to a new apartment, she had no curtains, and even if she could have afforded them, she "would not have been able to hang them herself." Staff took Ebony to the store, bought her curtains, carried a ladder up three flights of steps, and installed them for her.

Ebony spoke in no uncertain terms: "[The Center] has only been a help to me. I have taken and referred other people, and

they have been helped too. [The Center] has been a blessing.”

Today, Ebony flourishes not just as a mother, but as an author, speaker, workshop instructor, home educator, and publisher. She credits the Center with giving her an authentic and informed choice in a desperate moment in her life and in helping her to grow into an accomplished and empowered woman.

**ETHAN TAYLOR** is Ebony Harris’ now ten-year-old son. Ethan is quickly following in Ebony’s footsteps, having already authored and published five books, with another book on the way. All proceeds from Ethan’s book *I Can Change the World* go to support his homeless outreach program, “Operation Drive By.” Ethan prepares bags of “really good food, snacks, and drinks” and delivers them to people in need in Baltimore City. Ethan and his mother have talked and cried together over Ebony’s struggle over whether or not to abort. Ethan is grateful that the Center was there for his mother in her time of need and thankful for the chance to use his life to help others.

**LINDA HOLLIDAY** encountered the Center when her granddaughter moved into her home facing addiction and a crisis pregnancy. “My granddaughter was on drugs, pregnant, and

adamant about getting an abortion. I heard about [the Center] from a distant family member who was a former addict.” Ms. Holliday called the Center and spoke to Linda. Linda was “caring, loving, and wonderful....No shame, no guilt, no condemnation.” Linda said that the Center did not perform or refer for abortions but offered a range of assistance, free of charge. Linda even arranged for Ms. Holliday’s granddaughter to be seen at an intensive substance abuse inpatient clinic at Johns Hopkins, where she chose to be admitted for six months and got sober.

Sobriety gave Ms. Holliday’s granddaughter the chance to make an informed decision about having her child, which she chose to do. Ms. Holliday remarked:

When the baby was born, she giggled and smiled a lot and was looking at her mom. The father, who had also struggled with addiction, was present during the delivery, is now clean, gainfully employed, and involved in the life of his daughter.

The Center provided “new things for the baby: thermometers, lotion, sleepers, sweaters, diapers, wipes....” Ms. Holliday considers her daughter’s situation to be “a success story” and marvels that “if it were not for Linda, our family



would still be in a disaster.” The Center “totally changed our life.”

**NICOLE HOWARD**’s pregnancy was a crisis, because she was uninsured. She was not seeking an abortion, but faced the prospect of incurring tens of thousands of dollars in medical costs if she went forward with the pregnancy and then much more expense after the baby’s birth. Terrified at that prospect, she recalled: “Everyone knows where to get an abortion. Not everyone knows where to get help with being a new mother.” A friend referred her to the Center, where she was able to participate in what is referred to as “earn as you learn” classes every other Saturday. Nicole asserted:

I could not have done it without them. It was my first pregnancy. I could go and earn points by taking classes to get wipes, diapers, clothing, lotions....I really depended on those items. I could get them every other Saturday. Otherwise, the Center does give them away for free every quarter, but I could not wait that long.

Some of the other classes Nicole has attended are “Common Care for Infants,” “Emotionally Safe Houses for Children,” “Advanced Care for Toddlers,” and “Safe Sleeping.” Nicole still attends classes every other Saturday and has referred others who have also benefitted from them.

Nicole recalled one winter when she ran out of diapers and a snowstorm trapped her at home. She called the Center, and staff arranged for diapers to be delivered to her. She concluded,

The Center is not only instrumental in giving items to support kids, but it supports comradeship. It is a family. Even when women come and go, the Center still reaches out to them. We have parties at the Center, bring food, bring our children. We get to see each other's children grow up. It is also gives our children the opportunity to participate in community service hours. They can volunteer and give back.

**DESTINIE JACKSON** called the Center in 2012 looking to have an abortion. Destinie spoke with Mary at the Center who “admitted right upfront” that they don’t provide or refer for abortions. Interested in learning about her options, Destinie proceeded to take classes and receive counseling at the Center. Destinie recalled that she has “never once been put down” or made to feel ashamed of the circumstances of her pregnancy. Destinie decided to have her son. In the four years that have since passed, Ms. Mary has followed up with Destinie every week. The Center has “treated me like family. My oldest thinks that Ms. Joan, a volunteer at the Center, is her grandmom.”

Destinie has been in counseling at the Center for anger management for at least two years. Throughout those two years,

she has “not been in any trouble.” The Center has also assisted her child’s father. Destinie described Ms. Mary as going out onto the street, “getting him and pulling him into the office to keep him out of trouble. It has kept him out of jail.” Destinie described the Center as

more than a pregnancy center. They are a mentor. They call to make sure you are ok, and if you are not, they don’t let you get off the phone. WIC just gives out checks, but [the Center] cares about your schooling, grades, family, and kids. It is so much better than just a government program.

**JENNERA SMALLS** was referred to the Center by her local Women, Infants, and Children (WIC) office. Other than her husband, Jennera did not have family in Maryland. She was a first time mother seeking help, knowledge, and support, and she found it at the Center, noting that they offered “free sonograms and pregnancy tests” and so much more.

They want to make you feel comfortable, and whatever you decide they will help you. There is no shame involved. There are people there who have went through with the abortion, and they still support you 100%. They are a constant help. Everyone is so warm and welcoming. Ms. Alice calls me and checks up on me. It’s like family. I have made friends here, and it feels good because I don’t have any family here.

The Center helped Jennera with baby food, diapers, toys,

and loving support. The volunteers at the Center were “very kind and supportive” of Jennera’s husband as well. They took a prenatal course together. Jennera still stays in touch with Alice at the Center and goes back several times a year. Jennera says that she is able to use the knowledge and information she gained through the Center to help others in her community. “It feels good to give back,” she says. “They have been so good to me.”

### **SUMMARY OF THE ARGUMENT**

The Center for Pregnancy Concerns was founded in 1980 for the purpose of providing women facing an unplanned pregnancy with a place to explore their options in a non-threatening, supportive environment.<sup>2</sup> The Center provides free services such as pregnancy testing, classes in prenatal development, post-pregnancy parenting, and life skills; and material support for women, including diapers, formula, baby and maternity clothes, and books.<sup>3</sup> The Center provides an irreplaceable free service to the women of Baltimore City and

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<sup>2</sup> [www.pregnantandneedhelp.org/about](http://www.pregnantandneedhelp.org/about).

<sup>3</sup> *Greater Baltimore Ctr. for Pregnancy Concerns v. Mayor and City Council of Baltimore*, 721 F.3d 264, 301 (4<sup>th</sup> Cir. 2013) (citing Complaint).

their families and is now being told by the Mayor and City Council that it must post a sign that clearly violates its religiously informed conscience and core values—namely, that abortion is a viable option—or face possible “civil or criminal enforcement.”<sup>4</sup>

*Amici* have voluntarily come forward to publicly share a delicate and private part of their lives because the Mayor and City Council’s alleged interest in promoting “truth in advertising”<sup>5</sup> warrants telling the “truth” about the real and lasting support the Center has brought to Baltimore women and their families. *Amici* feel as though the Center was the only place that offered them the chance to make an informed choice and improve the circumstances of their lives and the lives of others.

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<sup>4</sup> Baltimore City Ordinance 09-252.

<sup>5</sup> Marta H. Mossburg, *The “Threat” of Free Services for Pregnant Women*, Baltimore Sun, July 16, 2013, [http://articles.baltimoresun.com/2013-07-16/news/bs-ed-mossburg-abortion-20130716\\_1\\_abortion-clinics-steven-chase-brigham-abortion-providers](http://articles.baltimoresun.com/2013-07-16/news/bs-ed-mossburg-abortion-20130716_1_abortion-clinics-steven-chase-brigham-abortion-providers) (paraphrasing Mayor Stephanie Rawlings-Blake).

## ARGUMENT

### I. THE CENTER IS A WARM AND LOVING COMMUNITY, OFFERING VALUABLE AND INFORMATIVE CARE

*Amici* wish to come forward to share their overwhelmingly positive experiences with the Center in response to the statements made by the Mayor and City Council for Baltimore City that pregnancy centers “engage in deceptive advertising to attract women seeking abortion and comprehensive birth-control services”; that pregnancy centers “use delay tactics to impede the women from accessing” abortion and contraceptive services; that “women are counseled with only negative information about the option of abortion” and “are given wildly inaccurate information about the physical and mental health risks...”; and that pregnancy centers are “poorly trained in women’s reproductive health issues and well trained in anti-choice propaganda.”<sup>6</sup>

*Amicus* Ebony Harris found the Center to be “educational and very informative.” In contrast, the abortion clinic she visited first “did not offer any education, counseling, or support.” The

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<sup>6</sup> *Greater Baltimore Ctr. for Pregnancy Concerns v. Mayor and City Council of Baltimore*, 721 F.3d 264, 273-75 (4<sup>th</sup> Cir. 2013).

Center was clear with Ebony that it did not perform or refer for abortions, though it offered many other services. Even when Ebony was strongly considering an abortion, the Center coordinator unequivocally stated that the Center would be there for her regardless of her decision.

When *Amicus* Linda Holliday arrived at the Center with her pregnant granddaughter, she found it to be “caring, loving, and wonderful.” The Center was clear from the outset that it did not perform or refer for abortions but offered other assistance at no charge. Ms. Holliday reflected that if it were not for the Center, “our family would still be in a disaster.” The Center “totally changed our life.”

*Amicus* Destinie Jackson shared similar sentiments. While the Center “admitted right up front” that they don’t provide or refer for abortions, Destinie proceeded to take classes and receive counseling at the Center. Destinie recalled that she had “never once been put down” or made to feel ashamed. “They treat me like family.”

*Amicus* Nicole Howard found her classes extremely informative. Nicole asserts that she “could not have done it

without them.”

*Amicus* Jennera Smalls understood that “the Center did not offer medical services and did not sound like they could offer medical services, other than free sonograms and pregnancy tests.” Jennera was impressed with how the Center wanted to make a person feel comfortable and loved.

There is no shame involved. There are people there who have went through with the abortion, and they still support you 100%. They are a constant help. Everyone is so warm and welcoming....It’s like family.

## **II. THE CENTER PROVIDES INVALUABLE PERSONAL AND COMMUNITY SERVICES BEYOND PREGNANCY COUNSELING**

*Amicus* Ebony Harris describes how volunteers from the Center brought baby clothes, diapers, wipes, food, and toys, and a stroller to her house. Staff even bought her curtains and installed them for her when she was forced to move to a new apartment.

When *Amicus* Linda Holliday brought her granddaughter to the Center, the Center arranged for Ms. Holliday’s granddaughter to be seen at an intensive substance abuse inpatient clinic at Johns Hopkins. Ms. Holliday’s granddaughter was admitted and achieved sobriety. She gave birth to a healthy



baby girl, free from addiction. The Center provided her with free essentials when her baby was born.

*Amicus* Nicole Howard has also experienced material support from the Center, including mid-snowstorm diaper delivery, post-pregnancy education, and much needed “comradeship” in the early, hard days. She recalls attending parties at the Center, bringing food, celebrating, and getting to see her fellow beneficiaries’ children grow up. Nicole and her children now participate as volunteers with the Center and find joy in serving their local community.

*Amicus* Jennera Smalls and her husband benefited from the diapers, wipes, clothes, and toys provided by the Center as well. They both participated in a prenatal class before their baby was born.

*Amicus* Destinie Jackson benefited from one on one counseling at the Center, which has helped keep her “out of trouble.” To Destinie, “they are more than a pregnancy center. They are a mentor. They call to make sure you are ok...they care about your schooling, grades, family, and kids.”

### **III. THE CENTER SERVES ALL PEOPLE, FREE OF CHARGE**

Each of the *Amici* described her experience with the Center as “free of charge.” Many of the women who come to the Center are without sufficient resources to get access to basic prenatal care and infant necessities. The Center offers a loving and generous environment that not only helps to meet the material needs of these women, but also their emotional and spiritual need to feel connected to a community and a part of a family.

### **CONCLUSION**

This Court has the opportunity to keep the Center’s free services available for Baltimore women and families. Doing so would empower women and their families and enable the Center to continue to serve as an essential resource for women seeking basic information and authentic choice in their moments of need. For this reason and for those expressed in Appellee’s Brief, *Amici* request this Court affirm the judgment of the district court.

Dated: April 4, 2017

Respectfully Submitted,

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## CERTIFICATE OF COMPLIANCE

1. This brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 32(a)(7)(B) because it contains 2,833 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(a)(7)(B)(iii).
2. This brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font.

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## CERTIFICATE OF SERVICE

In accordance with Federal Rule of Appellate Procedure 25, I hereby certify that I electronically filed this brief with Clerk of Court for the United States Court of Appeals for the Fourth Circuit by using the CM/ECF system on April 4, 2017. I hereby certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

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**CERTIFICATE OF SERVICE**

I certify that on April 3, 2017 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

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April 3, 2017  
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