



Opposition Statement SB606

Criminal Law - Maryland RICO (Racketeer and Influenced and Corrupt Organizations) Act
Deborah Brocato, Legislative Consultant
Maryland Right to Life

We oppose **SB606**.

On behalf of our Board of Directors and our followers across the state of Maryland, Maryland Right to Life strongly opposes SB606. The Federal Racketeer Influenced and Corrupt Organizations (RICO) Act passed in 1970 and was designed primarily to fight organized crime for crimes such as gambling, murder, kidnapping, arson, drug dealing and bribery. Maryland Right to Life opposes this Maryland version in the way that it will attack First Amendment Rights, especially for those who speak and act to protect the vulnerable members of society including the unborn, the sick, the disabled and the elderly. In the context of other legislation being passed by the Assembly (i.e., End of Life Option Act, Declaration of Rights - Right to Reproductive Freedom), we strongly urge the committee to protect Freedom of Speech and give SB606 an unfavorable report.

According to Operation Rescue, a total of 45 abortion facilities closed or stopped doing abortions nationwide in 2020, and 255 surgical abortion centers have closed since 2009 (See article attached, Closing Abortion Centers). The multiple reasons for closures include violations of health and safety regulations, not enough physicians to provide abortions, laws enacted to restrict abortion, and individuals or groups praying or counseling outside abortion facilities. As a result, the abortion industry developed a multi-pronged strategy to prevent further loss of businesses and revenue.

First, the abortion industry has lobbied lawmakers to loosen restrictions on abortion centers and to expand scope of practice for healthcare practitioners. Maryland enacted the Abortion Care Access Act of 2022 which removed the physician requirement, allows non-medical personnel to be certified by the state to provide surgical and chemical abortions through birth, and allows abortion providers to determine parental notification for minor daughters. Multiple pieces of legislation have expanded prescription and dispensing authority and efforts to continue to further expand scope of practice. All of these measures have made it easier for the abortion industry to find workers to provide abortions and to increase their profits by having lower paid, less educated abortionists.

Second, the abortion industry seeks to attack the First Amendment and prosecute all those who would speak and act against them. This happened in Harford County, Maryland. In 2008, a group of individuals were arrested for demonstrating in defense of human life. Defend Life filed and won their lawsuit with a settlement of \$385,000. In the case of Joseph and Ann Scheidler and Pro-Life Action Network (PLAN), Scheidler v. National Organization of Women (NOW), the Supreme Court unanimously ruled that PLAN "could not be found guilty according to RICO's extortion statutes because the group was not seeking monetary gain through its protests" (see article, RICO, National Catholic Register) The Scheidlers stated, "We'd go to the clinics and talk the women out of abortions and the abortionists knew they had to stop that. So if we were charged with RICO and got a great penalty, it might cut down on that sort of activity - protesting clinics." The abortion industry wants to stifle free speech and bankrupt people while they defend themselves. In this decision, the justices realized that if RICO could be used against PLAN, it could be used against other protesting groups, too. Joseph Scheidler stated, **"During the arguments, Justice Ginsberg said that if we were guilty of RICO then so was Martin Luther King."**



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SB606 undermines the integrity of the General Assembly. As written, the broad language of the bill leaves the danger of subjective interpretation used against certain groups of people. As seen in the 2 cases cited, if enacted, this law could be used against those exercising their First Amendment right with pro-life speech and Crisis Pregnancy Centers for providing abortion information that may be contrary to state provided abortion information. All Marylanders have the right to Free Speech and this right must not be impinged as a result of the state of Maryland becoming a sponsor of abortion. In *McCullen v. Coakley*, the United States Supreme Court upheld Freedom of Speech declaring unconstitutional a Massachusetts requiring buffer zones near abortion centers to prevent pro-life activity.

The bill would unfairly burden individuals and organizations with the cost of criminal and civil defense from frivolous charges and lawsuits using the broad language of the bill. Charges and lawsuits against Free Speech would likely be found unconstitutional but the time and expense of defending them would unfairly burden the defendants and instill fear in others which would seem to be the intent.

Federal precedent prohibits targeting pro-life speech. *Scheidler v. NOW* and *McCullen v. Coakley* both upheld freedom of speech for pro-life Americans. Locally, in *Greater Baltimore Ctr. for Pregnancy Concerns, Inc. v. Mayor & City Council of Baltimore*, 879 F.3d 101 (4th Cir. 2018), the federal appeals court for the 4th Circuit decided in favor of a pro-life pregnancy center, "the City has considerable latitude in regulating public health and deceptive advertising. But Baltimore's chosen means here are too loose a fit with those ends, and in this case compel a politically and religiously motivated group to convey a message fundamentally at odds with its core beliefs and mission." (see article, Baltimore Pregnancy Centers, Reuters)

Maryland Right to life urges the committee to preserve Free Speech for all and deliver an unfavorable report on **SB606**.