

Pro-Life Centers Get Massive Supreme Court Victory: They Don't Have to Recommend Abortions

The U.S. Supreme Court on Tuesday blocked a California law requiring clinics that counsel women against abortion to notify clients of the availability of abortions paid for by the state, finding that it violated the free speech rights of these Christian-based facilities.

The Supreme Court legalized abortion in 1973, and while the broader issue of abortion rights was not at issue in the case, the 5-4 ruling represented a significant victory for abortion opponents who operate these kinds of clinics—called crisis pregnancy centers—around the country.

The court's five conservative justices were in the majority in the ruling authored by Justice Clarence Thomas, with the four liberals dissenting.

The justices endorsed the argument advanced by the clinics that the Democratic-backed law in the most populous U.S. state ran afoul of the Constitution's First Amendment guarantee of free speech by forcing them to advertise for abortion in violation of their beliefs.

"California cannot co-opt the licensed facilities to deliver its message for it," Thomas wrote.

Crisis pregnancy centers have said they offer legitimate health services but that their mission is to steer women with unplanned pregnancies away from abortion. California officials have said some of the centers mislead women by presenting themselves as full-service reproductive healthcare facilities,

going so far as to resemble medical clinics, down to lab coats worn by staff.

President Donald Trump's administration hailed the decision as a victory for free speech. "Speakers should not be forced by their government to promote a message with which they disagree, and pro-life pregnancy centers in California should not be forced to advertise abortion and undermine the very reason they exist," U.S. Attorney General Jeff Sessions said.

U.S. House of Representatives Democratic Leader Nancy Pelosi called the ruling a "grave step backwards" for women's rights, adding that California should be able to protect people from "fake women's health centers" that provide biased information.

Ilyse Hogue, president of abortion rights group NARAL Pro-Choice America, said that *Roe v. Wade*, the high court's landmark 1973 decision establishing a woman's constitutional right to abortion, is more at risk than ever.

"One vote made all the difference today, and it could also be the only thing between upholding *Roe* or outlawing legal abortion in America," Hogue said.

The Alliance Defending Freedom conservative Christian legal group, which represented the anti-abortion centers, said the ruling dooms similar laws in other states and cities.

There are roughly 2,700 crisis pregnancy centers in the United States, including around 200 in California, according to abortion rights advocates, vastly outnumbering abortion clinics.

The law does not require abortion referral or prevent the centers from voicing their anti-abortion views, but rather helps ensure that clients are made aware of abortion and family planning services available elsewhere, California argued.

The justices reversed a 2016 ruling by the San Francisco-based 9th U.S. Circuit Court of Appeals that refused to block the law.

Wider Implications

Liberal Justice Stephen Breyer announced his dissent from the bench, saying the court previously upheld another law forcing doctors to tell women seeking abortion about adoption services.

If a state can do that, Breyer asked, “why should it not be able to require a medical counselor to tell a woman seeking prenatal care about childbirth and abortion services?”

Breyer said Tuesday’s ruling could have wider implications, calling into question all manner of government disclosure requirements including securities or consumer-protection regulations.

California’s Reproductive FACT Act, passed by a Democratic-led legislature and signed by Democratic Governor Jerry Brown in 2015, required centers licensed by the state as family planning facilities to post or distribute notices that the state has programs offering free or low-cost birth control, prenatal care and abortion services. The law also mandated unlicensed centers that may have no medical provider on staff to disclose that fact.

The National Institute of Family and Life Advocates, an umbrella group for the non-profit facilities, as well as two such facilities in San Diego County, challenged the California law, saying it was crafted to target them for their anti-abortion views.

“Pro-life centers are now free from government harassment,” Thomas Glessner, the institute’s president, said after the ruling.

There is a strong religious element to the facilities involved in the case. For example, one called itself a “front line ministry” and said on its website that once women who come to the center “have accepted Christ we begin a discipleship program with them and contact a partner church to hand them off to.” {eoa}

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