

# This Abortion Case May Be One of the Most Crucial Ever for the Supreme Court

The U.S. Supreme Court will hear oral arguments tomorrow for *National Institute of Family and Life Advocates (NIFLA) v. Becerra*, one of four cases brought by crisis pregnancy centers challenging a California law as a violation of the First Amendment. Argument inside the Court will begin at 10 a.m. EST and last for one hour.

Liberty Counsel previously filed an amicus brief in this case representing crisis pregnancy center clients, which is one of the four cases before the High Court.

The Supreme Court will review the California Reproductive FACT Act, which compels pro-life crisis pregnancy centers to post notices in their physical clinics, printed material, and online regarding the availability of free and low-cost abortions. The Court agreed to review the NIFLA case on the question of whether the disclosures required by the California Reproductive FACT Act violate the Free Speech Clause of the First Amendment.

Liberty Counsel's case, *Mountain Right to Life v. Becerra*, will be held at the Court until it resolves the NIFLA case. The facts and arguments are almost identical. Liberty Counsel represents three pro-life crisis pregnancy centers in Southern California, all of which offer women experiencing crisis pregnancies resources, counseling, advice, and alternatives to abortion.

All of the centers are faith-based and will not refer women for abortions. Under the California law, Pregnancy and Family Resource Center (San Bernardino), and all other licensed pregnancy counseling centers in the state are required to post

the following government-prescribed message in their facilities and in their advertising or be fined \$500 for the first violation and \$1,000 for each additional violation:

“California has public programs that provide immediate free or low-cost access to comprehensive family planning services (including all FDA-approved methods of contraception), prenatal care and abortion for eligible women. To determine whether you qualify, contact the county social services office at [insert the telephone number].”

His Nesting Place (Long Beach), Birth Choice of the Desert (La Quinta) and other centers not licensed by the State of California must post a notice that they are not a licensed medical facility in all print and online advertising and in their physical facilities or face the same fines. The notice for unlicensed clinics consists of an announcement that the clinic is a not a medical facility and has no doctor on staff.

The notice must be written in 48-point type in up to 12 languages, depending on the county. His Nesting Place has to post notices in 12 languages and Birth Choice of the Desert has to post in two languages.

Liberty Counsel challenged the law in federal court. A federal district court judge and a three-judge panel of the Ninth Circuit Court of Appeals denied Liberty Counsel’s request for a preliminary injunction, and Liberty Counsel filed a petition to the Supreme Court. The case is being held and the decision in NIFLA will apply to all the pending cases.

“We are hopeful this forced speech law will be overturned by the Supreme Court,” said Mat Staver, Founder and Chairman of Liberty Counsel. “The California law forces crisis pregnancy centers to speak a message that goes directly against their religious beliefs and mission to save lives. The First Amendment protects the right to speak and the right not to speak. To be forced to post state-prescribed notices in large

font undermining the mission of the pregnancy centers is a shocking violation of the First Amendment.”

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