

Why This Supreme Court Case Encourages Pro-Lifers

You'd assume the last place that should have to advertise abortions would be those pro-life health centers created specifically to help pregnant women not abort their babies.

However, pro-choice legislators in California passed a law in 2015 demanding those centers post those advertisements in their facilities and online.

That was enough of an attack on the First Amendment free speech right to get the U.S. Supreme Court Tuesday to hear whether that law should be struck down.

'Worse for the Government to Put Words in Your Mouth'

Michael Farris of the religious rights law firm Alliance Defending Freedom argued for the pro-life pregnancy centers before the justices. He called California's Reproductive FACT Act clearly unconstitutional because it violates freedom of speech.

"If the justices rule for California," Farris warned outside the high court, "a state government that has a political opposition to a particular group can force you to say things the state wants you to say, but you don't want to say. It's one thing for the government to ban speech," he said. "That's not acceptable. But it's even worse for the government to put words in your mouth and turn you into their marionette, that they can force you to say what they want you to say," he noted.

A Plot to Shut Them Down?

Partisans from both sides rallied on the plaza outside the Supreme Court building. While addressing pro-life supporters,

Family Research Council President Tony Perkins suggested California pro-choice lawmakers are trying to kill off the state's pro-life pregnancy centers.

"Their average budget is about \$125,000 a year. Let me tell you what this is designed to do and what California is doing. This is designed to shut down these care pregnancy centers," Perkins said. "The first fine is \$500. The second, \$1,000 a day. You can do the math. It doesn't take long on a budget of \$125,000 to shut down these centers."

March for Life President Jeanne Mancini told the assembled crowd, "Pregnancy centers were established specifically to help women—at no charge—to choose life for their children. The government shouldn't force them or anyone to advertise for something that directly contradicts the very reason they exist."

Are the Centers Keeping Pregnant Women in The Dark?

On the other side of the issue, California Attorney-General Xavier Becerra argued pro-life pregnancy centers aren't telling women all the facts they need to know when they're pregnant.

"We're concerned about making sure that people have accurate information that really gives them a chance to make an informed decision about something as precious as their health," he said after the hearing.

Assembly member David Chiu, D-San Francisco, the creator of California's controversial law, even accused pregnancy centers of lying to pregnant women and being what he called "fake health clinics."

"There are thousands of fake health clinics around our country and 370 in the state of California that are unfortunately deceiving women," Chiu said.

Representatives of the National Institute of Family and Life Advocates (NIFLA) countered that those pro-life pregnancy centers are not “fake health clinics.” Some 1,500 of those centers are in NIFLA’s network and it is the plaintiff, in this case, NIFLA v. Becerra. And outside the court, NIFLA’s top officials strongly objected to what California’s doing.

“No one should be forced to provide free advertising for the abortion industry, especially not pregnancy centers,” said Anne O’Connor, NIFLA’s vice president for legal affairs.

The First Amendment Is on the Line

Thomas Glessner, NIFLA’s founder, and president warned the implications of the case go far beyond pregnancy centers and abortion.

“If this law is allowed to happen, the very heart and soul of the First Amendment will be gone,” Glessner said. “No one should be compelled to speak a message with which they fundamentally disagree.”

Justices Leaning Against California Law?

But religious rights lawyer Mat Staver, whose Liberty Counsel is representing a client in a similar case, came away from the high court hearing believing it’s a good bet that all the conservative justices and at least one liberal and one moderate would rule against California.

“It seemed to be pretty clear that the majority of justices, including Sotomayor and certainly Kennedy, were not in favor of upholding this statute because of its breadth,” Staver told CBN News.

“The courtroom arguments we saw this morning strongly suggest that a majority of the justices clearly see that California was unconstitutionally targeting pro-life pregnancy centers,” Americans United for Life President Catherine Glenn Foster

said after the hearing. "They appeared to agree with AUL's friend of the court brief that what the state did was not appropriate regulation of medicine, but coerced speech in violation of the First Amendment."

"Everybody should be concerned about this law," Glessner added. "We're standing here and we're saying to the Supreme Court 'give free speech life.' This is a free speech case. We're optimistic about the results." {eo}

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