



Written by [Raven Clabough](#) on January 22, 2016

Pro-Life Pregnancy Centers Sue Calif. Over Law Forcing Them to Discuss Abortion Programs

Last fall, the state of California enacted Assembly Bill 775. The law, which went into effect on January 1 of this year, requires pregnancy centers in the state to have written statements posted in all clinics making clients aware of the state's abortion programs. In response to this pro-abortion law, three faith-based pregnancy centers filed a lawsuit against the state on Thursday.



Under the law, health clinics that provide pregnancy-related services must inform their patients about California's public programs that offer family planning options, including abortion.

The law compels all pregnancy clinics to make the following statement visible to their clients:

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.

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LifeNews adds that the law states that the notice must be in 22-point font, distributed to patients in no less than 14-point font, or distributed digitally "at the time of check-in or arrival."

In addition to the pre-written statement, centers are required to provide the phone number to social services where callers are provided with additional information about abortion programs.

Furthermore, pro-life centers that fail to provide the abortion information the first time will be subjected to fines of \$500, and \$1,000 per incident thereafter, notes World Net Daily.

But three pro-life pregnancy centers have filed suit against what they are calling an unconstitutional law that violates their First Amendment rights by compelling speech with which they disagree. The plaintiffs in the case are Mountain Right to Life, Inc. (dba Pregnancy & Family Resource Center), Birth Choice of the Desert, and His Nesting Place, represented by the Liberty Counsel.

The lawsuit contends that the law violates the plaintiffs' constitutional guarantees of free speech and free exercise of religion "by requiring Plaintiffs to post government-dictated messages which are antithetical to their beliefs and which they do not wish to communicate."

The complaint adds that AB 775 is "unconstitutional on its face and as applied."

It reads,

An actual controversy exists between the parties involving substantial constitutional issues, in that Plaintiffs assert that the challenged statute violates the Free Speech and Free Exercise of 8 Religion rights of Plaintiffs guaranteed under the First and Fourteenth 9 Amendments to the United



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States Constitution and by Article I, §§2(a), 4 of the 10 California Constitution, while Defendants assert the Act comports with the United 11 States and California constitutions.

The legislation states that “the purpose of this act is to ensure that California residents make their personal reproductive health care decisions knowing their rights and the health care services available to them.” But despite the rhetoric, Liberty Counsel Chairman Mat Staver contends the law is simply about control and empowering the state:

This is reminiscent of the government-mandated messages in George Orwell’s *1984*. AB 775 mandates that these faith-based, crisis pregnancy centers utter a state-drafted, pro-abortion message or be fined up to \$1,000 each time they fail to comply.

What we are seeing is the evolution of political correctness. While the PC movement used social consequences to restrict speech, now the secular, progressive California legislature is using the law and fines to mandate speech. This is not only anti-American, it should be terrifying to every freedom-loving American. The right to speak and the right to refrain from speaking are both protected by the First Amendment.

This is not the first challenge to California’s controversial law.

When AB 775 was passed last October, two faith-based pregnancy centers — Care Net Pregnancy Center and A Woman’s Friend Pregnancy Center — sought injunctive relief that would have excused them from having to provide their clients information about abortion.

Brad Dacus, president of the Pacific Justice Institute, a conservative nonprofit that filed the suit on the centers’ behalf, declared,

Forcing a religious pro-life charity to proclaim a pro-abortion declaration is on its face an egregious violation of both the free speech and free exercise clauses of the First Amendment to the Constitution. We will not rest until this government mandate is completely halted.

And though the judge seemed to agree with their constitutional arguments, injunctive relief was not granted.

U.S. District Judge Kimberly Mueller, who presided over the case, admitted that if the court denied the plaintiffs the injunctive relief, they were “likely to suffer irreparable injuries with respect to their constitutional rights and incur civil penalties,” but the burden to prove that the “injunction is in the public interest” was on them, and they failed to present sufficient evidence of that.

Judge Mueller ruled that the public’s interest was to ensure that women in California were made aware of all their reproductive healthcare options.

“California has a special interest in protecting and regulating trades that closely concern public health,” she wrote. “Though the public interest favors upholding the First Amendment, the public interest also favors ensuring California women are fully informed as to their reproductive health care options.”

Mueller acknowledged that the law’s required notice is compelled speech, but defended it as speech that “provides truthful, non-misleading information to the clinics’ clients during their appointments” and “does not otherwise restrict speech,” noting that the clinics opposed to the law may continue to criticize it during appointments with the clients and may still advocate their own religious beliefs.

But that is not enough. Constitutional lawyer Herbert Titus of William J. Olson, P.C. told World News Daily that the First Amendment protects citizens from being “forced to carry someone else’s message.”



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Still, Titus states that he is not surprised by California's efforts to suppress its citizens' constitutional rights.

"It's fairly typical of California," he noted, "[which is] always on the cutting edge of making us more and more like a fascist country, in which the state determines what we can say and what we can't say."

However, if past precedent is any indication, AB 775 may not withstand the opposition.

According to Life News, the law closely mirrors ones found in Austin, Texas; Baltimore and Montgomery Counties in Maryland; and New York City, all of which were thrown out after courts determined the government-mandated messages were unconstitutional.



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