No. 24-781

IN THE
Supreme Court of the United States

FIRST CHOICE WOMEN'S RESOURCE CENTERS, INC.,

Petitioner,

v.

MATTHEW PLATKIN, in his official capacity as Attorney General of New Jersey,

Respondent.

On Writ of Certiorari to the United States Court of Appeals for the Third Circuit

AMICI CURIAE BRIEF OF A WOMAN'S CONCERN, INC., PENNSYLVANIA PREGNANCY WELLNESS COLLABORATIVE, NEW JERSEY RIGHT TO LIFE, AND NATIONAL INSTITUTES OF FAMILY AND LIFE ADVOCATES IN SUPPORT OF PETITIONER

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INTEREST OF AMICI[1]

Amicus A Woman's Concern, Inc., d/b/a Your Options Medical ("YOM"), operates faith-based pregnancy medical clinics and resource centers across Massachusetts, offering free pregnancy confirmation, material resources, and family support. For thirty-five years, YOM has served thousands of families and earned a strong reputation as a community asset. Yet despite its significant contributions to the Commonwealth, YOM has faced vandalism and a state-funded smear campaign.

Amicus Pennsylvania Pregnancy Wellness Collaborative ("Collaborative") is composed of multiple faith-based pregnancy centers that provide free and low-cost services for Pennsylvania residents. PPWC advances the work of these pregnancy help organizations in Pennsylvania by providing a unified voice for pregnancy centers.

Amicus New Jersey Right to Life Committee, Inc. (NJRTL) is the state's largest and most active pro-life, non-partisan organization dedicated to protecting and fostering the most basic value of our society – human life.

Amicus the National Institute of Family and Life Advocates (NIFLA) is a national legal network for pro-life pregnancy resource centers and medical clinics and provides legal training, consultation, and education to its 1,800 member centers (including

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[1] Pursuant to Supreme Court Rule 37.6, *Amici* state that no counsel for any party authored this brief in whole or in part, and no entity or person, aside from *amici curiae*, their members, and their counsel, made any monetary contribution toward the preparation or submission of this brief.

centers in New Jersey), over 1,500 of which operate as medical clinics.

Collectively, *Amici*'s interest in submitting this brief is to demonstrate that the kind of targeting to which First Women's Resource Centers, Inc., has been subject is far from an isolated event; indeed, it is the product of increasing weaponized state action taken to unconstitutionally shut down the morally and religiously motivated speech and conduct in which these organizations engage.

SUMMARY OF ARGUMENT

"Abortion presents a profound moral issue on which Americans hold sharply conflicting views. Some believe fervently that a human person comes into being at conception and that abortion ends an innocent life." *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 223-24 (2022).

Amici, like Petitioner in this case, are non-profit entities that, for moral and religious reasons, are among those described by the Supreme Court who believe in the sanctity of human life from the moment of conception. They have devoted their time, energy, and resources to promoting and preserving human life, both protecting prenatal humans from destruction by abortion and protecting their mothers from the various harms abortion inflicts upon them. Yet, these deeply held moral and religious views and the work that they inform are under grave attack, not just in the instant case, but in instances increasingly occurring across the nation.

At the federal level, officials have disparaged PRCs as "misleading," accused them of being

deceptive, and otherwise and taken steps to cast dispersion on and put and end to their work. These actions are not tied to unlawful conduct but to the pro-life viewpoint PRCs represent, and they reflect the kind of viewpoint-based discrimination the First Amendment forbids.

At the state level, officals – not just in New Jersey, but in other states as well, including New York and Massachusetts -- have engaged in efforts to harass and discredit PRCs as "deceptive" or "theats to public health." Some have sought to compel PRCs to disseminate state-approved pro-abortion messages. These efforts are designed to surpress disfavored speech and mirror compelled-speech regimes that this Court has already rejected.

While the State may wish to promote a pro-abortion agenda, it has no constitutional authority to censor and permanently silence non-governmental voices purely because they dissent from that agenda. Pro-life organizations have the constitutional right to engage in pro-life speech that departs from a government's pro-abortion stance. *Agency for Int'l Dev. v. All. for Open Soc'y Int'l, Inc.*, 570 U.S. 205, 213 (2013) (It is a "basic First Amendment principle that 'freedom of speech prohibits the government from telling people what they must say.'" (quoting *Rumsfeld v. F. for Acad. & Institutional Rts., Inc.*, 547 U.S. 47, 61 (2006))); *see also Hurley v. Irish-American Gay, Lesbian, and Bisexual Grp. of Boston*, 515 U.S. 557, 573 (1995) ("[A] speaker has the autonomy to choose the content of his own message.").

All of this occurs against the backdrop of sustained violence and animosity. Since the leak of the draft *Dobbs* decision, nearly 100 acts of vandalism,

firebombings, and threats have been directed at PRCs and other pro-life groups across the country, including centers affiliated with *amici*. In this climate, compelled disclosure of confidential donor records would expose supporters to harassment and retaliation, chilling associations freedoms this Court has long protected.

ARGUMENT

Pregnancy Resource Centers (PRCs) are generally faith-based non-profit organizations, most of which provide free assistance to millions of women, children, and families annually, including hundreds of thousands of free ultrasounds each year (nearly 547,000 in 2022)[2] along with medical services, education, and referrals. In New Jersey alone, PRCs helped "35,138 women, men, youth, and families in 2019, [by] providing free services and materials valued at nearly $3 million."[3] These services "included 5,614 free ultrasounds performed by registered nurses or medical sonographers and 9,431 free pregnancy tests."[4]

Also in 2019, over 10,000 licensed medical professionals served as paid or volunteer workers in 2,700 PRCs across the United States.[5] Thousands

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[2] MOIRA GAUL & MICHAEL J. NEW, PREGNANCY CENTERS OFFER HOPE FOR A NEW GENERATION 28 (Ben Cook & Genevieve Plaster eds., 2024).

[3] *Community Impact: New Jersey Pro-Life Pregnancy Centers Served 35,138 in 2019*, CHARLOTTE LOZIER INST. (Feb. 15, 2023), https://tinyurl.com/5hde4nf7.

[4] *Id.*

[5] Moira Gaul, *Fact Sheet: Pregnancy Centers – Serving Women and Saving Lives (2020 Study)*, CHARLOTTE LOZIER INST. (July

more people serve voluntarily at PRCs on an annual basis.[6] In fact, PRCs save taxpayers countless millions of dollars each year because of the services that they provide for free—through the work of volunteers and the support of donors—that would otherwise have to be provided by government agencies through publicly funded programs.[7]

These PRCs, and the medical professionals and workers that staff them, also provide invaluable information and resources that help ensure that a woman is *fully aware* of all the facts and options available to her—allowing her to make a *true* choice. Consistent with their moral and religious views that pre-born life is sacred and valuable, PRCs provide facts about abortion, including the fact that abortion is an act that is intended to end the life of a pre-born child,[8] and that abortion is a grave, gruesome, and irreversible act.[9] The descriptions of abortion procedures in *Gonzales* show how gruesome these procedures can be. 550 U.S. at 134. "Abortion methods vary depending to some extent on the preferences of the physician and, of course, on the term of the pregnancy and the resulting stage of the unborn child's development." *Id.* (describing the variations in method).

19, 2021), https://lozierinstitute.org/fact-sheet-pregnancy-centers-serving-women-and-saving-lives-2020.

[6] *Id.*

[7] *Id.*

[8] *Gonzales v. Carhart*, 550 U.S. 124, 134 (2007) ("The Act proscribes a particular manner of ending fetal life . . . .").

[9] *Id.*

For example,

> [t]he most common [surgical] first-trimester abortion method is vacuum aspiration (otherwise known as suction curettage) in which the physician vacuums out the embryonic tissue . . . . [In a D&E abortion, t]he doctor, often guided by ultrasound, inserts grasping forceps through the woman's cervix and into the uterus to grab the fetus. The doctor grips a fetal part with the forceps and pulls it back through the cervix and vagina, continuing to pull even after meeting resistance from the cervix. The friction causes the fetus to tear apart. For example, a leg might be ripped off the fetus as it is pulled through the cervix and out of the woman. The process of evacuating the fetus piece by piece continues until it has been completely removed.

Id. at 134-36.

Further,

> [s]ome doctors, especially later in the second trimester, may kill the fetus a day or two before performing the surgical evacuation. They inject digoxin or potassium chloride into the fetus, the umbilical cord, or the amniotic fluid. Fetal demise may cause contractions and make greater dilation possible. Once dead, moreover, the fetus' body will soften, and its removal will be easier. . . . The abortion procedure that was the impetus for the numerous bans on "partial-birth abortion," including the Act, is a variation

of this standard D&E.

Id. at 136 (describing the practice of abortion by injection before the surgical intervention). A nurse's testimony before Congress describes the gruesomeness of these procedures:

> "'Dr. Haskell went in with forceps and grabbed the baby's legs and pulled them down into the birth canal. Then he delivered the baby's body and the arms—everything but the head. The doctor kept the head right inside the uterus. . . .
>
> "'The baby's little fingers were clasping and unclasping, and his little feet were kicking. Then the doctor stuck the scissors in the back of his head, and the baby's arms jerked out, like a startle reaction, like a flinch, like a baby does when he thinks he is going to fall.
>
> "'The doctor opened up the scissors, stuck a high-powered suction tube into the opening, and sucked the baby's brains out. Now the baby went completely limp… .
>
> "'He cut the umbilical cord and delivered the placenta. He threw the baby in a pan, along with the placenta and the instruments he had just used.'"

Id. at 138-39.

A woman's decision regarding abortion should be fully informed and should be made only after careful consideration of all the facts. *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 882 (1992) (plurality opinion) ("[E]nsur[ing] that a woman apprehend[s] the full consequences of her decision . . . reduce[s] the

risk that a woman may elect an abortion, only to discover later, with devastating psychological consequences, that her decision was not fully informed."); *accord Planned Parenthood of Cent. Mo. v. Danforth*, 428 U.S. 52, 67 (1976) ("The decision to abort, indeed, is an important, and often a stressful one, and it is desirable and imperative that it be made with full knowledge of its nature and consequences.").

In pro-abortion states, the moral and religious objections that these PRCs have to abortion, and their determination to share information regarding the negative consequences of abortion, may be at odds with the views of state lawmakers and officials who are pursuing a policy of abortion on demand.[10]

While this has long been true, after this Court's decision in *Dobbs*, where it rightly rejected a constitutional right to abortion,[11] there is a growing nation-wide trend of policymakers and government

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[10] *See i.e.*, Press Release, Acting AG Platkin Establishes "Reproductive Rights Strike Force" to Protect Access to Abortion Care for New Jerseyans and Residents of Other States, Office of the Att'y Gen. (Jul. 11, 2022), https://www.njoag.gov/acting-ag-platkin-establishes-reproductive-rights-strike-force-to-protect-access-to-abortion-care-for-new-jerseyans-and-residents-of-other-states ("But make no mistake: Abortion remains legal in New Jersey. The Freedom of Reproductive Choice Act, signed into law this January by Governor Murphy, protects the right to choose to terminate a pregnancy in New Jersey. And legislation signed into law by Governor Murphy earlier this month provides additional critical protections for individuals who seek to access reproductive health care services in New Jersey. The Strike Force we are creating today will ensure that these laws are enforced to the full extent possible, and that we use every available resource to protect access to abortion care [sic] in New Jersey.").

[11] 597 U.S. 215.

officials invoking investigatory powers, executive orders, and legislation unconstitutionally to censor PRCs, such as the one at the center of this case—First Choice Women's Resource Centers, Inc.

A. Federal Level Efforts to Restrict or Eliminate Pregnancy Resource Centers.

In the wake of the leaked draft decision in *Dobbs*, PRCs have experienced an increase in violence against them, including firebombing and vandalism.[12] Despite these violent attacks,[13] PRCs received little to no support from pro-abortion politicians, and were instead subjected to public defamation and calls for their censorship and closure.

On June 17, 2022, pro-abortion members of Congress sent a letter to the Chief Executive Officer of Google.[14] In that letter, Members of Congress referred to "crisis pregnancy centers," or "pregnancy resource centers," as "fake clinics."[15] The letter also called on Google to, *inter alia*, "limit the appearance

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[12] Emma Colton, *New York Pro-Life Pregnancy Center Allegedly 'Firebombed' by Left-Wing Group, Investigation Launched*, FOX NEWS (Jun. 7, 2022, 3:51 PM), https://www.foxnews.com/us/pro-life-pregnancy-firebombed-left-wing; Jessica Chasmar, *At Least 5 Pro-Life Pregnancy Centers Vandalized Within a Week of SCOTUS Opinion Leak*, FOX NEWS (May 11, 2022, 1:37 PM), https://www.foxnews.com/politics/5-pro-life-pregnancy-centers vandalized-scotus-leak.

[13] *Attacks Since Supreme Court Leak: 96*, CATHOLICVOTE.ORG, https://catholicvote.org/pregnancy-center-attack-tracker/ (last updated Jan. 21, 2025).

[14] Letter from Members of Congress to Sundar Pichai, Chief Exec. Officer of Alphabet, Inc. (June 17, 2022), https://tinyurl.com/4u2rpek4.

[15] *Id*.

of . . . fake clinics or so-called 'crisis pregnancy centers' in Google search results, Google Ads, and on Google Maps . . . ."[16]

Senator Elizabeth Warren made a series of remarks regarding PRCs: "We need to shut them down here in Massachusetts, and we need to shut them down all around the country."[17] She accused PRCs of "[d]eceiving people in order to provide services," "[springing] up to prey on people who are pregnant and vulnerable and seek[ing] help . . . ,"[18] and of "wish[ing] [women] harm,"[19] stating that "[PRCs] should not be able to torture a pregnant person like that."[20]

U.S. Representative Josh Gottheimer of New Jersey requested that the Biden Administration, through the implementation of a proposed rule, defund PRCs, claiming that "[PRCs] masquerade as healthcare providers . . . to divert women away from *real* healthcare clinics,"[21] asserting that PRCs are

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[16] *Id.*

[17] Isabel Brown, *Senator Elizabeth Warren Calls for Crisis Pregnancy Centers to be Shut Down*, TURNING POINT USA (July 15, 2022), https://www.tpusa.com/live/senator-elizabeth-warren-calls-for-crisis-pregnancy-centers-to-be-shut-down.

[18] Kate Selig & Stephanie Ebbert, *Elizabeth Warren Calls for Action Against 'Crisis Pregnancy Centers' in Wake of Supreme Court Overturning Roe*, BOS. GLOBE (June 29, 2022, 4:34 PM), https://www.bostonglobe.com/2022/06/29/metro/elizabeth-warren-calls-action-against-crisis-pregnancy-centers-wake-scotus-overturning-roe/.

[19] @RNC Research, X (formerly known as Twitter) (July 6, 2022, 11:39 AM), https://tinyurl.com/yc528w6n.

[20] Brown, *supra* note 17.

[21] Letter from Josh Gottheimer and Angie Craig, Representatives, United States House of Representatives, to Xavier Becerra, Secretary, U.S. Department of Health and

engaged in "[d]eceptive practices," and "disseminating inaccurate medical misinformation."[22] Rep. Gottheimer has also stated, with reference to PRCs, "We need to do everything we can to shut down these brainwashing cult clinics, and they are brainwashing cult clinics."[23]

In Febuary 2025, U.S. Representatives Suzanne Bonamici (D-OR) and Emilia Strong Sykes (D-OH) and Senator Elizabeth Warren (D-MA) introduced legislation targeted at PRCs in an effort to chill their pro-life speech.[24] They introduced legislation, endorsed by major pro-abortion organizations such as Planned Parenthood Federation of America, titled the "Stop Anti-Abortion Disinformation (SAD) Act." The proposed legislation would direct the "Federal Trade Commission (FTC) to prohibit false advertising of abortion services and give[] the FTC authority to enforce the regulations and penalize organizations in violation."[25]

Human Services (Jan. 22, 2024), https://d12t4t5x3vyizu.cloudfront.net/gottheimer.house.gov/uploads/2024/01/Letter-Crisis-Pregnancy-Centers_TANF-Final-.pdf (emphasis added).

[22] *Id.*

[23] Henry Rosoff, *Congressman Calls for Crackdown on 'Brainwashing' Crisis Pregnancy Centers*, PIX 11 (Oct. 6, 2023, 7:53 PM), https://pix11.com/news/local-news/congressmen-calls-for-crackdown-on-brainwashing-crisis-pregnancy-centers/.

[24] Press Release, Sykes, Bonamici, Warren Introduce Bill to Stop Crisis Pregnancy Centers from Spreading Anti-Abortion Disinformation, Congresswoman Emilia Sykes (Feb. 3, 2025), https://sykes.house.gov/media/press-releases/sykes-bonamici-warren-introduce-bill-to-stop-crisis-pregnancy-centers-from-spreading-anti-abortion-disinformation.

[25] *Id.* While prohibiting deceptive advertising in the abortion market would make sense if targeted at abortion businesses that profit from more abortions, the bill actually exempts abortion

In addition to these political slurs and attacks on PRCs, President Biden issued an Executive Order on July 8, 2022, calling on the Secretary of Health and Human Services, the U.S. Attorney General, and the Chair of the FTC to "address deceptive or fraudulent practices related to reproductive healthcare services,"[26] language, as detailed above, that is frequently used in direct reference to PRCs.

B. State Level Efforts to Restrict or Eliminate Pregnancy Resource Centers.

State officials have waged campaigns of defamation and legal harassment of centers designed to help pregnant women. The bias behind these campaigns is patent: they target pro-life centers while ignoring abortion providers; they allege "deception" and "misinformation" when what is really at stake is a departure from the pro-abortion narrative; they are typically the products of pro-abortion entities seeking to eliminate what they regard as competition for abortion providers. And while pro-life centers have successfully litigated against such measures, the process, of course, is the punishment.

On October 23, 2023, sixteen state attorneys general issued a joint letter, headed by Rob Bonta,

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businesses by applying only to those who *do not* provide or refer for abortion. SAD Act, H.R. 846, 119th Cong. (2025), https://bonamici.house.gov/sites/evo-subsites/bonamici.house.gov/files/evo-media-document/BONAMI_005_xml_1_17_25.pdf. The bill thus targets those who have *no* financial incentive to deceive women, while giving a pass to those who do.

[26] Exec. Order No. 14,076, 87 Fed. Reg. 42,053 (July 8, 2022), https://www.govinfo.gov/content/pkg/FR-2022-07-13/pdf/2022-15138.pdf.

Attorney General of California, entitled "Open Letter From Attorneys General Regarding CPC Misinformation and Harm."[27] The letter was joined by the attorneys general of Connecticut, Michigan, Delaware, Minnesota, District of Columbia, New Jersey, Hawaii, New Mexico, Maine, New York, Massachusetts, Nevada, Oregon, Vermont, and Washington.[28]

In the letter, the attorneys general wrote:

> We have watched with increasing concern in recent years as anti-abortion crisis pregnancy centers (CPCs) have proliferated in our states, outnumbering abortion clinics by a three-to-one ratio, while *misleading consumers and delaying access* to critical, time-sensitive reproduction healthcare. . . . and *often use deceptive tactics to lure in patients seeking reproductive healthcare*. These tactics can have dire health consequences and rob patients of their healthcare choices.[29]

In supporting the statements made in the letter, the attorneys general relied heavily on studies conducted by some of the Nation's largest pro-abortion organizations,[30] such as NARAL Pro-Choice

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[27] Letter from Sixteen Attorneys Gen., Open Letter From Attorneys Gen. Regarding CPC Misinformation and Harm (Oct. 23, 2023), https://tinyurl.com/56ptjxby.
[28] *Id*.
[29] *Id*. (emphasis added).
[30] *Id*.

America[31] and the American College of Obstetricians & Gynecologists.[32] In addition, the letter discusses a report conducted by The Alliance: State Advocates for Women's Rights & Gender Equality,[33] an organization driven by the pro-abortion groups Gender Justice,[34] Legal Voice,[35] Southwest Women's Law Group, and Women's Law Project.[36]

Notably, The Alliance itself states, as a "key context and additional finding" to the reports it issued, that "(CPCs are) 'unfortunately capitalizing on a gap that we have in our system *in terms of*

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[31] *About Us*, REPROD. FREEDOM FOR ALL, https://reproductivefreedomforall.org/about/ (Mar. 26, 2024); Kimberlee Kruesi, *Abortion-rights Group Rebrands to Reproductive Freedom for All in Post-Roe World*, A. P. (Sept. 20, 2023, 1:50 PM), https://apnews.com/article/abortion-advocates-rebrand-naral-reproductive-freedom-ccd0d424a5578aad9d7ce0dc9151afc9.

[32] *Understanding ACOG's Policy on Abortion*, THE AM. COLL. OF OBSTETRICIANS & GYNECOLOGISTS (Sept. 22, 2023), https://www.acog.org/news/news-releases/2023/09/understanding-acog-policy-on-abortion. *See* Carole Novielli, *The American College of Obstetricians and Gynecologists Isn't Neutral. It's Pro-abortion*, LIVE ACTION (Aug. 9, 2018), https://www.liveaction.org/news/american-college-obstetricians-gynecologists-pro-abortion/ (with extensive documentation).

[33] *We Are the Alliance: States Advocates for Women's Rights and Gender Equality*, ALL. STATE ADVOC., https://alliancestateadvocates.org/ (last visited Mar. 26, 2024); *Our Work*, ALL. STATE ADVOC., https://alliancestateadvocates.org/resources/?resource_tax=reproductive-rhj (click "Advancing Reproductive Rights, Health, and Justice) (last visited Mar. 26, 2024).

[34] *Our Work*, GENDER JUST., https://www.genderjustice.us/our-work/ (click "what we fight for") (last visited Mar. 26, 2024).

[35] *Our Work*, LEGAL VOICE, https://legalvoice.org/our-work/ (last visited Mar. 26, 2024).

[36] *About*, WOMEN'S L. PROJECT, https://tinyurl.com/2pveh4dn (last visited Mar. 26, 2024).

responding to the actual real needs of pregnant folks and the actual real needs of families.'"[37]

The attorneys general who signed onto the letter, and other state actors, have launched attacks on the PRCs within their states, specifically targeting the speech of PRCs.

In California, Attorney General Bonta is suing Heartbeat International, a national pro-life organization, and RealOptions Obria, a chain of five PRCs. "The lawsuit alleges that the two organizations used fraudulent and misleading claims to advertise an unproven and largely experimental procedure called 'abortion pill reversal (APR).'"[38] In bringing this civil lawsuit, Attorney General Bonta alleges that the defendants violated Cal. Bus. & Prof. Code § 17500 et seq., by "making or causing to be made untrue or misleading statements with the intent to induce members of the public to undergo APR,"[39] and Cal.

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[37] *Crisis Pregnancy Centers*, ALL. STATE ADVOC., https://alliancestateadvocates.org/crisis-pregnancy-centers/ (last visited Aug. 25, 2025) (emphasis added).

[38] Press Release, Attorney General Bonta Sues Anti-Abortion Group, Five California Crisis Pregnancy Centers for Misleading Patients, Office of the Attorney General (Sept. 21, 2023), https://oag.ca.gov/news/press-releases/attorney-general-bonta-sues-anti-abortion-group-five-california-crisis-pregnancy. In fact, the science supports the abortion pill reversal (APR) protocol. *See Abortion Pill Reversal: A Record of Safety and Efficacy*, CHARLOTTE LOZIER INST. (Sept. 24, 2021) ("Progesterone has been shown to help reduce the risk of miscarriages and lower the rates of preterm birth. APR is a cutting-edge application of this time-tested, FDA-approved treatment used for decades to provide women who regret taking the first abortion pill with a chance to reverse the effects and ultimately save their pregnancies.").

[39] Complaint for Permanent Injunction, Civil Penalties, and Other Equitable Relief at 26, People v. Heartbeat Int'l, Inc., No.

Bus. & Prof. Code § 17200 et seq., by "engag[ing] in and continu[ing] to engage in, aid[ing] and abet[ing] and continu[ing] to aid and abet, and conspire[ing] to and continu[ing] to conspire to engage in unlawful, unfair, and/or fraudulent acts or practices, which constitute unfair competition . . . ."[40]

In addition, Attorney General Bonta issued a "Consumer Alert," warning Californians about PRCs and soliciting complaints against them,[41] claiming that PRCs "may provide inaccurate health information about a person's pregnancy and other aspects of reproductive healthcare," and "may attempt to delay appointments or provide misinformation about the legality or safety of abortions."[42]

In Colorado, the governor signed into law Colorado SB23-190, "Deceptive Trade Practice Pregnancy-related Service Act," that specifically regulates the ability of pro-life (indeed *any*) health-care provider to "provide[], proscribe[], administer[], or attempt[]

23CV044940 (Cal. Super. Ct. Sept. 21, 2023), https://oag.ca.gov/system/files/attachments/press-docs/Complaint.pdf.pdf.

[40] *Id.* at 27.

[41] Press Release, Attorney General Bonta Issues Consumer Alert Warning Californians That Crisis Pregnancy Centers Do Not Offer Abortion or Comprehensive Reproductive Care, Office of the Attorney General (June 1, 2022), https://oag.ca.gov/news/press-releases/attorney-general-bonta-issues-consumer-alert-warning-californians-crisis.

[42] *Id.* Of course, misinformation about the safety of abortion is rampant in advocacy *for* abortion. *See* Amicus Brief of the Elliot Institute in Support of Petitioners, *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215 (2022) (No. 19-1392) (refuting claim that abortion is safer than continuing pregnancy). The abortion movement shows no signs of policing its own on such false claims.

medication abortion reversal" within Colorado.[43] A lawsuit was soon filed, and there a federal district court issued a permanent injunction.[44]

In Connecticut, the governor signed into law S.B. No. 835, "An Act Concerning Deceptive Advertising Practices of Limited Services Pregnancy Centers,"[45] broadly regulating PRCs by preventing them from making any public statement "that is deceptive, whether by statement or omission, . . . that a [PRC] knows or reasonably should know to be deceptive."[46] The law further allowed the Connecticut Attorney General to pursue action against a PRC that could include a court order to, *inter alia*, require the PRC to "[p]ay for and disseminate appropriate corrective advertising," or "[p]ost a remedial notice that corrects the effects of the deceptive advertising . . . ."[47] A local PRC sued the Connecticut Attorney General soon after, but withdrew the lawsuit when they became satisfied that the Attorney General was "not aware of any women being deceived by pro-life pregnancy centers" and thefore cannot enforce the law.[48]

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[43] SB23-190, Deceptive Trade Practice Pregnancy-related Service (2023), https://leg.colorado.gov/bills/sb23-190.

[44] *Bella Health & Wellness v. Weiser*, Civil Action No. 1:23-cv-00939-DDD-SKC, 2025 U.S. Dist. LEXIS 151598 (D. Colo. Aug. 1, 2025).

[45] Public Act No. 21-17, An Act Concerning Deceptive Advertising Practices of Limited Services Pregnancy Centers (2021), https://www.cga.ct.gov/2021/ACT/PA/PDF/2021PA-00017-R00SB-00835-PA.PDF.

[46] *Id.*

[47] *Id.*

[48] Matthew Macdonald, *Connecticut Crisis-Pregnancy Center Withdraws Lawsuit Against 'Deceptive Advertising' Ban*, NAT'L CATH. REG. (Jan. 21, 2023) https://www.ncregister.com/news/connecticut-crisis-pregnancy-center-withdraws-lawsuit-against-

Illinois adopted a similar law, S.B. 1909, the "Deceptive Practices of Limited Services Pregnancy Centers Act,"[49] which was backed by Illinois Attorney General Kwame Raoul.[50] This law targets public statements by PRCs and grants the state's attorney general the ability to prosecute PRCs for "consumer fraud."[51] The law was immediately challenged, and the state ultimately agreed to a permanent injunction, "enjoin[ing] it from enforcing" the newly enacted sections of the law against the challenging PRCs.[52]

In Maine, a pro-abortion state representative proposed a bill entitled "An Act to Prohibit Deceptive

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deceptive-advertising-ban.

[49] SB1909, Deceptive Practices of Limited Services Pregnancy Centers Act (2023), https://www.ilga.gov/legislation/103/SB/10300SB1909.htm.

[50] Press Release, Attorney General Raoul Applauds Governor Pritzker for Signing Legislation to Address Deceptive Practices by Crisis Pregnancy Centers, Office of the Illinois Attorney General (July 27, 2023), https://illinoisattorneygeneral.gov/news/story/attorney-general-raoul-applauds-governor-pritzker-for-signing-legislation-to-address-deceptive-practices-by-crisis-pregnancy-centers; *see also* Press Release, Attorney General Raoul Applauds House Committee Passage of Legislation to Address Deceptive Practices by Crisis Pregnancy Centers, Office of the Illinois Attorney General (Apr. 25, 2023), https://www.illinoisattorneygeneral.gov/news/story/attorney-general-raoul-applauds-house-committee-passage-of-legislation-to-address-deceptive-practices-by-crisis-pregnancy-centers ("Attorney General Kwame Raoul applauded a House committee's passage of his legislation to hold crisis pregnancy centers that engage in deceptive practices accountable.").

[51] SB1909, *supra* note 49.

[52] *NIFLA v. Raoul*, Order, Case No. 3:23-cv-50279 at 1 (N.D. Ill. 2023), https://news.wttw.com/sites/default/files/article/file-attachments/Limited%20Service%20Pregnancy%20Crisis%20Center%20Final%20Order.pdf.

Advertising in Limited Pregnancy Services Centers." Had the law been passed, it would have allowed the state attorney general to pursue action against a PRC, and, in terms nearly identical to the Connecticut law, obtain a court order forcing the PRC to "[d]isseminate, or pay for the dissemination of, information that corrects the information identified to be deceptive or misleading," and/or "[p]ost, in locations determined by the court, a remedial notice that corrects the effects of the information to be deceptive or misleading . . . ."[53]

In Massachusetts, the government went even further, launching a taxpayer-funded campaign—coordinated with the abortion-lobby group Reproductive Equity Now ("REN")—branding PRCs as "anti-abortion centers" and even as threats to public health.[54] Through the Department of Public Health, the Commonwealth erected billboards, transit ads, radio spots, and social media campaigns warning women to "avoid" these centers and urging citizens to report them to state authorities. By enlisting REN and other pro-abortion advocates, Massachusetts has used the weight of the state itself to stigmatize and discredit in an effort to shut down the work of faith-based pregnancy centers. Such overt government disparagement mirrors the unconstitutional compelled-speech and deceptive-advertising regimes

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[53] H.P. 723, An Act to Prohibit Deceptive Advertising in Limited Pregnancy Services Centers, 131st Leg., First Reg. Sess. (Me. 2023), https://www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0723&item=1&snum=131.

[54] Jordan Sekulow, *MASS DECEPTION: ACLJ Takes on Sinister State-Funded Smear Campaign Destroying Pro-Life Pregnancy Centers*, ACLJ (Aug. 14, 2025) https://aclj.org/pro-life/mass-deception-aclj-takes-on-sinister-state-funded-smear-campaign-launched-to-destroy-pro-life-pregnancy-centers.

enacted in other states, but here the Commonwealth has crossed an even more dangerous line: leveraging its public health authority and taxpayer resources to falsely brand disfavored religious charitable organizations as a danger to the public.

By means of a consumer alert, Minnesota Attorney General Keith Ellison accused PRCs of "misleading, misinforming, or deceiving people."[55] He also claimed that "crisis pregnancy centers often do not offer the services they claim to offer, and that the information about abortion and contraception they offer may be inaccurate or misleading."[56] His office also claimed that "[c]risis pregnancy centers often target pregnant people who are low-income, who may have less access to healthcare and are more likely to lack health insurance than pregnant people with median or above-median incomes."[57] In 2023 Representative Liz Olson unsucsesfully introduced a bill in the Minnesota House of Representatives to remove state funding grants from PRCs that did not counsel or refer for abortions.[58]

New Jersey Attorney General Matthew Platkin issued a "consumer alert," warning that "Crisis Pregnancy Centers (CPCs) . . . are organizations that seek to prevent people from accessing comprehensive

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[55] Press Release, Attorney General Ellison Issues Consumer Alert About Crisis Pregnancy Centers, The Office of Minnesota Attorney General (Aug. 22, 2022), https://www.ag.state.mn.us/Office/Communications/2022/08/23_CrisisPregnancyCenters.asp.

[56] *Id.*

[57] *Id.*

[58] H.F. 289, 93d Leg. Sess. (Minn. 2023) https://www.revisor.mn.gov/bills/text.php?number=HF289&type=bill&version=0&session=ls93&session_year=2023&session_number=0&format=pdf.

reproductive health case, including abortion care and contraception."[59] The alert further asserted that "CPCs may also provide false or misleading information about abortion—including the physical and mental health effects of abortion—to deter people from choosing abortion."[60] Finally, the alert provides information about how to file a complaint about a PRC with the New Jersey Division of Consumer Affairs.[61]

In addition to the investigation at issue in this case and consumer alert, New Jersey Assemblywomen have introduced a bill to "make it a crime under the state's Consumer Fraud Act for crisis pregnancy centers to use deceptive or misleading advertising to lure pregnant people through their doors."[62] "The bill would authorize the Attorney General's Office to seek a court order prohibiting violators from advertising or providing services."[63] Another similar bill has also been introduced. Bill A861 of the 2024-2025 session proposes to make it:

> an unlawful practice for a crisis pregnancy center to:
> (1) make, publish, disseminate, circulate, or place before the public, or cause, directly or

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[59] *Consumer Alert: Crisis Pregnancy Centers*, N.J. DIV. OF CONSUMER AFFAIRS, https://www.nj.gov/oag/newsreleases22/2022-1207_crisis-pregnancy-centers.pdf (last visited Mar. 26, 2024).
[60] *Id.*
[61] *Id.*
[62] Dana Difilippo, *Deceptive Marketing by Crisis Pregnancy Centers Prompts Bills, Consumer Alert*, N.J. MONITOR (Jan. 17, 2023, 6:53 AM), https://newjerseymonitor.com/2023/01/17/deceptive-marketing-by-crisis-pregnancy-centers-prompts-bills-consumer-alert.
[63] *Id.*

> indirectly, to be made, published, disseminat
> -ed, circulated, or placed before the public, in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or over any radio station, or via the Internet, or in any other way, an advertisement, announcement, or statement containing any assertion, representation, or statement with respect to pregnancy-related services or the provision of pregnancy-related services which is untrue, deceptive, or misleading; or
> (2) make false or misleading statements about, or misrepresent the center's intent to provide, pregnancy-related services.[64]

"[W]hen it shall appear to the Attorney General that a crisis pregnancy center is about to engage in, is continuing to engage in, or has engaged in conduct which is in violation" of the above, this bill would give the Attorney General the ability to seek an injunction in the Superior Court to "prohibit[] the crisis pregnancy center from advertising or providing peer-related counseling services" and to seek a court order to require the PRC "to take whatever remedial steps the court deems necessary to correct the adverse effects of the center's untrue, deceptive, false, or misleading advertising or statements on any client seeking pregnancy-related services."[65]

In 2022, New York passed a measure to authorize "health officials . . . review[] [of] the services provided

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[64] N.J. A861, 221st Leg., 2024 Sess. (N.J. 2024), https://legiscan.com/NJ/text/A861/id/2888363.
[65] *Id*.

by facilities in New York that offer pregnancy-related care, but stop short of providing access to abortions or contraceptives."[66] Specially, it

> [a]uthorizes the commissioner of health to conduct a study and issue a report examining the unmet health and resource needs facing pregnant women in New York and the impact of limited service pregnancy centers on the ability of women to obtain accurate, non-coercive health care information and timely access to a comprehensive range of reproductive and sexual health care services.[67]

Amongst other data that the study was authorized to compile was "the nature of information given to clients or potential clients at pregnancy centers and the nature of limited service pregnancy centers' operational manuals, handbooks or guidelines in connection to the provision of services to clients."[68] This law was used to initiate an investigation against CompassCare Pregnancy Services, a PRC which had been the victim of a fire bomb attack.[69] "[P]ro-life

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[66] Nick Reisman, *Anti-Abortion Pregnancy Centers Face Scrutiny in New York*, SPECTRUM LOCAL NEWS (June 22, 2022, 11:09 AM), https://spectrumlocalnews.com/nys/central-ny/ny-state-of-politics/2022/06/20/anti-abortion-pregnancy-centers-face-scrutiny-in-new-york.

[67] SB470, 2021-2022 Sess. (N.Y. 2022), https://www.nysenate.gov/legislation/bills/2021/S470.

[68] *Id*.

[69] Carole Novielli, *Now Under Attack, NY Pregnancy Centers Provided Nearly $4M in Free Services in One Year*, LIVE ACTION (July 8, 2022, 5:34 PM), https://www.liveaction.org/news/new-york-pregnancy-centers-4-million-services/.

centers are being targeted and investigated simply for *not committing or referring for abortions*."[70]

New York Attorney General Letitia James recently sued the Heartbeat International organization for supposed deceptive and false advertising because Heartbeat International and their affiliated PRCs in New York advertize the abortion pill reversal treatment for those who regret taking the first abortion pill. [71] Litigation is ongoing.[72]

In Pennsylvania, the attorney general issued a "warning" regarding pregnancy resource centers.[73] According to the attorney general's official website, crisis pregnancy centers or pregnancy resource centers "are not staffed by licensed medical professionals and therefore cannot provide medical care."[74] Though not explicitly labeled as a "consumer alert," the attorney general encouraged consumers not to go to pregnancy resource centers and suggested that such centers will not provide accurate

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[70] *Id*.

[71] Press Release, Attorney General James Sues Anti-Abortion Group and 11 New York Crisis Pregnancy Centers for Promoting Unproven Abortion Reversal Treatment, Office of the N.Y. State Att'y Gen. (May 6, 2024), https://ag.ny.gov/press-release/2024/attorney-general-james-sues-anti-abortion-group-and-11-new-york-crisis-pregnancy.

[72] *Letitia James v. Heartbeat International & CompassCare, et al.*, THOMAS MORE SOC'Y https://www.thomasmoresociety.org/case/ny-ag (last accessed Feb. 12, 2025).

[73] Press Release, AG Henry Encourages Pennsylvanians to Seek Information From Providers to Make Informed Pregnancy-Related Health Care Choices, Pa. Office of Att'y Gen. (Nov. 24, 2023), https://www.attorneygeneral.gov/taking-action/ag-henry-encourages-pennsylvanians-to-seek-information-from-providers-to-make-informed-pregnancy-related-health-care-choices/.

[74] *Id.*

information.[75]

In Washington, the attorney general issued civil investigative demands to pregnancy centers.[76] Without citing to any customer complaints or other evidence, he launched this investigation, which even required records going far beyond the statute of limitations.[77] These demands required the pregnancy centers to spend a great amount of time and financial resources to try to comply with the attorney general's unreasonable requests.[78] The PRC Obria Group has been targeted by one of these investigations, sustaining additional harm by its insurance agency stating that it will not extend or renew Obria's policy because it cannot secure an underwriter "as a direct result of Attorney General Ferguson's CIDs."[79] In response to a lawsuit filed by the Alliance Defending Freedom and the insurance issue, the Attorney General's office closed the investigation and stated they would pursue no litigation against Obria Group.[80]

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[75] *Id.*

[76] Michael Gryboski, *Pro-life Christian Nonprofits Sue Washington State AG Over Private Records Investigation*, THE CHRISTIAN POST (Dec. 4, 2023), https://www.christianpost.com/news/pro-life-nonprofits-sue-wash-ag-over-private-records-query.html.

[77] *Id.*

[78] *Id.*

[79] Pl.'s Notice of Suppl. Information at *1, *Obria Group, Inc. v. Ferguson*, 3:23-cv-06093-TMC (W.D.Wash. Mar. 22, 2024), https://www.pacermonitor.com/public/case/51527267/Obria_Group_Inc_et_al_v_Robert_Ferguson.

[80] Press Release, After ADF Sues, WA Attorney General Ends Illegal Campaign Against Pro-Life Pregnancy Centers, All. Defending Freedom (May 28, 2024) https://test-admin.adflegal.org/press-release/after-adf-sues-wa-attorney-

In May 2023, Vermont adopted Act 15, legislation that protects abortion and sex-change procedures.[81] This law censors PRCs' abilities to advertise services and prevents PRCs from offering non-medical services, information, and counseling unless provided by a licensed health care provider.[82] A Federal District Court has recently allowed the lawsuit challenging the new law to continue, saying that the "plaintiffs have plausibly alleged that both regulations may be viewpoint based."[83]

These are just a few of the state legislative efforts that have been undertaken in recent years to bully PRCs and target them for investigations and censorship of their morally and religiously motivated pro-life speech.

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general-ends-illegal-campaign-against-pro-life-pregnancy; Letter from Heidi C. Anderson, Assistant A. G. of Wash., to Couns. for Obria Grp. and Obria Med. Clinics PNW (May 23, 2024) https://adfmedialegalfiles.blob.core.windows.net/files/ObriaGroupAGLetterOfClosure.pdf

[81] Brooke Migdon, *Vermont Governor Signs Bills Protecting Access to Abortion, Gender-Affirming Care*, THE HILL (May 10, 2023, 4:32 PM), https://thehill.com/homenews/state-watch/3998504-vermont-governor-signs-bills-protecting-access-to-abortion-gender-affirming-care/.

[82] Kurt Jensen, *Suit Filed Against Vermont Over New Mandates For Pregnancy Resource Centers*, OSV NEWS (July 31, 2023), https://www.osvnews.com/2023/07/31/suit-filed-against-vermont-over-new-mandates-for-pregnancy-resource-centers/.

[83] *Nat'l Inst. of Family & Life Advocates v. Clark*, 737 F. Supp. 3d 246, 266 (D. Vt. 2024).

C. Threats of Violence and Compelled Donor Disclosures Aimed at Pregnancy Resource Centers

Pregnancy resource centers already operate under a climate of hostility, facing both government censorship and harassment and direct physical attacks. Since the leak of the draft *Dobbs* opinion, nearly 100 incidents of firebombing, vandalism, arson, and property destruction at PRCs and other pro-life organizations nationwide have been documented.[84] Vandals have hurled Molotov cocktails, shattered windows, and spray-painted explicit threats—such as "If abortion's not safe, neither are you"—on clinic walls, including those of *amici* YOM.

These attacks are not isolated but form part of a

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[84] *Tracking Attacks on Pregnancy Resource Centers & Pro-Life Groups*, CATHOLICVOTE, https://catholicvote.org/pregnancy-center-attack-tracker/#:~:text=List%20of%20attacks%3A%20Austin%2C%20Texas%20—%20Trotter%20House,Southeast%20Portland%20Pregnancy%20Resource%20Center%20%28May%205%2C%202022%29 (last visited Aug. 25, 2025).

coordinated campaign of intimidation aimed at silencing pro-life voices. Notably, centers operated by or affiliated with *amici* in this case have themselves been among those vandalized and threatened, underscoring that the danger is neither theoretical nor remote.

Against this backdrop of escalating violence, state efforts to compel PRCs to disclose their confidential donor records would place both the centers and their supporters in immediate jeopardy. Forcing disclosure of donor identities would provide agitators and extremists with a ready-made target list, dramatically increasing the risk of harassment, retaliation, and violence against those who merely wish to support life-affirming care.

The First Amendment protects not only the right to speak but also the right to associate privately for expressive purposes, particularly when disclosure would expose individuals to threats or reprisals.

This Court has long recognized the unconstitutional dangers of compelled disclosure. In *NAACP v. Alabama*, the Court held that forcing the NAACP to turn over its membership lists would subject individuals to economic reprisals and physical harm, thereby impermissibly chilling protected association.[85] The same reasoning applies here. At a time when PRCs, including those connected to *amici*, face escalating hostility and repeated attacks, compelled disclosure of their donors would chill protected speech and expose private citizens to significant risks of harassment and harm. Permitting such subpoenas would hand state officials—and those

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[85] *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 462 (1958).

who oppose PRCs' mission—a powerful weapon to intimidate, harass, and silence charitable organizations and the private citizens who support them. The Constitution does not allow the government to weaponize disclosure against disfavored speakers, particularly where, as here, those speakers are already the targets of sustained violence.

CONCLUSION

If the lower court's decision is allowed to stand, nonprofits—of every kind—and their supporters will be left vulnerable to politically motivated efforts to chill the First Amendment rights of disfavored groups. *Amici curiae* respectfully request that this Court reverse the judgment of the court of appeals.

Respectfully submitted.

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