National Institute of Family and Life Advocates v. Becerra, Attorney General of California, No. 16-1140 (S.Ct.): Amicus Submissions

	AMICUS	POSITION	COUNSEL
P	13 WOMEN AND THE CATHOLIC ASSOCIATION FOUNDATION	Amici offer personal stories of women whom they believe benefitted from prenatal and post-abortion care at their pregnancy clinics. Amici decry what they perceive to be a trend toward state interference with the mission of pro life clinic by requiring the clinics to provide clients with information that is contrary to centers' conscience and mission.	Andrea Picciotti-Bayer Counsel of Record The Catholic Association Foundation 3220 N Street NW, Suite 126 Washington, DC 20007 (571) 201-6564 amariepicciotti@gmail.com
P	141 MEMBERS OF CONGRESS	Congresspersons from both major political parties join in asserting that the California FACT Act violates principles of free speech and conscience. By compelling non-commercial speech contrary to the beliefs of only those who oppose abortion, the state infringes on constitutional freedoms Congress must protect. Congress has long recognized conscience rights concerning abortion. California has not only abandoned such conscience with the FACT Act it has ordered speech contrary to conscience by pro life advocates. The Act is content and viewpoint based and violates First Amendment prohibitions of compelled speech, particularly compelled speech contrary to conscience. The law cannot survei strict scrutiny these speech restrictions invoke. Federal laws specifically prohibit discrimination against abortion opponents in federal funding. The Ninth Circuit defied the Court's teaching in Reed v. Town of Gilbert, , 576 U.S. , 135 S. Ct. 2218, 192 L.Ed.2d 236 (2015) by relying on its own earlier decision accepting intermediate scrutiny for some content based restrictions. The government may not preference points of view, as it has done here, save when the government speaks for itself: to hold otherwise would endorse censorship. The FACT Act only superficially applies to all clinics: through strategic exceptions, the California legislature has ensured that only those who oppose abortion will be required to notify is clientele of the availability of abortion. Exemption is offered to pro life centers conditioned upon offering abortifacients: that is, the centers may be exempted from speaking contrary to their beliefs only by acting contrary to them. The legislative history of the FACT Act makes plain the state's contempt for pro life pregnancy clinics, rendering irrefutable the state's plan to regulate speech based on the speaker's viewpoint, rendering the FACT Act unconstitutional unless it can survive strict scrutiny. No government has been successful in justifying a viewpoint based speech regulation. Neither could the statute pass intermediate scrutiny, because the selectively imposed measures are too restrictive to serve any state interest. The state has failed to provide any support for its premised interest in avoiding "confusion" about the pregnancy centers. Mandatory speech requirements may be analyzed with reference to the nature of the speech in use: here, a matter of intense public interest. Where means of communication are readily available to the state, a measure cannot survive either strict or intermediate scrutiny where it mandates alternation of speech content and requires speech that would not otherwise be made in service of views which defeat the speaker's purpose for existence. Speech and conscience autonomy are interests Congress has chosen to protect through accommodation.	Patrick Strawbridge Counsel of Record Jennifer L. Mascott Caroline A. Cook Consovoy McCarthy Park PLLC George Mason University Antonin Scalia Law School Supreme Court Clinic 3033 Wilson Blvd., Suite 700 Arlington, VA 22201 (703) 243-9423 patrick@consovoymccarthy.com
P	23 ILLINOIS PREGNANCY CARE CENTERS	In July, 2017, amici obtained an injunction against the operation of an Illinois law similar to the FACT Act which would require those who provide pregnancy care but object to abortion to make information about such services available to clinic clients. Amici perceive that like the Illinois law, the FACT Act, constitutes unconstitutional content and viewpoint based discrimination and imposes unconstitutional conditions on pregnancy centers' operations. Amici submit that the Supreme Court, like the Illinois state court, should consider the Act unconstitutional following Reed v. Town of Gilbert, 576 U.S. , 135 S.Ct. 2218, 192 L.Ed.2d 236 (2015) and Matal v. Tam, 582 U.S. , 137 S.Ct. 1744, 198 L.Ed.2d 366 (2017), and find the Ninth Circuit's expanded definition of "professional speech" unfounded and incapable of addressing the issues before the Court.	Noel W. Sterett Counsel of Record Whitman H. Brisky Mauck & Baker, LLC 1 N. LaSalle, Suite 600 Chicago, IL 60602 (312) 726-1243 nsterett@mauckbaker.com Thomas Brejcha Jr. Thomas G. Olp Thomas More Society 19 South LaSalle Street Suite 603 Chicago, IL 60603 (312) 782-1680
P	41 FAMILY POLICY ORGANIZATIONS	Amici are advocates for religious liberty who perceive the decision in the instant case, should the Ninth Circuit be affirmed, to represent a massive undermining of established First Amendment principles, most particularly that the state cannot compel any citizen to speak or to refrain from speaking against his will. Permitting state coercion of conformity from dissenting citizens would gravely erode fundamental freedom. The state has no interest that warrants compelling the service of those who oppose its message to convey, for the state could easily publish its message using its own not insignificant resources rather than confine compelled publications to its opponents. There is no basis in fact or law that suggest that the judicially recognized right to abortion may be leveraged to diminish First AMendment speech guarantees, and particularly not by demanding that private citizens communicate what the citizens believed to be a message contrary to conscience. The Ninth Circuit's expansive notion of "professional speech" as embracing almost any speech made by a "profession" is neither justified in law nor appropriate to the facts, but if adopted would open the door to greatly enhanced state power to control the expression of multiple licensed professions, trades, and entities. Just as the Court has recognized that a citizen need not be forced to transform his automobile into a mobile billboard for a state message, neither should the Court permit a state to compel pregnancy centers to transform their office walls into stationery billboards for state compelled speech.	DAVID FRENCH Counsel of Record Senior Fellow NATIONAL REVIEW INSTITUTE 19 West 44th Street Suite 1701 New York, New York 10036 (931) 446-7572 french@nationalreview.com
R	51 REPRODUCTIVE RIGHTS, CIVIL RIGHTS, AND SOCIAL JUSTICE ORGANIZATIONS	Reproductive and civil rights advocates state that crisis pregnancy centers pose as, but do not provide, full service health care. The FACT Act offers a needed counterbalance to ensure that women understand that comprehensive publicly supported care is available. Amici are concerned that petitioners ask the court, without justification in law, to afford greater First Amendment protections to crisis pregnancy centers than to other health care providers. Amici note that pregnancy centers receive substantial public funding. The pregnancy centers national campaign of misleading information includes utilizing internet search engine optimization, ensuring that women seeking abortion services will receive prominent links to pregnancy centers that withhold or obscure their position and the absence of full spectrum care. Pregnancy centers located in geographic proximity to abortion providers and adopt similar naming strategies to confuse consumers. Amici offer individual stories of encounters with pregnancy centers. Amici argue that context is critical in evaluating compelled speech: the neutral factual disclosures in issue here fall short of offending the First Amendment, as they serve a substantial state need in offering trustworthy health care information in a narrow and unobtrusive fashion. Petitioners would both medicalize their services and contend that differing legal standards of review apply to them as non-medical advocates not bound by informed consent requirements, an insupportable result. To endorse petitioners' contentions would necessarily invite the Court to endorse viewpoint discrimination, a similarly insupportable result.	Julie Rikelman Counsel of Record Autumn Katz Amy Myrick Molly Duane Center For Reproductive Rights 199 Water Street, 22nd Floor New York, NY 10038 (917) 637-3600 jrikelman@reprorights.org Fatima Goss Graves Gretchen Borchelt Sunu Chandy Heather Shumaker National Women's Law Center 11 Dupont Circle NW, Suite 800 Washington, DC 20036

	ALPHA CENTER, A PREGNANCY CENTER REGISTERED UNDER THE LAWS OF SOUTH DAKOTA	The Alpha Center provides assistance to pregnant women who may choose to give birth. The center is part of the state's anti-coercion scheme, a legislative measure intended to protect women from being forced to have an abortion they do not want. The statute prohibits any registered center from performing abortions or making referrals for abortions and cannot offer adoption placement. The Alpha Center has been successful in defending state disclosure mandate that requires a physician to disclose to a pregnant woman that abortion terminates the life of "a whole, separate, unique living human being." Likewise the Alpha Center has been successful in obtaining judicial recognition of the constitutionality, as truthful and relevant, of a mandated physician disclosure that abortion may enhance the risk of suicidal ideation of suicide. Litigation concerning the anti-coercion statute is pending. California's mandated disclosures directly contradict and undermine the mission of pregnancy centers and compel speech that would not otherwise be made and which is antithetical to the speaker's' values The California laws are both content based and viewpoint discriminatory and must be subject to the most intensive compelling state interest / strict scrutiny review. State selection of particular views that it approves and actions constraining the expression of which it disapproves violates the First Amendment: the government may not regulate speech where the rationale for restricting the speech to the opinion, ideology or perspective of the speaker. Alpha Center argues that there is no state interest in promoting abortion and that state action in promoting abortion contravenes the state's obligation to protect a woman's liberty interest in her relationship with her child. The state has no interest in promoting the termination of the life of a mothers' children where help is sought in keeping the child. The state's obligation is to protect the lives of its citizenry. Even were there some interest in providing abortion information, there is no state interest in providing that information to a woman who does not want an abortion.South Dakota recognizes an existing relationship between pregnant mother and child and requires abortion providers to disclose that abortion terminates the life of a separate human being. As pregnancy centers exist to promote a mother's relationship with her child and abortion providers exist to terminate that relationship, the two are antithetical to each other. Unlike routine medical procedures, whether governed by reasonable physician or reasonable patient informed consent standard shares, abortion involves termination of a constitutionally protected relationship and the termination of a life. The latter would be homicide absent consent. No illness is involved and the procure may cry risks to mental health. The state interest in compelling disclosure of accurate and complete information and in voluntary consent exceed that i any other procedure. Mandated physician disclosures are subject to rational basis review. In contrast, the state's interposition of compelled speech concerning abortion where it is not available and not sought violates the speaker's and the mother's rights. The state has no interest in terminating the relationship between mother and child or in terminating the life of a child, nor can it compel and suppress the speech of the center to serve its mission. In the absence of any tate interest, or even if som interest might be found, the state can neither complete nor suppress a pregnancy centers speech. The state is capable of conveying any message it wishes without conscription those who oppose the message to deliver it, and in the process disrupt communication on matters of public concern in an inappropriate time and place. Requiring speech that would not otherwise be made is content based regulation subject to strict scrutiny. Targeting only entities holding a view contrary to the state's is likewise content based. Following reed, discrimination among viewpoints is not necessary when specific subject matter is targeted. Legislative animus to pregnancy centers motivated the legislation. State suppression of ideas requires strict scrutiny even if a statute is facially neutral. As pregnancy centers may shut down rather than comply with the state's mandates, the state may be driving ideas from the marketplace. As there is no state interesting in interfering with material relations or in terminating life, the California statute cannot survive any level of judicial review.	Harold J. Cassidy Counsel of Record Thomas J. Viggiano III Joseph R. Zakhary The Cassidy Law Firm 750 Broad Street, Suite 3 Shrewsbury, New Jersey 07702 (732) 747-3999 hjc@thecassidylawfirm.com			
P	AMERICAN CENTER FOR LAW AND JUSTICE	Amici point out that no principle is more central, or cherished, to our constitutional way of life than that the government may not determine what is proper in its citizens' thoughts and opinions nor may the government force its citizens to speak or act in accordance with any government prescribed orthodoxy. However, this is exactly what California has done in the FACT Act. By compelling pro-life advocates to speak a pro-choice massage, California has prescribed opinion and compelled speech in accordance with the state's view. The statute has nothing to do with informed consent to medical providers or truthful advertising for pregnancy services. The statute has everything to do with state interference in the purpose and operation of pregnancy centers by compelling those centers to advertise abortion which is not provided and which is opposed. The state may freely advertise its abortion programs without compelling private citizens to speak contrary to their views. California has determined both what pregnancy centers must say and how that must say it, and has selected only those who oppose abortion to speak in favor of abortion.. The National Abortion and Reproductive Rights Action League, cosponsor of the California FACT Act, has sponsored similar messages in others states. Those statutes have not withstood constitutional challenges. It matters little that the legislative draftspersons created the appearance of facial neutrality if in fact the statute's exemptions mean that only a small percentage of the centers must comply and all of those who must comply are prolife pregnancy centers The law demands both that the pregnancy centers alter the content of their speech and articulate views directly contrary to their own, in direct contradiction to First Amendment principles. The Act has nothing to do with regulating professional speech, mentioning neither profefessions nor their services, but instead focuses on facilities. The Act has nothing to do with professional speech occurring between physicians and patients: speech compelled to be made to all has no relationship to the relationship of trust between physician and patient. In the absence of this existence of any professional relationship, professional speech cannot be in issue. Compelled indiscriminate speech to all to an unlimited audience does not provide information necessary to informed consent. The generic notices of available resources have no bearing on obtaining information specific to a medical procedure: striking down the FACT Act will not disturb the validity of current informed consent statutes. Speculation about an undemonstrated harm offers no evidence that the estate has any compelling interest to regulated. Heightened awareness of public health services is not a compelling interest about a critical public health need and is even less so where the state asserts, without more concrete evidence, that the absence of awareness is harmful. Even if such interests could be demonstrated, there is no evidence that pro-life centers cause this unawareness or that requiring opponents of abortion to provide information about how to access abortion fits and serves the government's ends. Singling out particular entities to carry a message contrary to the entities' purpose evidences discrimination. The measure is surely not the least restrictive means available to serve any compelling interest that might be found to exist. The state could publish information itself through multiple media platforms rather than compel or restrict the speech of private citizens. Speech restriction is a last, not first, resort. Prophylactic measures -- guarding against harms that may never materialize -- are among the weakest justifications of state intrusions on private speech.	JAY ALAN SEKULOW Counsel of Record STUART J. ROTH ANDREW J. EKONOMOU JORDAN SEKULOW WALTER M. WEBER American Center for Law & Justice 201 Maryland Ave., N.E. Washington, D.C. 20002 (202) 546-8890 sekulow@aclj.org FRANCIS J. MANION GEOFFREY R. SURTEES American Center for Law & Justice P.O. Box 60 New Hope, KY 40052 (502) 549-7020 Edward L. Whte III ERIK M. ZIMMERMAN American Center for Law & Justice 3001 Plymouth Road Suite 203 Ann Arbor, MI 48105 (734) 680-8007			
R	AMERICAN MEDICAL ASSOCIATION	Amicus The American Medical Association asserts an interest in the case because of its interest in ensuring that physicians practice ethically, provide information to patients freely and competently, and practice without undue interference by the state. The American Medical Association agrees with petitioners that the California FACT Act ought to be subjected to strict scrutiny, as ought any law that regulates physicians' speech targeting a matter of public debate. While no definitive standard has been fashioned for application to physician's professional speech, in general deferential, rational basis review, has been applied yet, in matters of great public controversy, such as gun control or abortion, a confusing gaggle of measures have been employed. Controversies and associated judicial opinions threaten physicians' freedom to speak candidly and ethically with patients. The Association urges the Court to go beyond the instant case to adopt rule which will ensure professional freedom and integrity in all contexts, permitting rational basis review for regulation of established measures and strict scrutiny for controversial ones. The Association agrees with petitioners' views concerning strict scrutiny while questioning the soundness of the information petitioners are said to have proffered. The Association observes that even under strict scrutiny analysis, denial of petitioners' motion for a preliminary injunction was correct.	Leonard A. Nelson Counsel of Record Erin G. Sutton American Medical Association Office of General Counsel 330 N. Wabash Ave. Suite 39300 Chicago, IL 60611 Leonard.nelson@ama-assn.org			
R	BLACK WOMEN FOR WELLNESS, CONSUMER ACTION, CONSUMER FEDERATION OF CALIFORNIA, PUBLIC GOOD LAW CENTER,	Women's health and consumer advocates vest in government the obligation to protect the well being of the populace, and see the California FACT Act as an appropriate response to deceptive practices of crisis pregnancy centers. Amici observe that crisis pregnancy centers do not disclose that they do not offer abortion or referrals while at the same time dispensing medical misinformation. No constraint or compulsion to speak is involved in the FACT Act, which requires only a simple, neutral, and uncontroversial factual disclosure about available public resources. The government may properly regulate where deceptive speech occurs, had ample evidence to support legislation here, and need not have particularized evidence in order to support each aspect of its regulation. That no fee is charged by crisis pregnancy centers does not make its speech non-commercial. Deferential review of commercial and professional speech is appropriate in order to best permit the state to regulate for the benefit of the public. This is particularly so where the speech in issue is false and unworthy of First Amendment protections. Petitioners are free to advocate for their positions, but they may not do so deceptively, nor may they disguise their advocacy as health information. The strong emotion attaching to abortion ought not change the analysis. As all mandated disclosures involve some form of content, demanding universal application of strict scrutiny would hamstring all government efforts to discourage deceptive speech. Moreover, disclosure mandates implicate the First Amendment with less force than compelled or suppressed speech.	THOMAS BENNIGSON Counsel of Record Seth E. Mermin Sophia Tonnu Public Good Law Center 1950 University Avenue, Suite 200 Berkely, CA 94701 (510) 336-1899 tbenningson@publicgoodlaw.org			

P	C12 GROUP, CEO FORUM, INC., CHRISTIAN EMPLOYERS ALLIANCE, MARKETPLACE LEADERS	Amici are executives and employers who believe that work is or ought to be an outward manifestation of Christian principles, a means of worship and a mechanism for living out one's faith. The First Amendment protects individuals from government compulsion to speak contrary to one's faith, a protection which must be recognised and extended here, although by no means limited to this setting, as Christians may be burdened in other ways in other contexts. Pregnancy centers are being forced to speak counter to their principles and contrary to their reasons for being. The government cannot force the foregieture of free speech rights in service of an ideological battle by requiring speech in service of an opposing point of view and contrary to one's own.	MICHAEL LEE FRANCISCO Counsel of Record MRD LAW 620 N. Tejon St., Suite 101 Colorado Springs, CO 80903 (303) 325-7843 michael.francisco@mrd.law			
R	CALIFORNIA WOMEN'S LAW CENTER, GENDER JUSTICE, LEGAL VOICE, AND SOUTHWEST WOMEN'S LAW CENTER	Amici women's law and gender law advocates assert that California has an interest in ensuring the provision of timely and accurate information about pregnancy and pregnancy related services and issues, in that in 2014 excess of two and one-half million women in California were perceived to be in need of such information and services. In 2010, amici offer that state-funded delivery of information and services "averting unintended pregnancies and other negative reproductive health outcomes" resulted in a cost savings to the state and federal government of $1.8 billion dollars. Amici assert that petitioners' public presentations of its offerings, including pregnancy testing and ultrasound scanning, in themselves demonstrate the need for California's disclosure statute.	Lois D. Thompson Counsel of Record Simona Weil Attorney at Law Elisa Cariño Law Clerk Proskauer Rose LLP 2049 Century Park East Los Angeles, CA 90067 (310) 557-2900 lthompson@proskauer.com Amy Poyer Senior Staff Attorney California Women's Law Center 360 North Sepulveda Boulevard, Suite 2070 El Segundo, CA 90245 (323) 951-1041			
P	CHARLOTTE LOZIER INSTITUTE, MARCH FOR LIFE EDUCATION FUND, AND NATIONAL PRO-LIFE WOMEN'S CAUCUS	The Lozier Institute is the education and research arm of the Susan B. Anthony list. Other amici joining are the March for Life Education and Defense Fund and the National Pro Life Women's Caucus. The Lozier Institute characterizes the California FACT Act as presenting a previously unrecognized government interest in destruction of human life. Pregnancy Help Centers, amici offer, provide a number of pregnancy related services, receive referrals from state agencies, and in some cases receive federal or state funding. In this case, California asks the Court to expand an individual right to abortion into a compelling government interest in providing abortion. The government interest advanced by California is wholly at odds with the state interest in preserving human life recognized in Casey v. Planned Parenthood of Pennsylvania, U.S. ( ), permitting state regulation of informed consent in abortion in support of that interest. No corollary interest in promotion the destruction of unborn life need be, or should be, recognized by the Supreme Court here.	NIKOLAS T. NIKAS DORINDA C. BORDLEE Counsel of Record BIOETHICS DEFENSE FUND 3312 Cleary Avenue Metairie, LA 70002 (504) 231-7234 d bordlee@bdfund.org THOMAS M. MESSNER CHARLOTTE LOZIER INSTITUTE 2800 Shirlington Road Suite 1200 Arlington, VA 22206			
R	COMPASSION AND CHOICES	Federal and state governments, having observed a dearth of accessible and reliable information addressing critical care questions, responded by enacting informed consent laws. These measures represent reasonable, narrow and neutral regulation of healthcare services delivery. The Court should reject petitioners' attempt to press the First Amendment into service to craft exemptions where the noticed services are not provided or where the noticed services may be morally objectionable to the notice provider. Grounded in tort law and professional principles, informed consent laws have enhanced patient care determinations by requiring provision of treatment information even where not endorsed. Information intended to enable consent may occur at many junctures in the care continuum: at inception, upon diagnosis, or upon inquiry. The laws are intended to enhance trust between patient and provider. Petitioners ask the Court to hold that all content based speech regulation must be subjected to strict scrutiny review. Notwithstanding petitioners' acknowledgement of the validity of informed consent laws, petitioners would have those laws applicable only to specific procedures. Amicus fears that the Court's adoption of petitioners' view would decimate extant disclosure requirements applicable to end of life care. Amicus note that the issue has been joined, and parallel First Amendment arguments advanced, in the context of medical aid in dying statutes.Whether categorized as professional speech or informed consent, the Court must acknowledge that "the special relationship of trust and confidence" desirable in healthcare settings permits regulatory disclosure mandates even if a provider may object. Amicus assert that the provision of neutral and truthful information is not viewpoint advocacy. The Court has established that neutral and generally applicable laws are not offensive to the First Amendment even if Free Exercise of press freedoms are incidentally burdened.	DARIN M. SANDS Counsel of Record PETER D. HAWKES LANE POWELL PC 601 SW Second Avenue Suite 2100 Portland, Oregon 97204 (503) 778-2100 sandsd@lanepowell.com KEVIN DÍAZ COMPASSION & CHOICES 4224 NE Halsey Street Suite 335 Portland, Oregon 97213 (503) 943-6535 kdiaz@ compassionandchoices.com			
P	CONSERVATIVE LEGAL DEFENSE AND EDUCATION FUND, FREE SPEECH COALITION, FREE SPEECH DEFENSE AND EDUCATION FUND, ONE NATION UNDER GOD FOUNDATION, PASS THE SALT MINISTRIES, EBERLE ASSOCIATES, DOWNSIZE DC FOUNDATION, DOWNSIZEDC.ORG, RESTORING LIBERTY ACTION COMMITTEE, AND THE TRANSFORMING WORD MINISTRIES	The First Amendment does not except "professional speech," which is not in issue here in any case. The notices required by the FACT ACt do not concern the physician - patient relationship but rather are advertisements in support of the state's promotion of abortion. As the First Amendment was adopted in furtherance of the idea that opinions are not within the purview of government, the California statute having an entirely opposite purpose and effect is vin violation of the First Amendment. Even if there were a constitutionally recognized category of "professional speech," this is not in issue. Less stringent review may apply in the mercantile context than in the marketplace of ideas, over with the state has no jurisdiction. The California statute does not concern the physician patient relationship but rather is an "abortion rights" statute purportedly intended to make women aware of all of their reproductive rights through them mouths of those who do not recognize abortion as being among those rights. The FACT Act is intended to drive pregnancy centers out of business for centers will close rather than comply with its terms. The First Amendment contemplates that the people will correct the government, not that the government will correct the people. That California would find the very existence of pregnancy centers disturbing enough to compel speech antithetical to the centers' views could be seen by the founders as "sinful and tyrannical," or more modernly, as the Fourth Circuit has recently concluded in reviewing a similar regulation, a means of "weaponizing" the powers of the government against ideological forces in violation of a core constitutional principle forbidding official proscription of ideas or compelled adherence to them. The only way that those who support abortion may prevail is by abandoning settled First Amendment jurisprudence. Amicus notes that federal law has proceeded form narrow recognition of privacy interests attaching to abortion decision to a perception that any interference with a woman's right to an abortion is an undue burden on exercise of that right, including recognition of partial birth abortions. No longer does the law concern itself with removing impediments to abortion but rather the law is concerned with compelling its facilitation. Here the law compels complicity and active participation by those who oppose abortion. Those whose faith compels them to believe and to serve God rather than obey man will, if the state emerges victorious here, deny the legitimacy of the judiciary.	HERBERT W. TITUS Counsel of Record WILLIAM J. OLSON JEREMIAH L. MORGAN ROBERT J. OLSON WILLIAM J. OLSON, P.C 370 Maple Ave. W., Ste. 4 RLAC Vienna, VA 22180 (703) 356-5070 wjo@mindspring.com JOSEPH W. MILLER RESTORING LIBERTY ACTION COMMITTEE P.O. Box 83440 Fairbanks, AK 99708			

P	DAVID BOYLE	Amicus David Boyle objects to California's decision to commandeer pro-life forces to speak in favor of abortion but cautions that circumstances may at some point legitimize some viewpoint discrimination in order to inhibit greater harms. It may be desirable to reverse the Ninth Circuit while preserving some latitude toward viewpoint restrictions in the future. Boyle urges the Court to find unobjectionable the California requirement that pregnancy clinics notify clients that the clinics are not medically licensed by the state. This measure provides pertinent information to visitors which any potential client would likely want to know about. Boyle suggests that the licensure notice is nothing more than a component of citizens' right to know what is going on: it should be found to be constitutionally objectionable and left standing.	David Boyle Counsel of Record P.O. Box 15143 Long Beach, CA 90815 dbo@boyleslaw.org (734) 904-6132			
R	EQUAL RIGHTS ADVOCATES, PLANNED PARENTHOOD AFFILIATES OF CALIFORNIA, CALIFORNIA WOMEN LAWYERS, HADASSAH, AND THE FAMILY VIOLENCE APPELLATE PROJECT	Reproductive and civil rights advocates state that crisis pregnancy centers pose as, but are not, full service health care providers. The FACT Act offers a needed counterbalance to ensure that women understand that comprehensive publicly supported care is available. Amici are concerned that petitioners ask the court, without justification in law, to afford greater First Amendment protections to crisis pregnancy centers than to other health care providers. Amici note that pregnancy centers receive substantial public funding. The pregnancy centers national campaign of misleading information includes utilizing internet search engine optimization, ensuring that women seeking abortion services will receive prominent links to pregnancy centers that withhold or obscure their position and the absence of full spectrum care. Pregnancy centers located in geographic proximity to abortion providers and adopt similar naming strategies to confuse consumers. Amici offer individual stories of encounters with pregnancy centers. Amici argue that context is critical in evaluating compelled speech: the neutral factual disclosures in issue here fall short of offending the First Amendment, as they serve a substantial state need in offering trustworthy health care information in a narrow and unobtrusive fashion. Petitioners would both medicalize their services and contend that differing legal standards of review apply to them as non-medical advocates not bound by informed consent requirements, an insupportable result. To endorse petitioners' contentions would necessarily invite the Court to endorse viewpoint discrimination, a similarly insupportable result.	SANFORD JAY ROSEN Counsel of Record GAY CROSTHWAIT GRUNFELD DEVIN W. MAUNEY ROSEN BIEN GALVAN & GRUNFELD LLP 50 Fremont Street, 19th Floor San Francisco, California 94105 (415) 433-6830 srosen@rbgg.com			
P	FIRST RESORT, INC.	Amicus First Resort is a San Francisco pregnancy services counseling center and as such is concerned with government targeting of entities that do not make abortion referrals. First Resort suggest that this case presents the Court with an opportunity to correct errors in lower court constructions and application of First Amendment principles. First, it is error to suggest that a law is neutral if it is facially neutral because the key issue is whether the government, not a speaker, has a discriminatory purpose. Second, laws enacted expressly to discriminate on the basis of viewpoint are subject to strict scrutiny. If content based facility, strict scrutiny applies without reference to government motive. If motivated by disagreement with speech, a law is subject to strict scrutiny even if superficially content and viewpoint neutral. Viewpoint discrimination measure are hazardous as they reflect a governmental desire to remove ideas from broader debate. The California FACT Act must be subject to strict scrutiny because the Act regulates the content of core protected speech and targets only profile pregnancy centers. Errors concerning content and viewpoint analysis permeate lower court considerations of similar statutes, and these are in need of course correction. Moreover, there is no justification for execution into considerations of less rigorously reviewed commercial speech, the gravamen of which is whether there exist a purpose for a commercial transaction, making the doctrine of commercial speech inapplicable where nothing is for sale. It may be unwise to dilute the protection of core speech by characterizing any transaction involving anything of value as commercial.	MARK L. RIENZI Counsel of Record ERIC C. RASSBACH JOSEPH C. DAVIS THE BECKET FUND FOR RELIGIOUS LIBERTY 1200 New Hampshire Ave. NW, Suite 700 Washington, D.C. 20036 (202) 955-0095 mrienzi@becketlaw.org KELLY S. BIGGINS LOCKE LORD LLP 300 S. Grand Avenue, Suite 2600 Los Angeles, California 90071 W. SCOTT HASTINGS CARL SCHERZ ANDREW BUTTARO LOCKE LORD LLP 2200 Ross Avenue, Suite 2800 Dallas, Texas 75201			
P	FOUNDATION FOR MORAL LAW	Government-compelled speech contrary to individual beliefs is more offensive to the First Amendment than compelled silence. Waiting room signs advising pregnancy center visitors how to access abortion conveys ideology and is not merely commercial or professional speech. Where no parallel option is imposed on abortion providers to provide information about accessing abortion, the California law is content and viewpoint based, requiring strict scrutiny review. The express and enumerated speech right of the First Amendment merits precedent over court created abortion interests. Amici direct the Court's attention to the January 2018 of the Fourth Circuit Court of Appeals finding a city ordinance requiring disclosures that abortion services are not available in pregnancy clinics to violate the First Amendment. Freedom of expression includes freedom to not speak state preferred messages. The compelled conveyance of information about a procedures that is anathema to pregnancy centers is more than an invitation to a commercial transaction and requires strict scrutiny analysis. The required disclosures involve more than presenting one more additional choice among morally equivalent choices, but asks that a morally repugnant message be conveyed an applies only to those who oppose abortion. That money is not involved weights in the pregnancy clinics' favor, but even if money were involved, the statute would violate the Constitution. That specific speakers are targeted to provide specific messages contrary to their beliefs means the law is neither content or viewpoint neutral. That California has chosen a pro=abortion stance is in violation of the government neutrality required of the government except where government speech is involved: the government may not advance its chose policies by prohibiting or compelling private speech. Amici note that California state court has enjoined the FACT Act as violative of speech principles. Amici also note that the NInth Circuit has conflated speech and notice requirements with abortion jurisprudence fining intermediate scrutiny satisfied because of state interest in citizen health and justifying the compelled message becomes of the time-restrictive nature of abortion. Where the abortion "right" is state created, it must yield to the enumerated and express rights of the First Amendment. Amici suggest that abortion is a money making industry whose advocates may be drawn from those who are in denial about its brutality. Amici suggest that there exists a profound difference between giving birth and killing a child.	JOHN A. EIDSMOE MATTHEW J. CLARK Counsel of Record FOUNDATION FOR MORAL LAW One Dexter Avenue Montgomery, AL 36104 (334) 262-1245 matt@morallaw.org			

P	FREEDOM X AND CRISIS PREGNANCY CLINIC OF SOUTHERN CALIFORNIA	Freedom X offers that political and cultural life permits individual decision making concerning expression absent state interference or aid, and that the concept of viewpoint neutrality ought to focus on what is said, not the speaker. Even if viewpoint neutral, strict scrutiny applies to content based regulations, following Reed v. Town of Gilbert, Arizona, 135 S. Ct. 2218 (2015). Less rigorous scrutiny may apply to professional speech where pecuniary or fiduciary concerns are present. The FACT Act involves neither, but rather requires a forced choice between exercising one right and forfeiting another, and penalizes speech by requiring advertising state programs only because pregnancy centers engage in profile speech. The state may not burden expression by requiring expression of contrary views through either through subsidy or directly. The FACT Act turns traditional concepts of "rights" on their heads. Where historically the assertion of "rights" has served to distance the individual from the state, here the state seeks to inject itself into a woman's relationship with her physician. Courts have recognized that compelled speech is a s worthy of First Amendment protection as is speech restitution, and perhaps more so here where the message contrary to the speakers' beliefs may be perceived to be that of the pregnancy center, not the state. Viewpoint discrimination analysis is focused on what is said, not who says it, making it impossible to salvage viewpoint discriminatory statutes by asserting that they are universally applicable. Nor are such states and where they may not overtly convey an opinion or preference. It matters not whether compelled speech involves fact or opinion: the constitution forbids both. Strict scrutiny would apply even if the FAT At were content based but viewpoint neutral. That some speech is unworthy of First Amendment protection does not imply that lesser standards ought to apply to speech which is in fact protected. Intermediate scrutiny may apply when there exists pecuniary or fiduciary aspects to professional speech, but those circumstances are not represent here, where centers have no financial motive. The state's capacity to regulate is more pronounced where a speaker may be more concerned with financial benefit than were a speaker speaks only to express ideas. While the state may legitimately seek to protect the public from financial fraud, the state may not act as a speech guardian. Pregnancy centers are engaged in forming public opinion, making their actions subject to the highest forms of protection. Even assuming that the state has a compelling interest in ensuring that women have access to contraception, here the only interest is in information about abortion which may be had within seconds by searching the internet. The state has many options through which to convey the information it deems important but has chose to require dissemination only through those who directly oppose the state's message. What the state may not do is what has been done here, conscripting private persons and property to carry the state's message. The FACT Act imposes unconstitutional conditions because it conditions a government benefit -- the right to abstain from prescribing contraceptives -- on forfeiture of the right to refrain from speech about abortion. The FACT Act impermissibly burdens centers' speech because the FACT Act applies only where centers have chosen to engage in protected speech by speaking against abortion. California has not asked the public or the professions to convey its message and it has obliged only its opponents, thereby burdening and chilling pregnancy center' exercise of protected speech rights. The same considerations that prohibit forcing media to publish rebuttals to criticism of political candidates free of charge apply here. The same is true of compelled publication of opposing views by public utilities or bey exemption of political adversaries from restrictions while requiring opponents to fund such measures. Exercise of speech rights cannot be condition on compulsion to carry the costs of speech of those with whom the speaker disagrees. RIghts recognition does not carry with it any right to compel private individual in disagreement to engage in implementing those rights or to forfeit their own rights if they refuse to do so.	Mitchell Keiter Keiter Appellate Law The Beverly Hills Law Building 424 South Beverly Drive Beverly Hills, CA 90212 (310) 553-8533 Affiliated Counsel with Freedom X William J. Becker, Jr. Counsel of Record FREEDOM X 11500 Olympic Blvd. Suite 400 Los Angeles, CA 90064 (310) 636-1018 FreedomXLaw@gmail.com			
P	HEARTBEAT INTERNATIONAL	Heartbeat International supports medical and non-medical pregnancy centers, requiring its affiliates to provide accurate information about pregnancy, to provide truther information about services provided, and to refrain from recommending abortion or abortifacients. The California FACT Act strikes at the purpose of Heartbeat's existence. The issue is not who is right but when and in whose favor the state may place its thumb on the scales of speech. Where the state compels speech contrary to conscience bedrock First Amendment principles are implicated. THe speech of those who would otherwise engage in pregnancy center's missions is chilled, compelling them to either abstain or act in violation of conscience. The burdensome multilingual message might more easily be conveyed by the state in any number of other settings, and its costs more handily borne by those who do not oppose it. Heartbeat insist that the required medical services disclosure is not neutral but rather directly conveys information about abortion, contrary to Heartbeat's principles and the consciences of its staff. Providing a pathway to access abortion services by offering telephone information is not offering neutral facts, but constitutes advocacy. Requiring that this information precede formation of a relationship with clients interferes with conveyance of the pregnancy center's message, requiring the government's message to precede that of Heartbeat, and indeed to create the impression that the government's message is the center's own. The statutory gerrymandering that is reflected in the FACT Act makes it applicable only to entities that do not offer abortion services or counseling, which immediately calls into play protected speech, particularly as it compels speech in violation of conscience and forces staff to choose between the commands of conscience and compelled, morally repugnant speech. Moreover, inherent in the chilling effect of unconstitutional speech requirements is the immeasurability of its costs. Requiring individuals to alter their speech to make statements they would not otherwise make is the very definition of compelled speech. The demands of the statute require that pregnancy centers messages be drowned in disclosures. As the statute demands conveyance of a message in direct contravention of the mission of the pregnancy center, advertising is precluded because "no center is going to pay to advertise against itself." Estimated advertising costs would exceed thirty times the routine costs incurred by pregnancy centers, a prohibitive sum for mere classified advertising and would likely be more for other media. The FACT Act involves content based speech regulation because it requires speech on a particular subject: it is, therefore, subject to strict scrutiny and would be even if the state had a benign purpose. The Act is viewpoint based as it is intended to affect those with a pro-life message, as shown through statutory exemptions which ensure that the Act applies only to those holding pro life views. Animus toward a pro life message is demonstrated by the failure of a bill requiring parallel disclosures about profile messages to attach to full service providers, which failed to emerge out of legislative committee. The statute cannot withstand strict scrutiny in the absence of any evidence that there exist unawareness of state-funded services and because, as it is applicable only to pregnancy centers, the statue is underinclusive in terms of its purpose parted purpose. The state's mandate is by no means the least restrictive means of serving its ends, including state financed advertisement or notices. Moreover, the requirement that nonmedical pregnancy centers provide notice of these unlicensed status is a non sequitur because definitional they cannot and do not provide medical care. The state has no evidence that clients cannot discern the difference between a medical and nonmedical facility, or that women are confused about the facilities they visit, particularly in light of the markedly pro-life names attached to centers. If indeed the confusing circumstances feared by the state did exist, they might be addressed by the state's false advertising and unfair competition statutes rather than by promulgation of enterprise specific regulation. Finally, the FACT Act cannot survive even intermediate scrutiny, as there not only exists no evidence demonstrating the confusion said to spark the legislation but there also does not exist a demonstrable fit between the end to be served and the method chosen to address it and because other means are available to serve any state ends.	DANIELLE M. WHITE HEARTBEAT INTERNATIONAL, INC. 5000 Arlington Centre Suite 2277 Columbus, Ohio 43220 (614) 885-7577 dwhite@heartbeat international.org JAMES C. RUTTEN Counsel of Record ADAM P. BARRY MUNGER, TOLLES & OLSON LLP 350 South Grand Avenue 50th Floor Los Angeles, California 90071 (213) 683-9100 james.rutten@mto.com adam.barry@mto.com			
P	INSTITUTE FOR JUSTICE	This advocacy group perceives its interests to be threatened because of the Ninth Circuit's application of its "professional speech" doctrine. Amicus perceives the Ninth Circuit to be untethered to established First Amendment jurisprudence and its determination confers tremendous power on licensing authorities to interfere in the speech of ordinary citizens. The Institute for Justice urges the Court to affirm that all enjoy the same speech protections against licensing authorities that they do with any other government entity. The Institute for Justice submits that it is plainly wrong and contrary to precedent to suggest that "professional" speech enjoys less protection than other speech and posits that given the number of trades and activities categorized as "professionals," many will lose precious first amendment rights, while the states will gain powers of regulation, if less stringent considered "professional speech" is permitted recognition. The boundlessness of "professional" status invites government intervention in regulation of speech, with knowledge that the government's' actions will likely not be successfully challenged. Additionally, the question of payment has no bearing on First Amendment protections except with respect to commercial practices. The state may regulate messages to protect against deceptive practices but may not prohibit the dissemination of truthful information.	ROBERT J. MCNAMARA Counsel of Record PAUL M. SHERMAN INSTITUTE FOR JUSTICE 901 North Glebe Road Suite 900 Arlington, VA 22203 (703) 682-9320 rmcnamara@ij.org PAUL V. AVELAR INSTITUTE FOR JUSTICE 398 South Mill Avenue Suite 301 Tempe, AZ 85281 (480) 557-8300			

P	JEWS FOR RELIGIOUS LIBERTY	Amici are professed religious Jews and members of Jewish communities as well as professionals who believe that permitting state-compelled speech of the sort presented in this case would threaten the capacity of Jews, as members of a minority religion, to communicate their message. The threat is particularly acute where the government, if successful here, could easily target minority groups whose beliefs are unknown or unappreciated: as a minority within a minority in the United States, practices of orthodox Jews might be targeted for government intervention, as ritual circumcision or other practices may be widely misunderstood. Of equal concern is the religious principle that Jews serve as each other's guarantors in ensuring the spiritual well being of others. Disruption of foundational religious and cultural practices would burdens Jews' ability to maintain their communities and their messages. This burden would be felt in Jewish social services, civil arbitration, hospice care and in other practices in which faith is inextricably intertwined in the care of others and the administration of justice. Amici insist that the Court recognize in the Jewish community the same First Amendment rights and interests as are accorded to others.	HOWARD N. SLUGH Counsel of Record 2400 Virginia Ave., N.W. Apt. C619 Washington, D.C. 20037 (954) 328-9461 hslugh1@gmail.com ANDREW PEPPER 10 Marcy Place West Orange, N.J. 07052 (973) 699-6869 andrewpepper1@gmail.com			
P	JUSTICE AND FREEDOM FUND	Amici are advocates for constitutional liberties who submit that petitioner pregnancy centers use methods of counseling and reassurance in service of religious expression, which interest, of great public concern, is impermissibly interfered with by California's method of serving its purported end. By requiring those who oppose abortion to fulfill the state's stated purpose of providing health information, which the state court easily do for itself. The FACT Act bears but superficial resemblance to informed consent statutes. Any analogy to such statues failed once it is seen that rather than encourage the free flow of information encouraged by informed consents statutes, the FACT Act seeks to inhibit speech. A state crafted ideological message cannot be considered to be a component of informed consent, nor can crating an entirely new category of speech of intermediate constitutional concern -- "professional speech" -- solve the problem of California's direct speech and viewpoint compulsions here. This is particularly so where the state attempts to consider principles of "informed consent" as "professional speech" to apply where the compelled speech in issue concerns procedures pregnancy centers do not perform. It is dangerous in the long run to locate within any state licensure requirement a springboard to speech regulation for to do so would invite expensive state speech regulation heretofore historically and constitutionally impermissible. Neither will speech compulsions be saved by employing more elastic principles of "commercial speech," not applicable to the centers, and even if applicable, would fail to salvage the FACT Act, because it has been established that commercial speech which is inextricably entwined with expression enjoys full First Amendment protections.	James L. Hirsen Counsel of Record 505 S. Villa Real Drive, Suite 208 Anaheim Hills, CA 92807 (714) 283-8880 james@jameshirsen.com Deborah J. Dewart 620 E. Sabiston Drive Swansboro, NC 28584-9674 (910) 326-4554 debcpalaw@earthlink.net			
R	LEGAL ETHICISTS	Amici legal ethicists take issue with petitioners' contention that the provision of free services exempts them from First Amendment regulation and any argument that the requirement of disclosure prior to the formation of any professional relationship ought be free from regulation. Attorney speech is routinely regulated without regard to whether or not a fee-for-service relationship exists, and there is no justification for limiting regulation at the inception of a professional relationship, where disclosure of important information is of paramount importance. Amici argue that petitioners confound the law as it applies to silencing speech and the law as it applies to mandatory disclosures. Constitutional concerns are not as prominent in disclosure regulations whereby comparison, substantial constitutional concerns appear whenever the government seeks to prohibit speech. Governments have substantial interests in ensuring that clients or patients obtain full and accurate information. This is particularly so where one party to any professional relationship is possessed of a body of knowledge not available to a potential client or patient.	ALBERT GIANG Counsel of Record BOIES SCHILLER FLEXNER LLP 725 S. Figueroa Street Los Angeles, CA 90017 agiang@BSFLLP.com (213) 629-9040 NORA FREEMAN ENGSTROM Professor of Law STANFORD LAW SCHOOL 559 Nathan Abbott Way Stanford, CA 94305-8610 Counsel for Amici Curiae			
P	LEGAL SCHOLARS	Twenty three professors focused on various legal subject matters submit that strict scrutiny analysis guards against viewpoint based discrimination, a most dangerous form of content based speech restriction which is the admitted aim of the California FACT Act. California, disturbed the the existence of pro life pregnancy clinics, enacted legislation applicable only to the pro life clients, firing those clinics to provide abortion information against their consciences and against the purpose for creating and maintaining pregnancy clinics. Government mandated viewpoint discrimination is almost universally unconstitutional save where the government itself is speaking for itself or asking others to aid the government in speaking. The ills of mandated speech and mandated silence are equally repugnant to the First Amendment. All compelled speech is content based ad by definition the state is defining speech content. Such speech is subject to strict scrutiny and is highly disfavored, as the government is not free to put words into a citizen's mouth and compel their recital. Not dissimilarly, a measure's facial neutrality is no of no moment if in fact only certain entities or individuals are targeted. The California legislation specifically compelling speech by persons who oppose the state's views cannot withstand review.	KELLY J. SHACKELFORD KENNETH A. KLUKOWSKI Counsel of Record JOSEPH A. BINGHAM LEA E. PATTERSON FIRST LIBERTY INSTITUTE 2001 West Plano Parkway Suite 1600 Plano, TX 75075 (972) 941-4444 kklukowski@firstliberty.org			
P	MASSACHUSETTS CITIZENS FOR LIFE, ELEANOR MCCULLEN, EXPECTANT MOTHER CARE, AND THE PRO-LIFE LEGAL DEFENSE FUND	Amici are pro life advocates and pregnancy center operators who urge the Supreme Court to apply strict scrutiny to the California FACT Act as impermissible content based speech regulation. The Act does not regulate commercial speech: the Ninth Circuit found no commercial transaction proposed through the centers' free offerings. An extension of "commercial speech" the present circumstances would sweep too far and render far too much speech subject to state regulation. Moreover, even if the Court were to consider the FACT Act to be a regulation of "professional speed" entitled to less rigorous First Amendment protection, strict scrutiny should nonetheless apply as there is no financial interest involved in pregnancy center' offerings. As the Court has observed, the government may not ignore the constitution in a purported effort to inhibit professional misconduct. Freedom to speak or to refrain from speaking is a core constitutional guarantee. Even where commercial speech may be related, a state many not so burden commercial speech as to child it's utterance. The state may not, vs it has attempted to do here, compel speech directly contrary to conscience and mission, particularly where, through carefully crafted exemptions, the California FACT Act applies only to pro life pregnancy care centers.	DWIGHT G. DUNCAN Counsel of Record for Amici Curiae 333 Faunce Corner Road North Dartmouth, MA 02747-1252 508-985-1124 dduncan@umassd.edu MARY ANN GLENDON Of Counsel 1585 Massachusetts Avenue Hauser 504 Cambridge, MA 02138 617-496-2609 glendon@law.harvard.edu			
R	MEMBERS OF CONGRESS	Disclosure requirements pervade the law and are central to ensuring citizens are aware of rights, thereby permitting a robust democracy. Disclosure requirements are consistent with the First Amendment and, like protections attaching to commercial speech, do not require strict scrutiny review. Disagreement with or controversy concerning disclosures does not diminish their constitutionality. Opposition to a neutral law of general applicability carries no right to exemption from compliance.	ELIZABETH B. WYDRA BRIANNE J. GOROD DAVID H. GANS ASHWIN P. PHATAK CONSTITUTIONAL ACCOUNTABILITY CENTER 1200 18th Street NW Suite 501 Washington, D.C. 20036 (202) 296-6889 brianne@theusconstitution.org			

R	MEMBERS OF CONGRESS, CONTINUED	Commercial and professional disclosures enjoy latitude in review because they present less restrictive alternatives to comprehensive speech regulations. Judicial precedent establishes that disclosure regulations that promote a well informed public are consistent with extension of constitutional protection of commercial speech. Unless measures chill protected speech, professional interest in not providing factual information with which there is disagreement is not as significant as ensuring the free flow of information.				
R	MEMBERS OF CONGRESS, CONTINUED	Disclosure requirements that advise of rights and means of exercising those rights serve substantial government interests, particularly as they ensure that rights and remedies are not lost out of ignorance. Where such disclosures are objective and neutral, providers are not compelled to adhere to any state orthodoxy.				
R	MEMBERS OF CONGRESS, CONTINUED	Substantive health and civil rights laws would be imperiled by adoption of NIFLAs content-based, strict scrutiny review. Congressional amici disagree that disclosure requirements are presumptively unconstitutional content based compelled speech, but rather that First Amendment interests are weaker than the constitutional interests presented should speech be actively suppressed. Disclosure requirements need not be found defective even if there exist other means of attaining the state's ends or if more comprehensive measures might be envisioned.				
R	MEMBERS OF CONGRESS, CONTINUED	Neither controversy nor compensation detract from adherence to these principles of constitutional consideration of commercial disclosure laws, nor does any right to challenge disclosure requirements excuse compliance, nor does any state's demand for disclosure require that the state fund the provision of the mandated disclosure where more effective means of delivery of disclosures exist. The First Amendment does not forbid government involvement in ensuring commercial information flows "clearly as well as freely." Requiring that strict scrutiny, least restrictive means tests be imposed on disclosure requirements would render illusory and thereby destroy the government's regulatory authority. Simply stated, government regulation of professional and commercial speech is permissible in ways that might be impermissible in non-commercial contexts. As current First Amendment constructions permit the government to make disclosure demands on service providers, petitioners' challenges must be rejected.				
P	MOUNTAIN RIGHT TO LIFE, BIRTH CHOICE OF THE DESERT AND HIS NESTING PLACE	Amici are litigants seeking certiorari to the Ninth Circuit on the same issues before the Court in the instant case. Amici suggest that the Ninth Circuit has concluded that abortion rights are of more fundamental importance that are free speech rights, notwithstanding the relative historic novelty of abortion rights. Through the years since recognition of reproductive interests as a component of privacy interests abortion rights have morphed into superior interests not bound by constraints that typically shape the existence of other rights. The Supreme Court ought to decline to extend this trend one step further by approving the advancing of the state's interest in abortion by requiring abortion opponents to carry the state's message. Carving out an abortion exception to the strict scrutiny ordinarily applicable to content based restrictions lacks sense, particularly where the Ninth Circuit found no different standard is required but applied one nonetheless. The Ninth Circuit erred in conflating speech regulation in patient physicians relationships with compelled ideological speech, which always requires strict scrutiny review. Although the privacy right recognized in Roe v. Wade, 410 U.S. 113 (1973), is not absolute, the Ninth Circuit has accorded Roe's recognition of a limited right to abortion primacy over rights established by the Constitution. The special treatment enjoyed by abortion rights runs contrary to legal tradition, which recognizes mites on almost all established rights, making absolutism anomalous to constitutional jurisprudence. This uncanny superiority serves to vindicate Roe rather than to recognize that other interests -- such as the rights of parents to govern their children or of fathers of unborn children -- are of parallel, not inferior, importance to interest in abortion. Speech compulsions are restrictions, normally anathema in First Amendment jurisprudence, have emerged as weapons in the "long and bitter history" of the abortion debate, as the Fourth Circuit has recently reiterated. The Fourth Circuit has recently attempted to stamp the erosion of fundamental rights by reiterating the court constitutional construct that the state's powers may not be "weaponized" to compel a speaker to forswear his views and to testify to their opposite. Greater Baltimore Center for Pregnancy Concerns v. Mayor and City Council of Baltimore, No. 16-2325 (4th Cir. Jan. 5 2018), 2018 WL 2198142. Not only is the elevation of abortion interest over others corrosive to the integrity and vitality of other rights, doing so distorts what began as, and outh to remain, a recognition of a right to autonomous choice, which now appears to have become a right to abort unimpeded. The express animus fo the California legislature toward pro life advocates culminated in compelled speech that effectively suppresses profile speech cannot be constitutional.	Mathew D. Staver (Counsel of Record) Anita L. Staver Horatio G. Mihet LIBERTY COUNSEL P.O. Box 540774 Orlando, FL 32854 (407) 875-1776 court@lc.org Mary E. McAlister Daniel J. Schmid LIBERTY COUNSEL P.O. Box 11108 Lynchburg, VA 24506 (434) 592-7000 court@lc.org i			
P	NATIONAL ASSOCIATION OF EVANGELICALS, CONCERNED WOMEN FOR AMERICA, THE NATIONAL LEGAL FOUNDATION, THE ETHICS & RELIGIOUS LIBERTY COMMISSION OF THE SOUTHERN BAPTIST CONVENTION, AND SAMARITAN'S PURSE	Amici urge the Court to determine the standard of review concerning speech regulations respecting abortion with any special "carve out" for abortion: failure to do so will undermine speech freedoms and discourage respect for the rule of law. The recital of a state interest in regulating professional speech without more will not by itself suffice to address this issue. Amici assert that the regulations in issue in this case represent the sort of viewpoint based content discrimination found to be unacceptable in Reed v. Town of Gilbert, U. S. ( ), as legislative history shows that the California FACT Act was prompted by disapproval of anti-abortion messages. Facial deficiency is not required where the purpose or intent of legislation is to regulate viewpoint and content. Even were the state found to have a compelling interest in encouraging abortion, its message may be adequately conveyed by those who are not opposed to it morally. Adoption of strict scrutiny analysis here will not threaten other regulation of abortion information which protects unborn life. The state interest in protecting unborn life is compelling, while the interest in abortion is not. Sex selection through abortion is not part of this case. Although the state is interested in regulating professional speech, that interest is not present here, where information, but not surgical intervention is in issue. Money does make a difference in evaluating the notice provisions in issue here, as non profit non surgical centers are not professional entities and have no financial incentive to encourage procedures. The state has less interest in compelling the speech of pregnancy centers than it does in regulating the speech of fee-based providers. Moreover, the moral dimensions of abortion falls more heavily on those who oppose it but who are asked to carry the state message than are the interests of those who would have no attachment to a woman declining to abort.	Frederick W. Claybrook, Jr. Counsel of Record Claybrook LLC 1001 Pa. Ave., NW, 8th Floor Washington, D.C. 20004 (202) 250-3833 rick@claybrooklaw.com Steven W. Fitschen James A. Davids The National Legal Foundation 2224 Virginia Beach Blvd., Ste. 204 Virginia Beach, Virginia 23454 (757) 463-6133 David A. Bruce, Esq. 205 Vierling Drive Silver Spring, Maryland 20904			
R	NATIONAL LEAGUE OF CITIES, UNITED STATES CONFERENCE OF MAYORS, INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION, AND INTERNATIONAL MUNICIPAL LAWYERS ASSOCIATION	Advocates for local governments and officials lament the potential adoption of an expansive view of *Reed v. Town of Gilbert*, 576 U.S. , 135 S. Ct. 2218, 192 (2015), which would, in amici's view, require strict scrutiny wherever and whenever any form of content based restriction is perceived to exist, nor should.Ed.2d 236 the Court adopt petitioners' view that viewpoint based distinctions are per se unconstitutional. The sweep of such holding would ultimately diminish the force of strict scrutiny analyses and render unconstitutional many local ordinances, which would substantially interfere with local self- management. Reed should not be read as to have implicitly overruled the intermediate scrutiny analysis of *Central Hudson Gas & Electric Corp. v. Pub. Serv. Comm'n of New York*, 447 U.S. 557 (1980). Adoption of petitioners'' view that strict scrutiny should be required of any and all disclosure requirements would be fatal to many laws, whether commercial or health care related. Amici urge that the Court reject a view that would decimate many functioning regulatory schemes.	John M. Baker, Esq. Counsel of Record Kathleen M. Procaccini Virginia R. McCalmont Greene Espel PLLP 222 S. Ninth Street Suite 2200 Minneapolis, MN 55402 (612) 373-0830 jbaker@greeneespel.com Lisa Soronen Executive Director State & Local Legal Center 444 North Capitol Street NW Washington, DC 20001 (202) 434-4845			

P	OPERATION OUTCRY, THE JUSTICE FOUNDATION, AND PRIESTS FOR LIFE	Amici are organizations comprised of, representing, or providing social and spiritual services ot women who have had abortions. Amici criticize the Ninth Circuit's opinion for straying from its own articulation of the law in an order to save the California FACT Act, which mistakenly and effectively requires non-professionals who do not provide medical services to publish the state's preferred view. Compliance with the FACT Act exacting formats and multiple language requirement means that pregnancy centers will be silenced. They will not be able to advertise in print or more importantly online because the dimensions of the required notices exceed the space limitations of print and online media. Moreover, the Ninth Circuit erred in uncritically accepting the legislative record of the FACT Act, which lacked evidentiary substantiation. Requiring a pregnancy center that does not provide ;medical services to provide notice that the center does not meet state medical licensing standards brands the center as inferior. There is no purpose for this requirement, for it is not required that non medical service providers comply with state medical licensure laws. The Ninth Circuit has, however, expanded the definition of pregnancy as a medical condition, and the definition of medical services to include any pregnancy related ancillary services. Yet if the state requires no license for ancillary services the state cannot have a compelling interest in disclosing that a license that is not required is not held. Even if such an internet could be found, it would not support state intervention through speech regulation.	CATHERINE W. SHORT Counsel of Record REBEKAH MILLARD ALLISON K. ARANDA Life Legal Defense Foundation PO Box 2105 Napa, CA 92544 (707) 224-6675 LLDFOjai@cs.com			
R	PLANNED PARENTHOOD FEDERATION OF AMERICA AND PHYSICIANS FOR REPRODUCTIVE HEALTH	Planned Parenthood Federation of America and Physicians for Reproductive Health submit that heightened scrutiny is the proper analytical approach to regulation of professional speech, for only such scrutiny will “smoke out” government suppression of disfavored expression. Planned Parenthood argues that the licensed notice requirement regulates professional speech. Amici observe that regulation of professional speech carries an inherent conflict between the state’s power to establish norms and individual guarantees of free speech. The imbalance of knowledge between provider and patient adds another dimension to this setting. Professional speech is not confined to the treatment room or the dialogue between physician and patient, but includes the licensed notice in issue, which provides a potential client with information about what services may be expected. Planned Parenthood argues that examination of professional speech must be undertaken with heightened scrutiny, given the inherent dangers in burning unpopular speech by unpopular persons and the imbalance of knowledge between physician and patient. In this case, the state has an interest in affording its citizens accurate health information and in discouraging the provision of inaccurate health information. The disclosure in issue handily satisfies heightened scrutiny, as it neutrally and concisely provides information serving those ends.	ALAN E. SCHOENFELD Counsel of Record CHARLES C. BRIDGE WILMER CUTLER PICKERING HALE AND DORR LLP 7 World Trade Center New York, NY 10007 (212) 937-7518 alan.schoenfeld@wilmerhale.com KIMBERLY A. PARKER LESLEY R. FREDIN E. ROSS COHEN WILMER CUTLER PICKERING HALE AND DORR LLP 1875 Pennsylvania Ave., NW Washington, DC 20006 (202) 663-6000			
P	PREGNANCY CARE CENTERS IN TEXAS	Texas pregnancy centers urge the Court to ensure that the marketplace of ideas be characterized by robust debate, free from government interference. Amici point out that the FACT Act’s viewpoint bias is plainly apparent. The Act purports to make reproductive health care information available, but its requirements apply only to pregnancy care centers and only concern abortion. Were the problem of information truly in issue, information about not aborting would be presented, but it is not. The content based nature's the statute is immediately apparent, as the statute demands speakers to convey a state message. Moreover, that message is not in accord with the centers’ values or reason for being. The state has available many fora through wihic to convey its message other than demanding that those who oppose it speak it. The Court of Appeals erred in crafting a new category of professional speech by borrowing from Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833 (1992), which found permissible the provision of information about abortion by a physician to a patient in order to obtain informed consent. The regulation of pregnancy centers differs from the regulation of the physician patient relationship. The Court must apply strict scrutiny where an act is facially discriminatory or tries to penalize disfavored views. The centers are not engaged in professional speech even were that the test for review. Centers are not persons engaged in provision of services requiring specialized training, nor does the issuance of a license form a professional relationship. Even if the Court were to recognize “professional speech,” full First Amendment protections must continue to attach to content based regulations applicable to professional speech.	LINDA BOSTON SCHLUETER Counsel of Record TRINITY LEGAL CENTER 11120 Wurzbach, Suite 206 San Antonio, Texas 78230 210-697-8202 TLC4Linda@aol.com			
R	PUBLIC CITIZEN, INC.	Consumer advocate amicus Public Citizen asserts that petitioners’ view that the California FACT Act requirements impose impermissible content based restrictions is contrary to precedent. Petitioners’ argument would embrace all speech regulation, including commercial speech, and subject such regulations to strict scrutiny, contrary to the Court’s long history of permitting more deferential review in the commercial speech context. The principles applicable in the commercial context are equally applicable to the government’s authorized regulation of professional speech. Professional speech may embrace components of protected speech, unprotected conduct, and incidentally burdened speech: disclosure of the nature of services to be provided involves incidentally burdened speech, making deferential review proper without threatening core speech protections.	SCOTT L. NELSON Counsel of Record ALLISON M. ZIEVE JULIE A. MURRAY PUBLIC CITIZEN LITIGATION GROUP 1600 20th Street NW Washington, DC 20009 (202) 588-1000 snelson@citizen.org			
R	SOCIAL SCIENCE RESEARCHERS	Social scientist amici offer that research suggests that women who seek abortion are sure of the decision. However, crisis pregnancy centers, having the goal of dissuading women from choosing to terminate a pregnancy, interfere with that decision while at the same time offering erroneous medical information. California’s disclosure mandates are a needed counterbalance to the harm that deceptive information may precipitate, including delay in obtaining care, and this is so whether or not a woman chooses to carry to term or to abort. Both delay in obtaining care and the absence of insurance impede access to competent care, making the availability of accurate health care information all the more important to women facing time-sensitive health care choices.	Steven A. Zalesin Derek Borchardt Zachary Kolodin PATTERSON BELKNAP WEBB & TYLER LLP 1133 Avenue of the Americas New York, NY 10036 (212) 336-2000 sazalesin@pbwt.com			
R	THE AMERICAN ACADEMY OF PEDIATRICS, CALIFORNIA, THE AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS, THE AMERICAN MEDICAL WOMEN’S ASSOCIATION, THE AMERICAN NURSES ASSOCIATION\CALIFORNIA, THE AMERICAN SOCIETY FOR REPRODUCTIVE MEDICINE, THE ASSOCIATION OF REPRODUCTIVE HEALTH PROFESSIONALS, THE CALIFORNIA MEDICAL ASSOCIATION, THE NATIONAL ABORTION FEDERATION, THE NATIONAL PERINATAL ASSOCIATION, AND THE SOCIETY FOR ADOLESCENT HEALTH AND MEDICINE	Ten medical and nursing professional associations, with other entities interest in health issues,join in offering support for the California FACT Act medical care and professional status notice requirements without opining about the notices’ constitutional dimensions. The state serves the public good through these requirements, the provider associations argue, for denial of or delay in obtaining prenatal care threatens maternal health and fetal viability. Competent care, a core professional ethical concern, is best served where adequate information about professional services is timely provided. This is particularly so where procedures such as ultrasound create the appearance of professionalism when, in fact, licensure is lacking.	SIMONA G. STRAUSS P. CASEY MATHEWS Counsel of Record SIMPSON THACHER & BARTLETT LLP 2475 Hanover Street (212) 455-2000 Palo Alto, California 94304 (650) 251-5000 sstrauss@stblaw.com VERONICA R. JORDAN-DAVIS SIMPSON THACHER & BARTLETT LLP 425 Lexington Avenue New York, New York 10017			

P	THE AMERICAN ASSOCIATION OF PRO-LIFE OBSTETRICIANS AND GYNECOLOGISTS, AMERICAN COLLEGE OF PEDIATRICIANS, AND CHRISTIAN MEDICAL ASSOCIATION	Pro-life medical professionals discuss the elements and context of informed consent as it has been established and is now practiced, where in general consent is obtained within a physician patient relationship after discussion of the risks, benefits and alternatives to any procedure under consideration. A sign on a clinic wall is not informed consent. The compelled statement that abortion services are available through the state, as the state demands, bears no relationship to informed consent as the subject matters of contraception, prenatal care, and abortion do not relate to benefits, risks or alternatives to pregnancy, STI testing or ultrasounds nor do the costs of public programs relate to the free services provided by the pregnancy centers. The coerced disclosure simply does not pertain to services offered by the pregnancy centers. By comparison, where abortion is provided, it is appropriate for the state to demand that thorough and timely information be obtained and clear consent obtained as this serves the interests of the pregnant woman and the unborn child. Coerced notice concerning services not provided and unrelated to services being provided differs from informed consent. Amici medical professionals dispute assertions that pregnancy centers provide false or misleading information, offering that all are committed to operating ethically at all times.	STEVEN H. ADEN Counsel of Record RACHEL N. BUSICK DEANNA M. WALLACE AMERICANS UNITED FOR LIFE 2101 Wilson Blvd., Suite 525 Arlington, VA 22201 Steven.Aden@aul.org (202) 741-4917			
P	THE CATO INSTITUTE	California asks licensed pregnancy clinics that oppose abortion, and only those centers that oppose abortion, to provide notice to clients about where abortion services may be obtained. The Ninth Circuit's expansion of professional speech to include the circumstances here is dangerously overbroad and inapt, as there does not exist the sort of provider - patient relationship the the state may regulate and which would generally satisfy strict scrutiny, rendering superfluous the introduction of new tiers of review. "Professional speech" ought to be limited to provider relationships in which there exists an imbalance of knowledge between physician and patient. Messages that can be understood through brochures do not meet that standard. "Professional speech" cannot balloon to include any circumstances in which a professional is speaking. The notice in issue could be delivered by anyone. There is no need to craft and to impose a boundless doctrine in order to substantiate the government's compelled speech. Neither can the mandated speech be justified as a component of informed consent, as it does not relate to any particular medical decision under consideration between physician and patient. Constitutional limits prohibiting state mandated recitations of facts matter just a much as opinions, and in particular, the government ought not be indulged where it seeks to put a thumb on the scale of the state's favored viewpoint. Where it hs been well establisehd that ait is imprermiss lae for the state to compel anyone to speak where the individual would not ordinary do so, or to alter the content of speech, both of which are true in the is case, it appears that the Ninth Circuit overlooked the potential for abuse inherent in its permissive view. The FACT Act is both content and viewpoint restrictive and is underinclusive, exempting all those participating in the state's favored programs and targeting for compliance only the opponents of the state's message. The FACT Act cannot survive strict scrutiny where the state has at its command ample means of addressing its concerns itself, through its own advertising.	ILYA SHAPIRO Counsel of Record TREVOR BURRUS MEGGAN DEWITT Cato Institute 1000 Mass. Ave. N.W. Washington, D.C. 20001 (202) 842-0200 ishapiro@cato.org			
R	THE CITY AND COUNTY OF SAN FRANCISCO; THE CITIES OF OAKLAND, BALTIMORE, LOS ANGELES, AND NEW YORK; AND THE COUNTY OF SANTA CLARA	City and county governments that regulate pregnancy centers perceive regulation to be apt not because of the centers' viewpoints but because of the deceptive and dangerous delay tactics they employ. Amici urge the Court to ensure disclosure parity: where disclosures are required of abortion providers, so too must they be required of those who do not. The First Amendment is not violated where some but not all providers are regulated: the government may choose to address a narrow problem narrowly. That pregnancy centers share common views does not establish that regulation is content or viewpoint based. Mandated factual disclosures minimally invoke First Amendment interests and do not require strict scrutiny. Pregnancy centers are commercial speakers whether or not they are compensated. Disclosure is required about the existence of services and a phone number and about the unlicensed status of a provider: such requirements would survive strict scrutiny were such analysis required. The Court should avoid carving out a particularized standard for "controversial" subjects: factual disclosures need not be infirm even if required about a matter of public debate.	DENNIS J. HERRERA City Attorney CHRISTINE VAN AKEN YVONNE R. MERÉ MATTHEW GOLDBERG MOLLIE M. LEE Counsel of Record CITY ATTORNEY'S OFFICE City Hall Room 234 One Dr. Carlton B. Goodlett Pl. San Francisco, CA 94102 Telephone: (415) 554-4290 mollie.lee@sfcityatty.org Attorneys for the City and County of San Francisco BARBARA J. PARKER City Attorney MARIA BEE ERIN BERNSTEIN MALIA MCPHERSON OFFICE OF THE OAKLAND CITY ATTORNEY 1 Frank H. Ogawa Plaza Oakland, CA 94612 Attorneys for the City of Oakland Solicitor ANDRE M. DAVIS SUZANNE SANGREE BALTIMORE CITY LAW DEPARTMENT 100 North Holliday Street Room 109 Baltimore, MD 21202 (443) 388-2190 Attorneys for the City of Baltimore			
P	THE HUMAN COALITION	The Human Coalition provides outreach and care to women and monitors the results of its efforts. Were the California FACT Act upheld, the colations operations in California would be impeded, because the coalition would be required provide referrals for abortion to the detriment of its life affirming message. Licensed facilities must provide information about how to access abortion and unlicensed facilities must state that they are not state-licensed medical operations. No First AMendment principle support the state in commandeering the resources of private individuals to control what those individuals say by demnandngi speech in accordance with the state's view without regard to the individual's own view. The right to speech embraces the right not to speak and protects against compulsion of speech or targentin of certain view for particularized speech demands. Where, as here, the state cannot define an actual problem in need of solution, the state cannot be said to have a compelling interest. The risk of pregnant women receiving misinformation is not of the highest order, particularly where any problem could be addressed through existing laws. The compelled disclosures in issue here, if found to be legitimate exercises of state power, know no limiting principle and invite government intrusion into communications in derogation of constitutional tradition.	JONATHAN D. CHRISTMAN Counsel of Record DANIEL W. YAGER Fox Rothschild LLP 10 Sentry Parkway, Suite 200 P.O. Box 3001 Blue Bell, PA 19422 (610) 397-6500 jchristman@foxrothschild.com			
P	THE SCHARPEN FOUNDATION, INC., ADVOCATES FOR FAITH & FREEDOM, AND NATIONAL PRO-LIFE ALLIANCE	The Scharpen Foundation operates a pregnancy clinic. Scharpen's successful challenge of the constitutionality of the FACT Act is now on appeal. Other amici are liberty and pro-life advocates and lobbyists. The Scharpen state trial adduced evidence of the narrow targeting of pro life centers for application of the FACT Act. The trial likewise adduced evidence that the state had not made substantial efforts to communicate with women concerning abortion services, and certainly had not demonstrated a need to compel private citizens to assist in the state's efforts. The FACT Act is inescapably viewpoint based, targeting pregnancy centers because of state animus toward them, and as such ought to be found per se unconstitutional. Should the Court decline to make a per se ruling, the Court must nevertheless find strict scrutiny cannot be satisfied. The mere assertion that public health will be promoted by a speech mandate as a restriction does not make the asserted interest either existent or compelling. Even were recital alone sufficient to create a government interest, the FACT Act voluminous exemptions, omitting from its purview all but pregnancy clinics, are evidence that the interest is not compelling. Alternatively, if the Act aims to address deceptive practices, the mandate provision of notice about available abortion services does not serve that end but instead compels pro life pregnancy centers to speak the state's message promoting abortion. The ;state cannot conceivably satisfy the least reactive means test where the state could provide the notice it purports to seek itself, which it has not done with any dispatch, without conscripting a narrow component of the population to speak contrary to conscience.	ROBERT H. TYLER Counsel of Record TYLER & BURSCH, LLP 24910 Las Brisas Road Suite 110 Murrieta, CA 92562 (951) 600-2733 rtyler@tylerbursch.com			

R	THE STATES OF NEW YORK, CONNECTICUT, DELAWARE, HAWAI'I, ILLINOIS, IOWA, MAINE, MARYLAND, MASSACHUSETTS, MINNESOTA, NEW JERSEY, OREGON, PENNSYLVANIA, VERMONT, VIRGINIA, AND WASHINGTON, AND THE DISTRICT OF COLUMBIA	Respondents' state amici endorse the modest disclosure of undisputed facts. Disclosure is an act of state beneficence designed to ensure timely provision of information needed to make mature and informed choices about abortion or other pregnancy related services at a time and in a place where those in need of such information would be paying attention to such messages, which would not necessarily be true of a general state sponsored information campaign. The undisputed accuracy of the disclosure requirements forecloses the complaint that clinics are being asked to advertise for abortion. State amici assert that limited service clinics often provide false and misleading information to clients which must be dispelled by the disclosures.	ERIC T. SCHNEIDERMAN Attorney General of the State of New York Barbara D. Underwood, Solicitor General Steven C. Wu, Deputy Solicitor General Judith N. Vale, Senior Assistant Deputy Solicitor General. barbara.underwood@ag.ny.gov.			
P	THE STATES OF TEXAS, ALABAMA, ARKANSAS, GEORGIA, IDAHO, KANSAS, LOUISIANA, MICHIGAN, MISSOURI, MONTANA, NEBRASKA, NEVADA, OHIO, OKLAHOMA, SOUTH CAROLINA, SOUTH DAKOTA, TENNESSEE, UTAH, WEST VIRGINIA, WISCONSIN, AND THE COMMONWEALTH OF KENTUCKY, BY AND THROUGH GOVERNOR MATTHEW G. BEVIN, AND PAUL R. LEPAGE, GOVERNOR OF MAINE	Amici observe that the Ninth Circuit in this case has likened the FACT Act to state informed consent laws which require physician disclosures in obtaining consent to perform an abortion. Amici sense that the laws are dissimilar and seek to offer clarification. The disclosures recognized as constitutional in Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833 (1992) serve compelling state interests in life, superior to any First Amendment interest of the physician. The FACT Act has no such import but rather compels medical facilities to provide non-medical information. The physician patient relationship is not involved in the FACT ACt nor is the state's interest in protecting maternal and fetal life pregnant as it is in the context of informed consent to abortion. Even were California found to have interest in providing information to pregnant women, it has many resources at its command with what to do so that would not engage in delivery of that message those who find abortion objectionable as a matter or conscience.	KEN PAXTON Attorney General of Texas JEFFREY C. MATEER First Assistant Attorney General SCOTT A. KELLER Solicitor General Counsel of Record HEATHER GEBELIN HACKER BETH KLUSMANN Assistant Solicitors General OFFICE OF THE ATTORNEY GENERAL P.O. Box 12548 (MC 059) Austin, Texas 78711-2548 scott.keller@oag.texas.gov (512) 936-1700			
P	UNITED STATES CONFERENCE OF CATHOLIC BISHOPS, CALIFORNIA CATHOLIC CONFERENCE, THE CATHOLIC HEALTH ASSOCIATION OF THE UNITED STATES, LUTHERAN CHURCH-MISSOURI SYNOD, CHRISTIAN LEGAL SOCIETY, AND AGUDATH ISRAEL	This case concerns the right of all religious people to speak or to refrain from speaking as their conscience may dictate. Religious persons are not infrequently out of step with contemporary mores, called by faith to live according to practices others may not understand or may even hold in contempt. Were the Court to uphold the Ninth Circuit here, the door would open to all manner of speech regulation of religious persons, at a time when society has demanded more and more frequently that the faithful be combined within the confines of their beliefs, and be ill at ease in the world at large as the government promulgates regulations of rights civilly recognized but often disfavored by religious groups. Amici submit that the Court must go beyond viewpoint analysis, which the California statute could not survive, and determine that any speech mandate directed to a religious nonprofit satisfy strict scrutiny. Characterizing rulemaking as confined to a religious entity's 'secular' activity will not address issues of state intrusion which cause religious persons to change the way they conduct their religious missions. Such suppression of faith based activity could include employment practices, decisions about providing for refugees and immigrants, and matters concerning human sexuality. Religious autonomy is critical to the core purpose of the First Amendment. While here the anti-religious animus of the California legislation was far from subtle, in the absence of strict judicial review of laws objectionable to religious nonprofits, more insidious and dangerous government interference may materialize. The FACT Act is clearly viewpoint based and not susceptible to surviving strict scrutiny. The Court is invited to construe broadly speech protections which are constitutionally permissible and which would ensure the preservation of religious freedom.	ANTHONY R. PICARELLO, JR. JEFFREY HUNTER MOON MICHAEL F. MOSES HILLARY BYRNES United States Conference of Catholic Bishops 3211 Fourth Street, N.E. Washington, DC 20017 GENE C. SCHAERR Counsel of Record MICHAEL T. WORLEY SCHAERR | DUNCAN LLP 1717 K Street NW, Ste. 900 Washington, DC 20006 (202) 787-1060 gschaerr@schaerr-duncan.com			