

Nos. 25-1603 & 25-1659
25-1655 & 25-1657

UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

RONALD L. SCHROEDER, *et al.*,

and

NATIONAL INSTITUTE OF FAMILY AND LIFE ADVOCATES, *et al.*,

Plaintiffs-Appellants-Cross-Appellees,

v.

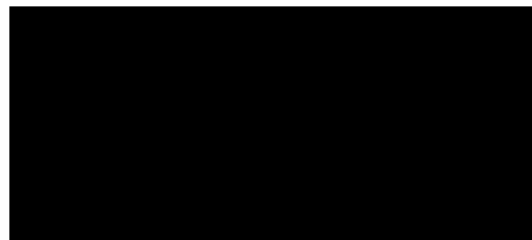
MARIO TRETO, JR.,

Defendant-Appellee-Cross-Appellant.

On Appeal from the United States District Court
for the Northern District of Illinois
(Case Nos. 1:17-cv-04663 & 3:16-cv-50310)

**MOTION FOR LEAVE TO FILE *AMICUS* BRIEF OF THE
AMERICAN CENTER FOR LAW & JUSTICE IN SUPPORT OF
PLAINTIFFS-APPELLEES-CROSS-APPELLEES,**

Olivia F. Summers
Nathan J. Moelker
AMERICAN CENTER FOR LAW &
JUSTICE



Counsel for Amicus Curiae

Pursuant to Federal Rule of Appellate Procedure 29(a)(2), the American Center for Law & Justice (“ACLJ”) respectfully moves for leave to file an *amicus curiae* brief (Exhibit A) in support of Plaintiffs-Appellees and reversal of the lower court’s holding regarding 745 Ill. Comp. Stat. 70/6.1(3).

Counsel for Plaintiffs-Appellants have provided consent for the filing of this amicus brief, while counsel for Defendants-Appellees declined to consent.

The American Center for Law and Justice (“ACLJ”) is an organization dedicated to the defense of constitutional liberties secured by law, including the defense of the sanctity of human life. Counsel for the ACLJ have presented oral argument, represented parties, and submitted amicus curiae briefs before the Supreme Court of the United States and numerous state and federal courts in cases involving a variety of issues, including the right to life. See, e.g., *Pleasant Grove City v. Summum*, 555 U.S. 460 (2009); *Livingwell Med. Clinic, Inc. v. Becerra*, 138 S. Ct. 2701 (2018); *Dobbs v. Jackson Women’s Health Org.*, 142 S. Ct. 2228 (2022); *June Medical Servs. v. Russo*, 140 S. Ct. 2103 (2020), *FDA v. All. for Hippocratic Med.*, 602 U.S. 367 (2024); *Whole Women’s Health*

v. Hellerstedt, 579 U.S. 582 (2016); *Gonzales v. Carhart*, 550 U.S. 124 (2007); *Schenck v. Pro-Choice Network*, 519 U.S. 357 (1997).

The ACLJ litigated one of the companion cases to *National Institute of Family & Life Advocates v. Becerra*, 585 U.S. 755 (2018) (“NIFLA”)—*LivingWell Medical Clinic v. Becerra*—in which the Supreme Court vacated the Ninth Circuit’s judgment in light of *NIFLA*, confirming that compelled referral mandates targeting pro-life speakers violate core First Amendment protections. Because the Illinois statute here suffers from the same constitutional infirmities, the ACLJ has a direct and substantial interest in the outcome of this case. The ACLJ submits the proposed amicus brief to assist the Court by supplying principled constitutional analysis and to highlight the core First Amendment problem the Illinois statute creates: it compels a disfavored viewpoint (faith-based pro-life pregnancy centers) to speak a government-favored message (information facilitating abortion), notwithstanding their deeply held religious objections.

The proposed amicus brief advances three principal arguments:

First, the speech at issue is expressive conduct under controlling Supreme Court precedent. Compelled referrals, transfers, and written

information about abortion providers necessarily convey a message and thus constitute speech protected by the First Amendment. The statute forces Plaintiffs to communicate expressive content that directly contradicts their religious convictions.

Second, the statute is neither content-neutral nor viewpoint-neutral. It applies only to conscientious objectors and cannot be enforced without examining and identifying their objection to abortion. As in *NIFLA*, the statute discriminates on its face by compelling speech from pro-life religious speakers solely because their viewpoint diverges from the State's preferred message.

Third, the compelled disclosures cannot be characterized as "government speech" and are therefore subject to full First Amendment scrutiny. Applying the factors recognized in *Shurtleff v. City of Boston*, 596 U.S. 243 (2022), the communication is private speech, not governmental speech. The statute thus must withstand strict scrutiny, which it cannot do: it is both overinclusive and underinclusive and fails where less burdensome alternatives are available, including state-sponsored public information campaigns.

Given the ACLJ's demonstrated experience litigating the constitutional issues directly implicated here and the unique analysis offered in the accompanying brief, the ACLJ respectfully requests that the Court grant leave to file its amicus curiae brief in support of Plaintiffs-Appellants and reversal of the judgment concerning 745 Ill. Comp. Stat. 70/6.1(3).

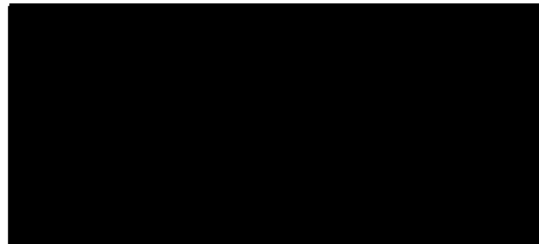
Dated December 22, 2024

Respectfully Submitted,

/s/ Olivia F. Summers

Nathan J. Moelker

AMERICAN CENTER FOR LAW &
JUSTICE



Counsel for Amicus Curiae

CERTIFICATE OF COMPLIANCE

with type volume limit, typeface Requirements and type-style requirements

This brief complies with the type-volume limit of Fed. R. App. P. 32(a)(7)(b) because it contains 581 words, excluding the parts of the Brief exempted by Fed. R. App. P. 32(f).

This brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft word for office 365 in 14-point Century Schoolbook font.

Date: December 22, 2025

/s/ Olivia F. Summers

OLIVIA F. SUMMERS

Counsel for Amicus Curiae

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2025, I electronically filed the foregoing document with the United States Court of Appeals for the First Circuit by using the CM/ECF system, which will send notification of that filing to all counsel of record in this litigation.

/s/ Olivia F. Summers

Olivia F. Summers

Counsel for Amicus Curiae

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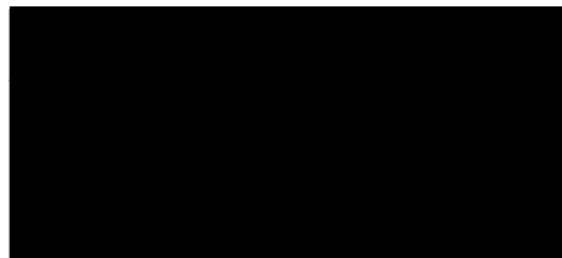
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APPELLEES**

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CORPORATE DISCLOSURE STATEMENT

The ACLJ is a non-profit legal corporation dedicated to the defense of constitutional liberties secured by law. The ACLJ has no parent corporation and issues no stock.

INTEREST OF AMICUS¹

The American Center for Law & Justice (“ACLJ”) is an organization dedicated to the defense of constitutional liberties and principles secured by law, including the freedoms of speech and religion and the sanctity of human life. For more than three decades, the ACLJ has worked to ensure robust protection for individuals and organizations whose deeply held religious and moral convictions place them at odds with government efforts to compel or restrict their expression—particularly in the context of abortion. The ACLJ regularly represents parties and submits amicus curiae briefs in litigation involving abortion and constitutional law. *See, e.g., Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215 (2022); *June Med. Servs. v. Russo*, 591 U.S. 299 (2020); *Whole Woman’s Health v. Hellerstedt*, 579 U.S. 582 (2016); *Gonzales v. Carhart*, 550 U.S. 124 (2007); *Whitmer v. Linderman*, 973 N.W.2d 618 (Mich. 2022); *Oklahoma Call for Reprod. Just. v. O’Connor*, No. 120543 (Okla. 2022).

¹No party’s counsel in this case authored this brief in whole or in part. No party or party’s counsel contributed any money intended to fund preparing or submitting this brief. No person, other than amicus, its members, or its counsel contributed money that was intended to fund preparing or submitting this brief.

The ACLJ has a particular interest in this case because it litigated one of the companion cases to *National Institute of Family & Life Advocates v. Becerra*, 585 U.S. 755 (2018) (“*NIFLA*”), a decision that is directly controlling here. In *LivingWell Medical Clinic, Inc. v. Becerra*, 901 F.3d 1168 (9th Cir. 2018), the ACLJ represented several faith-based pregnancy resource centers challenging California’s compelled-speech statute—an unconstitutional mandate requiring pro-life centers to advertise government-funded abortions. The Supreme Court granted certiorari, vacated the Ninth Circuit’s judgment in *LivingWell*, and remanded the case for reconsideration in light of *NIFLA*, thereby confirming that the compelled-speech regime imposed on religious pregnancy centers violated core First Amendment principles. See *Livingwell Med. Clinic, Inc. v. Becerra*, 585 U.S. 1027 (2018).

This case presents the same constitutional defect. Illinois’s amendment to the Health Care Right of Conscience Act likewise compels pro-life pregnancy resource centers—specifically those with conscience-based objections—to engage in expressive conduct they reject by requiring them to refer for abortions, transfer clients to abortion providers, or provide written information facilitating abortions upon

request. As in *NIFLA* and *LivingWell*, the State targets a narrow, disfavored set of speakers and forces them to carry a government-favored message at odds with their religious and moral convictions.

Because the of the ACLJ's work in *LivingWell*, the ACLJ has a substantial interest in ensuring that the First Amendment's protections against content- and viewpoint-based compulsion are faithfully applied here. The outcome of this case will directly affect whether faith-based pro-life organizations may continue to operate consistent with their beliefs without being forced to promote or facilitate abortion. The ACLJ submits this brief to assist the Court in evaluating those constitutional infirmities and to safeguard the freedoms that lie at the foundation of our constitutional order.

ARGUMENT

I. The First Amendment's protections apply to prevention of viewpoint discrimination for faith-based pro-life pregnancy resource centers that morally object to abortion.

The Illinois Health Care Right of Conscience Act unconstitutionally targets the viewpoint of religiously based pro-life pregnancy resource centers as it forces them to violate their deeply-held religious beliefs and refer clients for abortions. "[T]he First Amendment's requirement of

viewpoint neutrality emphasizes that the government should be indifferent to a speaker's viewpoint, not that it mandate that 'no viewpoint or all viewpoints be expressed.'" *DeBoer v. Vill. of Oak Park*, 267 F.3d 558, 572 (7th Cir. 2001).

The law at issue applies to those with conscience objections (here, religious clinics that do not perform or refer for abortions), requiring them to

refer[], transfer[], or . . . provide in writing information to the patient about other health care providers who they reasonably believe may offer the health care service the health care facility, physician, or health personnel refuses to permit, perform, or participate in because of a conscience-based objection.

745 ILL. COMP. STAT. ANN. 70/6.1(3). Thus, the statute uses Plaintiffs' objection to abortion as the basis for compelling them to facilitate it through referrals—requiring participation in “the very practice that [Plaintiffs] are devoted to opposing.” *Nat’l Inst. of Family & Life Advocates v. Becerra*, 585 U.S. 755, 766 (2018). The law singles out conscientious objectors for different treatment based on their viewpoint as conscientious objectors.

[Supreme Court] precedents are deeply skeptical of laws “distinguis[h] among different speakers, allowing speech by some but not others.” Speaker-based laws run the risk that

“the State has left unburdened those speakers whose messages are in accord with its own views.”

Id. (internal citations omitted).

A. The Referral Requirement in the Illinois law mandates expressive conduct: speech abhorrent to the beliefs of the Plaintiffs.

This law targets viewpoints through mandated expressive conduct. While the district court declared the referrals were not speech (“[it] explains what covered people and entities must *do* to earn immunity after the triggering event occurs: refer, transfer, or provide written information,”) RSA-43 (emphasis in original), these actions are indeed expressive conduct and therefore speech. The district court’s opinion is inconsistent with Supreme Court precedent. To qualify as expressive conduct and protected speech under the First Amendment, the action must “‘inten[d] to be communicative’ and, ‘in context, [] reasonably be understood by the viewer to be communicative.’” *Masterpiece Cakeshop, Ltd. v. Colo. Civil Rts. Comm’n*, 584 U.S. 617, 657, (2018) (Kagan, J., concurring) (quoting *Clark v. Comty. for Creative Non-Violence*, 468 U. S. 288, 294 (1984)).

Although a “particularized message” is not required for a court to find expressive conduct, the Illinois statute leaves no ambiguity about

the message it compels. The most basic mandated communication is in essence: “here are the clinics that will provide the abortions that I will not provide because of conscience objections.”² But the statute imposes an additional, broader message. By declaring its purpose “to ensure that patients receive timely access to information and *medically appropriate* care,” 745 ILL. COMP. STAT. ANN. 70/2 (emphasis added), the legislature requires Plaintiffs to communicate—implicitly but unmistakably—that abortion constitutes “medically appropriate care.”

These required referrals most certainly may be reasonably understood by the viewer as communicative. When a religious pregnancy resource center refers, transfers, or provides information about abortion providers, a patient reasonably understands that the center—despite its opposition to abortion—is providing information that aids access to it. The compelled communication therefore conveys one of two messages:

² “[Upon request], the health care facility, physician, or health care personnel shall: (i) refer the patient to, or (ii) transfer the patient to, or (iii) provide in writing information to the patient about other health care providers who they reasonably believe may offer the health care service the health care facility, physician, or health personnel refuses to permit, perform, or participate in because of a conscience-based objection.” 745 ILL. COMP. STAT. ANN. 70/6.1(3).

either “I endorse abortions performed by others,” or “the government requires me to tell you this because it considers abortion necessary healthcare.” In either case, a clear message is communicated, and the referral requirement compels expressive conduct.

“Once a court concludes that conduct is expressive, the Constitution limits the government’s authority to restrict or compel it.” *Masterpiece Cakeshop*, 584 U.S. at 657. “[O]ne important manifestation of the principle of free speech is that one who chooses to speak may also decide ‘what not to say’ and ‘tailor’ the content of his message as he sees fit.” *Id.* at 657-58 (internal citations omitted).

This rule “applies not only to expressions of value, opinion, or endorsement, but equally to statements of fact the speaker would rather avoid.” *Id.* at 658. And it “makes no difference” whether the government is regulating the “creati[on], distributi[on], or consum[ption]” of the speech. *Id.* (internal citations omitted). Here, Illinois is mandating the distribution of “statements that the speaker would rather avoid,” to say the least. Under this scheme, Plaintiffs may “preserve” their conscience rights only by violating them—engaging in compelled, communicative expressive conduct that contradicts their deepest religious convictions.

B. Even if an organization would be communicating “factual options,” it still cannot be compelled to speak by the government.

While the State may, in limited circumstances, “prescribe what shall be orthodox in commercial advertising,” it may do so only where the compelled disclosure is “purely factual and uncontroversial.” *Zauderer v. Off. of Disciplinary Couns. of Sup. Ct.*, 471 U.S. 626, 651 (1985). The Illinois mandate does not fit within that narrow exception. It is not directed at providing facts about abortion—including its risks or negative consequences—nor is it tied to informed-consent disclosures connected to a medical procedure actually being performed. Indeed, the district court acknowledged that the compelled referral is “no part of informed consent” whatsoever. RSA-48 n.21. Instead, the statute obligates religious objectors to communicate and facilitate access to the very procedure they exist to oppose on moral and religious grounds. Such compelled ideological speech is far removed from *Zauderer*’s narrow commercial-discloser exception and triggers the full protections of the First Amendment, which does not permit the State to conscript private speakers to carry its message.

The Supreme Court made this point unmistakably clear in *NIFLA v. Becerra*, where it rejected a similar attempt to compel pro-life pregnancy centers to speak a government-favored message:

The notice does not facilitate informed consent to a medical procedure. In fact, it is not tied to a procedure at all. It applies to all interactions between a covered facility and its clients, regardless of whether a medical procedure is ever sought, offered, or performed. If a covered facility does provide medical procedures, the notice provides no information about the risks or benefits of those procedures. Tellingly, many facilities that provide the exact same services as covered facilities—such as general practice clinics, . . . are not required to provide the licensed notice. The licensed notice regulates speech as speech.

NIFLA, 585 U.S. at 770. The same is true here. The Illinois disclosure and referral must be produced upon request at any time, is untethered to any medical procedure, and—like the statute in *NIFLA*—targets only a narrow subset of speakers: those with conscience-based objections.

The compelled disclosure fails for yet another reason: *even if* the mandated disclosure and referral were “purely factual,” it would still burden protected speech. The Supreme Court has made clear that “compelled statements of ‘fact’” can violate the First Amendment. *Riley v. Nat’l Fed’n of Blind*, 487 U.S. 781, 797 (1988). In *Riley*, the Court explained it

would not immunize a law requiring a speaker favoring a particular government project to state at the outset of every address the average cost overruns in similar projects, or a law requiring a speaker favoring an incumbent candidate to state during every solicitation that candidate's recent travel budget. Although the foregoing factual information might be relevant to the listener, and, in the latter case, could encourage or discourage the listener from making a political donation, a law compelling its disclosure would clearly and substantially burden the protected speech.

487 U.S. at 798. The same principle controls here. Illinois cannot mandate that pro-life religious organizations provide factual information that directly contradicts their viewpoint and religious convictions. Compelling them to speak in favor of, or to facilitate access to, abortion—even under the guise of providing “factual” information—substantially undermines and burdens their protected speech and violates the First Amendment.

II. The Illinois law in question unfairly targets faith-based pro-life pregnancy resource centers to compel them to speak against their sincerely held religious and moral beliefs.

While this is clearly content-based mandated speech (as it requires certain content to be distributed by Plaintiffs) it is also viewpoint based; the application of the law requires examination of the private actor's views to determine whether they have a conscience-based objection. *See*

NIFLA v. Becerra, 585 U.S. at 779 (Kennedy, J., concurring) (stating that viewpoint discrimination is present when “the State requires primarily pro-life pregnancy centers to promote the State’s own preferred message advertising abortions.”). Viewpoint discrimination is implicated when individuals are compelled to “contradict their most deeply held beliefs, beliefs grounded in basic philosophical, ethical, or religious precepts, or all of these.” *Id.* This is just such a case.

It is a fundamental First Amendment principle that the government cannot discriminate based on viewpoint. “At the heart of the First Amendment’s Free Speech Clause is the recognition that viewpoint discrimination is uniquely harmful to a free and democratic society.” *NRA of Am. v. Vullo*, 602 U.S. 175, 187 (2024). This applies to compelled speech, as “‘freedom of speech’ . . . necessarily compris[es] the decision of both what to say and what *not* to say.” *Riley v. Nat’l Fed’n of Blind*, 487 U.S. 781, 796-97 (1988) (emphasis in original). Even if compelled statements are simply statements of “fact,” they still burden protected speech. *Id.* at 797. “Just as the First Amendment may prevent the government from prohibiting speech, the Amendment may prevent the

government from compelling individuals to express certain views”

United States v. United Foods, 533 U.S. 405, 410 (2001).

A. This law targets pregnancy resource centers and discriminates against them on the basis of conscientious objection to abortion.

Illinois Statute 70/6.1(3) requires conscientious objectors to disclose information contrary to their religious viewpoints or lose public aid, lawsuit immunity, and protection from discrimination. 745 ILL. COMP. STAT. ANN. 70/6.1. Thus, in order to determine whether the law applies, the government must examine the viewpoint of the clinic to determine if there is a conscientious objection. If there is a conscientious objection (for instance, a religious objection to promoting abortion in any fashion) the law requires referral on request to maintain statutory protection. *See id.* This law “discriminates on the basis of viewpoint” and therefore the government faces a “near insurmountable burden.” *Graff v. City of Chicago*, 9 F.3d 1309, 1319 (7th Cir. 1993). “Viewpoint discrimination is . . . an egregious form of content discrimination. The government must abstain from regulating speech when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the

restriction.” *Rosenberger v. Rector & Visitors of the Univ. of Va.*, 515 U.S. 819, 829 (1995).

While presumptively unconstitutional, content-based restrictions can be valid if the subclass of speech (the viewpoint or content regulated) is “associated with particular ‘secondary effects’ of the speech, so that the regulation is ‘*justified* without reference to the content of the . . . speech.” *R. A. V. v. St. Paul*, 505 U.S. 377, 389 (1992) (quoting *Renton v. Playtime Theatres, Inc.*, 475 U.S. 41, 48 (1986)). This is impossible here. The content of the speech must be examined to determine whether the objection restricts access to “information and medically appropriate care” as defined by the state. 745 ILL. COMP. STAT. ANN. 70/2, 70/3 (including abortions as a definition of “health care”). It requires an examination of the viewpoint of the individual to determine whether their “conscience” contradicts state-defined “health care.” See 745 ILL. COMP. STAT. ANN. 70/3, (defining “conscience” as “a sincerely held set of moral convictions arising from belief in and relation to God, or which, though not so derived, arises from a place in the life of its possessor parallel to that filled by God among adherents to religious faiths”). The objection must be religious, or virtually religious. The Illinois law cannot be a “neutral law of general

applicability” when it targets religious and almost-religious viewpoints for mandated speech. RSA-51.

B. The law is not viewpoint neutral.

The Healthcare Right of Conscience Act specifically applies to conscientious objectors, and therefore is not viewpoint neutral. While the law acknowledges the rights of conscientious objectors, it also states that it is “the public policy of the State of Illinois to ensure that patients receive timely access to information and medically appropriate care.” 745 ILL. COMP. STAT. ANN. 70/2. This shows a concern that those with deeply held beliefs will deprive clients of “access to information and medically appropriate care.” *Id.* This naturally pits a conscientious objector’s viewpoint against “medically appropriate care.”

This law is not saved by the fact that disclosures must be made on request. *Id.* at 70/6.1(3). The government cannot compel speech, regardless of whether someone asked for that specific information from the speaker. Neither is this law saved by content-neutral justification; it is viewpoint-based on its face. “[A]n innocuous justification cannot transform a facially content-based law into one that is content neutral.” *Reed v. Town of Gilbert*, 576 U.S. 155, 166 (2015). Although the lower

court found that the referral requirement is “a neutral law of general applicability,” the law targets conscientious objectors by name and definition. RSA-51. The court claimed that “all health care providers are amenable to suit for failure to refer, transfer, or provide written information about abortion providers,” but this is not the case. RSA-53. The Healthcare Right of Conscience Act aims to protect conscientious objectors specifically, including those with strong religious objections, from liability for following their deeply held beliefs. *See* 745 ILL. COMP. STAT. ANN. 70/2 (“The General Assembly finds and declares that people and organizations hold different beliefs about whether certain health care services are morally acceptable.”). Thus, the statute is specifically targeted and conditioned on moral objection. The law cannot be viewpoint neutral.

III. The Illinois law in question does not qualify as government speech and is not narrowly tailored to promote a substantial government interest.

The disclosure requirement in the Healthcare Right of Conscience is not government speech, and is therefore not exempt from First Amendment protection. Government speech is not subject to First Amendment regulation as governments are free to take positions and

advocate without giving voice to opposing views. *Pleasant Grove City v. Summum*, 555 U.S. 460, 467-68 (2009). But, “the Free Speech Clause itself may constrain the government’s speech if, for example, the government seeks to compel private persons to convey the government’s speech. *Walker v. Tex. Div., Sons of Confederate Veterans, Inc.*, 576 U.S. 200, 208 (2015). This case is unlike the murky situation in *Shurtleff v. City of Boston*, 596 U.S. 243 (2022), where the Supreme Court took a holistic approach, analyzing factors to determine whether speech invited by the government was government speech. *Id.* at 252. This law is not a government invitation, it is a mandate for people with a particular viewpoint to disclose information against which they have a deep religious objection, as admitted by the lower court. *See* RSA-50. No one believes that a client would imagine the pro-life pregnancy centers speak on behalf of the government. *Shurtleff*, 596 at 252 (listing “the public’s likely perception as to who (the government or a private person) is speaking” as a factor in determining government speech). This law directly compels private speech to further a viewpoint viewed as an important public policy by the legislature. 745 ILL. COMP. STAT. ANN.

70/2. It is government mandated speech in violation of the private speaker's deeply-held beliefs.

Because the Illinois law is not an exercise of government speech but a viewpoint- and content-based regulation of private speech, it is presumed unconstitutional and triggers strict scrutiny. *Reed v. Town of Gilbert*, 576 U.S. 155 (2015). In the context of viewpoint discrimination, this is a “near insurmountable burden.” *Graff v. City of Chicago*, 9 F.3d 1309, 1319 (7th Cir. 1993). The government has “no power to restrict expression because of its message, its ideas, its subject matter, or its content.” *Police Dept. of City of Chicago v. Mosley*, 408 U.S. 92, 95 (1972). A law that is content based on its face is subject to strict scrutiny regardless of the government's benign motive, content-neutral justification, or lack of ‘animus toward the ideas contained’ in the regulated speech.” *Reed*, 576 U.S. at 165 (quoting *Cincinnati v. Discovery Network, Inc.*, 507 U. S. 410, 429 (1993)). Content based restrictions “are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.” *NIFLA*, 585 U.S. 766 (2018) (citing *Reed*, 576 U.S. at 163).

The Illinois law is unconstitutional, as it unjustifiably burdens protected speech. The stated goal is to protect moral objectors from lawsuit and “ensure that patients receive timely access to information and medically appropriate care.” 745 ILL. COMP. STAT. ANN. 70/2. No other concrete harm is anticipated by the legislature, nor was any other harm demonstrated by the State. RSA-3. The law, in its condition on legal protection, prioritizes the second motive over the first. The moral objections are subordinate to ensuring of “timely access to information and medically appropriate care.” *Id.* This “disclosure requirement cannot be ‘unjustified or unduly burdensome.’ . . . [D]isclosures [must] remedy a harm that is ‘potentially real not purely hypothetical,’ and to extend ‘no broader than reasonably necessary.’ . . . Otherwise, they risk ‘chilling’ protected . . . speech.” *NIFLA*, 585 U.S. at 776 (internal citations omitted).

Illinois “could inform low-income women about [abortions] ‘without burdening a speaker with unwanted speech.’” *NIFLA*, 585 U.S. at 757 (quoting *Riley*, 487 U. S. at 800). For instance, Illinois could run a public education campaign. *Id.* Illinois could “publish the information on public property near the crisis pregnancy centers.” *Id.* Additionally, the harm is

hypothetical. There is no indication that harm has occurred or is likely to occur if the speech of the plaintiffs is not burdened. This makes the requirement to disclose information or request even more burdensome, as the pregnancy resource centers must violate their religious beliefs on demand with many less-burdensome avenues of publishing the information left open. Additionally, if Illinois wishes to further the aim of “timely access to information and medically appropriate care,” they must not do it in an overinclusive or underinclusive way. 745 ILL. COMP. STAT. ANN. 70/2. This mandate is targeted at those the law purports to protect (overinclusive), and does not include myriad other avenues where the legislature could achieve this end (underinclusive). *See NIFLA*, 585 U.S. at 757. The requirement to disclose on demand violates the conscience and speech rights of the pro-life pregnancy resource centers.

CONCLUSION

For the foregoing reasons, Amicus Curiae American Center for Law and Justice respectfully asks this Court to reverse the holding of the lower court regarding 745 Ill. Comp. Stat. 70/6.1(3).

Respectfully Submitted,

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CERTIFICATE OF COMPLIANCE

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Date: December 22, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2025, I electronically filed the foregoing document with the United States Court of Appeals for the Seventh Circuit by using the CM/ECF system, which will send notification of that filing to all counsel of record in this litigation.

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