

## Boom! Lawyered 205: Does the First Amendment Allow CPCs to Lie to Pregnant People?

- Imani Gandy: Hello, fellow law nerds. Welcome to another episode of Boom! Lawyered, a Rewire.News Podcast hosted by the legal journalism team that has seriously eaten way too much lox and bagels over the last several days. I'm talking, like, a half a dozen bagels. I'm Imani Gandy.
- Jess Pieklo: And I'm Jess Pieklo. Rewire.News is dedicated to bringing you the best reproductive rights and social justice news, commentary and analysis on the web, and the Team Legal podcast is part of that mission. A big thanks to our subscribers and a welcome to our new listeners.
- Imani Gandy: Yes, indeed. Thank you and welcome and, hey, Jess. I have a question for you.
- Jess Pieklo: What's that?
- Imani Gandy: Did you know that in many cities and states, it is perfectly okay for a bunch of people to cosplay as doctors, open a "pregnancy healthcare center," trick people into becoming clients of their "healthcare center" and then lie to them about almost everything, including stuff relating to their medical situation, to their health and to the fact that the people running this "healthcare center" are not actually doctors? Did you know that that was perfectly okay in some states?
- Jess Pieklo: I mean, I did but it's really unbelievable.
- Imani Gandy: It really is. It's truly unbelievable, and what bugs me more is that there are so-called pro-lifers that are in favor of these fake doctors lying to pregnant people, even if it endangers the life of the fetus or the mother, and they are supposed to be all about fetus enthusiasm. It's not exactly pro-life of them, wouldn't you say?
- Jess Pieklo: It's definitely not very enthusiastic of the fetus either.
- Imani Gandy: It's definitely not. Today, we're going to talk about a case that could affect whether or not these fake pregnancy healthcare centers can lie to you and give you bad and potentially fatal advice without telling you two things: number one, that they are not licensed, if they are indeed not licensed, and number two, that the state of California offers a full array of reproductive healthcare services, including low-cost abortions. The name of that case is National Institute of Family and Life Advocates (or NIFLA) v. Becerra.
- Now, a good ruling in this case could have a domino effect and that's really what we want here. We want other cities and states to enact identical ordinances to the California one and this would mean that more than 2,500 CPCs, that stands for crisis pregnancy centers, more than 2,500 CPCs nationwide would actually be forced to tell the truth that they are not reproductive healthcare clinics and that they are not doctors.

Jess Pieklo: Meanwhile a bad ruling would have far-reaching consequences, too, including giving those shops a license to lie to patients as part of an explicitly anti-choice political agenda. We'll tell you all about the clinics fighting for the right to lie to patients in the legal case that might give them the right to do so after this break.

Imani Gandy: So, Jess, imagine you just found out that you're pregnant and you don't know what to do. Let's say you're 22 years old, you're poor and you're scared. You've decided to get an abortion. What's the first thing that you're likely to do?

Jess Pieklo: Well, after I probably collected myself and gotten to the point where my hands were not shaking enough that I could work my phone, I'd probably try to find a Planned Parenthood or an abortion clinic, some place that I could get some information and some services from, so I guess I'd start with Google.

Imani Gandy: Yeah, and that's a reasonable thing to say. In fact most people would start with Google or Bing, if you're into Bing. Who's into Bing? No one is into Bing. But the problem with this is that anti-choicers are gaming Google. They're actually using Google's advertising system in such a way that allows them to present themselves as something other than what they are. That means they are using what's called pay-per-click, and in fact, there are some clinics in California that pay \$18,000 a month to Google for this pay-per-click service. What it does is that, if you are on Google and you type in certain words like abortion or pregnant, it makes sure that the search results for these fake clinics come up first. They will come up before you even see a listing for Planned Parenthood. Some of these clinics will use the same acronym as Planned Parenthood. Let's say they'll call themselves something like People for Pregnancy. They'll use the PP acronym and then that will confuse potential clients into thinking that they are affiliated with Planned Parenthood in some way.

Other things they do, they have a specific clinic location strategy so that they will actually erect these clinics either across the street from a Planned Parenthood or next door to a Planned Parenthood or when Planned Parenthoods are forced to close because states are trying to regulate abortion clinics out of existence, these fake pregnancy centers will actually open up in the locale where the Planned Parenthood used to be.

The chances are on Google you're going to stumble across a CPC before you stumble across an abortion clinic. If you happen to just be wandering around the neighborhood, you're likely to be confused and lured into a CPC as opposed to the abortion clinic or the Planned Parenthood that you intended to go to. It's purposeful. The CPCs target young and vulnerable women. They target women of color, Black women. Anti-choicers love to scream about Black genocide so they erect billboards in Black neighborhoods to prevent Black women from "perpetrating a genocide" against their own people.

Jess Pieklo: What you're telling me is that if I'm young, pregnant, and poor, and looking for help, that these CPCs are targeting me. They're gaming the system and also making it more likely than not that if I'm looking for reproductive healthcare, I'm going to

come into one of their shops first.

Imani Gandy: Precisely.

Jess Pieklo: Okay. What are these crisis pregnancy center outfits exactly?

Imani Gandy: The CPCs are also called limited service pregnancy centers or pregnancy resource centers. They're basically anti-choice, nonprofit organizations that provide counseling and limited pregnancy services to pregnant people. By limited, I mean they don't provide abortions and they don't provide contraception, and they do this free of charge. They think that they're providing a service to the community by lying and tricking people into coming there and then refusing to serve them abortion services if they are looking for them.

A lot of these CPCs are backed by Christian foundations and the big three are Care Net, Heartbeat International and NIFLA, which is the plaintiff in this case, the National Institute of Family and Life Advocates. CPCs are usually staffed by anti-choice activists or advocates, not doctors. These activists discourage patients from having abortions by lying to women about their options. A lot of investigations that California did and indeed that legislatures around the country have done have shown that CPCs engage in systematic deceptive tactics in order to convince women to, for example, remain pregnant with false promises of financial aid and housing. They will tell a pregnant woman that that pregnancy is less far along than it is so that if the person who's seeking an abortion or is thinking about getting an abortion, they're going to try to delay that process so that the window of their time period during which they can get an abortion dissolves -- forcing them into trying to find a later abortion. And there are a lot of states that don't have that capacity, and a lot of people can't afford to fly to one of the states that do.

A lot of times these CPCs will say that they offer abortion options in their advertising. They explicitly say, "We offer abortion options," when their real option is, don't have an abortion. That's the only option they give you.

They dress like doctors. If you walk into one of these CPCs, you're going to find people dressed in lab coats holding clipboards, really hamming it up as if they're actual doctors when they're not.

What's frustrating is that as states are clamoring to regulate abortion clinics out of existence, they're actually pouring money into these fake clinics. Rewire.News reported that, this year, anti-choice clinics will receive \$40.5 million, million taxpayer dollars. That's 14 states, 14 states, \$40.5 million. That's ridiculous. What's even more ridiculous is that some of this money is actually going to be siphoned away from services that would otherwise go to help vulnerable people, the same kinds of vulnerable people that these CPCs are targeting. Some of this money is going to come from the Temporary Assistance for Needy Families program and that just blows my mind. It blows my mind the lengths to which these CPCs will go to deceive and to lie and the lengths to which government seem to be willing to fund them.

Jess Pieklo: It's really disgusting that it's such a big business model for the Christian right, too. The idea that we have the government funneling in over \$40 million and that's in a handful of states, 14 states. That's money that's absolutely being taken away from actual support and instead being used to fund a business model that is built on a web of lies and deceptions. It's disgusting.

What happens to people, what happens to me, Imani, if I were to end up at a CPC?

Imani Gandy: Well, you're not going to be given any information about abortion or contraception. You're going to be either convinced to maintain the pregnancy or you're going to be pushed towards adoption. This is one of the things that these CPCs and anti-choicers in general like to tell a lot. They like to say, "Well, even if you don't want to raise a child or you don't have the money to raise a child or for whatever reason you just don't want to do it, why not put that child up for adoption?" As I said previously, the people that they are targeting for these CPCs tend to be young women of color and those aren't the kinds of babies that people want to adopt. There's not a huge market for Black and brown babies. There is a huge market for white babies. This idea that CPCs are lying to women of color telling them that their baby might get adopted when really their baby is going to be funneled into the system and may not stand a chance, it's really disturbing.

Other things that happen to you when you go into a CPC. Let's see. You're not going to be met by any actual trained medical staff, even if you end up getting an ultrasound at a CPC. And that's one of the main things that they offer because they like to show you a picture of the sonogram, and humanize it, and then make you feel bad for not following your maternal instincts.

Even if you get an ultrasound, the person who's giving you an ultrasound is likely unlicensed and doesn't know what they're doing. They will offer prenatal care even though they're not doctors and, therefore, should not be offering prenatal care. There is actually one instance of a California OB/GYN who said that by the time a pregnant woman came to see her, this pregnant woman had diabetes, her blood sugar had spiked so high that it was dangerous to the baby and dangerous to the fetus. It's a real problem. Pregnancy is a serious medical condition and we have people all over the country playing fast and loose with medicine to advance a political agenda. But it's states like California that have tried to do something about that and we will talk about those efforts and the legal fight they spawned in just a minute.

Jess Pieklo: In 2015, California passed the Reproductive Freedom, Accountability, Comprehensive Care, and Transparency or FACT Act and that's to protect pregnant Californians from the very kind of deceptive tactics we just talked about. The FACT Act imposes mandatory disclosure regulations on these anti-choice centers all throughout California and there are a lot of them. There are 228 CPCs in California and only 44 abortion clinics.

Imani Gandy: The FACT Act was enacted, essentially, to stop the rampant deceptive practices

that CPCs were using to target vulnerable pregnant people. I just want to stop for a minute and just really laud the California legislature for being able to shoehorn all of those words together to come up with a perfect acronym. The FACT Act, it's a really good acronym, but sometimes some of these legislatures go a little bit too far. I was Googling this because I remember seeing an article about how ridiculous some of these acronyms are and it turned out that Congress actually passed an acronym to deal with the acronyms. They passed-

Jess Pieklo: Get the hell out. No.

Imani Gandy: No, they did.

Jess Pieklo: Stop it.

Imani Gandy: They actually did. They passed the Accountability and Congressional Responsibility On Naming Your Motions Act.

Jess Pieklo: What? That is nonsense.

Imani Gandy: I know. It's ridiculous but it cracks me up. At any rate, the FACT Act was enacted to stop these deceptive practices. Since conservatives love targeting vulnerable people, Alliance Defending Freedom, which is essentially an anti-choice, anti-LGBT, pro-religion law firm mill, immediately sued on behalf of NIFLA claiming that the law was a violation of their free speech and religious liberty.

Jess Pieklo: It would probably be good to remind folks that ADF is the same folks that were claiming that baking a cake is speech, right?

Imani Gandy: Ah, yes. Masterpiece Cakeshop.

Jess Pieklo: They love to weaponize the First Amendment. ADF is all over this stuff.

Imani Gandy: Yeah. The tactics that they use are really deplorable as we've already mentioned. These CPCs are masquerading as medical clinic,s but in reality, they're just propaganda centers. They're targeting the most vulnerable among us. They're luring them away from actual abortion clinics into the clutches of these anti-choice extremists -- who literally will stop at nothing to make sure that they do not provide abortions, that the pregnant person does not get a referral to an abortion and that the pregnant person maintains the pregnancy. They won't even offer an honest statement to the pregnant person that they're not licensed doctors and they're not equipped to provide medical care.

Jess Pieklo: I think this is a really important point and something that we should walk through again. Let's say a CPC has their clutches into me. I'm theirs, and I walk in and I just want to talk to someone who's going to tell me what my options are. What's going to happen? What can I expect?

Imani Gandy: If I'm a CPC clinic worker, I'm going to be very ebullient about your prospective

motherhood. I'm going to lie to you, probably, about how far along you are, again, to make it more likely that you're going to miss your abortion window. I'm going to feed you a bunch of crap about the dangers of abortion, about how it might lead to breast cancer or suicide ideation. I might lie to you and tell you that if you get an abortion, you're not going to be able to have kids in the future. That's a horrible thing to tell someone who may want children in the future but who just doesn't want one now. Telling them that having an abortion is going to make them infertile, it's terrible and that's the sort of guilt tripping that they'll do. They'll show you an ultrasound and point out its little fingers and toes and really humanize and anthropomorphize the fetus for you, so that you feel really guilty about the decision that you've already made.

Jess Pieklo: That's terrible. That's basically emotionally blackmailing folks into keeping a pregnancy that they may not be able to keep. It might be really medically dangerous, let alone the fact that it might just not be a viable option for them for a whole host of reasons. Even if I am able to withstand that, I walk in thinking maybe I want an abortion, I'm not going to get one, am I?

Imani Gandy: No.

Jess Pieklo: I'm not. I'm not even going to get a referral for a place, am I?

Imani Gandy: No, not going to get that either.

Jess Pieklo: That sucks. This is really targeting people when they are sincerely in a point where we should be supporting them, not targeting them.

Imani Gandy: Exactly, and that's what the FACT Act is intended to fix. The whole point of the FACT Act is to make sure that the CPC clients or potential clients aren't deceived. ADF, the Alliance Defending Freedom law firm mill, they're trying to make this a case about free speech rights and about religious liberty. But what it's really about is consumer protection. It's about truth in advertising. It's about being required to be honest about the services that you're providing to people.

Jess Pieklo: Okay. Let's just give ADF, for a minutia here, a silver of a doubt. What kind of draconian, state-mandated, pro-abortion speech does the California FACT Act require?

Imani Gandy: It's really quite alarming, Jessica. Just listen to these things that California is trying to force.

Jess Pieklo: I'm girding my loins.

Imani Gandy: If you're not licensed, California is going to force you to post a sign in your clinic saying that you're not licensed.

Jess Pieklo: Not a sign.

Imani Gandy: Ah, a sign. Can you imagine a sign, Jessica?

Jess Pieklo: This is outrageous.

Imani Gandy: The outrage. The outrage. If you are licensed or even if you're not licensed, you have to disseminate a notice to your clients that states like California have public programs that provide immediate, free or low-cost access to comprehensive family planning services, and those services include prenatal care and abortion for eligible women, and those notices must be in 13 languages. 13, that's a lot of languages.

Jess Pieklo: It sounds like it's effectively like the kind of work comp notice that employers post in their break rooms.

Imani Gandy: That's exactly what it is. You go into your company break room. You see the worker's comp notice. You see a notice about OSHA, about safety and health at work. No one is going to think that by putting up an OSHA sign you're standing for labor, right? They're just thinking that, oh, no. This is information that I need to provide to my employees. It's the same damn thing. It's just information that you need to provide to your client. Your clients need to know that you're not a doctor.

Jess Pieklo: Yeah. It's not as if this is information that's anything beyond factual, right? It would be the equivalent of saying, "Hey, if you are at a certain income level, you qualify for Medicaid." That is a statement of fact. It is not some message of propaganda designed to get everybody and anybody an abortion.

Imani Gandy: Yeah.

Jess Pieklo: Although if anybody and everybody needs an abortion, they should have it.

Imani Gandy: Yup, yup. Absolutely.

Jess Pieklo: This seem pretty reasonable requirements. First of all, we're talking about some operations that are not even licensed and they're pretending to be healthcare centers. There's more regulation when you have to get ears pierced at Claire's in the mall. It's ridiculous.

Imani Gandy: It is ridiculous.

Jess Pieklo: It is. Have you been to Claire's Jewelry? They got to clean stuff. I don't even know if an unlicensed center has to have clean supplies. That's terrible.

Imani Gandy: Exactly.

Jess Pieklo: They're complaining about posting signs. What's on the hook for them? Not very much if I'm being completely honest because violations of the law aren't really that steep. A first time offense is going to cost you \$500. That's it, 500 bucks. It's a thousand dollars after that for any later violations and there's also a notice period where you get a chance to rectify your bad behavior.

Imani Gandy: Right. Right. Essentially they're freaking out and keening and rending their garments over being forced to tell the truth and being penalized very slightly if they don't.

Jess Pieklo: Naturally, the Alliance Defending Freedom has sued and turned this into a First Amendment case because that's what they do. First, they're claiming that requiring centers to post the sign with the phone number for the information about abortion services conflicts with their anti-abortion message.

Imani Gandy: First of all, can we talk about the fact that these are places that are pretending to be medical centers that are just flat out saying, "We have an anti-abortion message" all the while they're advertising that they provide abortion services? That's really fucked up.

Jess Pieklo: It is. It's as messed up as their claim that the law unfairly picks on them for their views because it applies only to groups opposed to abortion and that's, A, not true. Everybody has to post the notice. But, B, the notice doesn't mean anything for actual, honest reproductive healthcare centers because, guess what? They are telling their patients of the full panoply of options that they have available to them so there's no deception in the process.

Imani Gandy: Thank you. I was reading an article the other day from Ilya Shapiro. He was-

Jess Pieklo: Boooo. Sorry. It's like a tic, I can't help myself.

Imani Gandy: I know. It's so hard but, god, it's just awful. Of course he was taking the ADF side and he said something to the effect of, "Tellingly, California doesn't require abortion clinics to provide information about adoption." I'm sitting here looking at him like a GIF blinking, like that white dude who's blinking real fast, because does he not understand that abortion clinics aren't in the business of trying to force people to get abortions? They're in the business of giving people their options.

One of the things that you're going to get in an abortion clinic is a counseling session where they make sure that abortion is what you want, because they don't want to be performing abortions on people who are unsure or who are being coerced or who don't want them and they're going to be telling you what your options are. If you don't want to raise a child but you don't want to get an abortion, they're going to tell you about adoption. They're not trying to hide it.

Jess Pieklo: There's really only one side here that's behaving unethically and with a lack of transparency and it's the anti-choice community here. The idea that, again, the California FACT Act is a consumer protection statute designed to get at disclosures and transparency in the consumer transaction of reproductive healthcare services is really important. This isn't anti-abortion propaganda. This is about protecting patients.

Imani Gandy: Yup. That's right. Basically, I'm going to say that ADF and these CPCs need to build a

bridge and get over it because the FACT Act is a good law. CPCs are not being targeted. CPCs are not being forced to speak. They're just being told to provide information to people about the services that California offers and to tell them whether they're licensed or not.

What's really important here is that California designed this act specifically to address some of the concerns that other ordinances have faced in other cities. For example, Baltimore passed an ordinance a while back that was trying to get at this very problem, this problem of CPCs lying to people. But, in that case, they actually require the CPCs to affirmatively state that they do not provide abortion or contraception. Also the law did not say that abortion clinics had to provide any sort of information. In California, both licensed and unlicensed clinics have to provide this information. But in Baltimore, only the CPCs did. They had an argument that the law was targeting them. California was like, "Nope, we're not going to deal with that. We don't want to end up in court having ... " Of course they ended up in court anyway. But they wanted to basically bullet-proof this law as best as they could and many legal critics, I would say most legal critics that I've read think that this is a bullet-proof law.

Jess Pieklo: Yeah. California did its homework -- not just in terms of shoring up the legal argument, but really developing a record and getting all of the evidence of the deceptive advertising practices and the actual patient harm that CPCs inflict, particularly on the vulnerable populations like we've talked about. What the arguments that ADF and the CPCs are making are really not only just much ado about nothing, but they depend on you believing out of the gate that abortion is a political issue and not a reproductive healthcare issue.

Imani Gandy: Precisely. That's such an important point because often times if you're arguing with anti-choicers on Twitter, for example, as I am wont to do, they'll say, "Well, abortion isn't healthcare." They think that that ends the discussion. But abortion is healthcare. I don't even know how you look at what happens when you get an abortion and not say it's healthcare. It doesn't make any sense to me.

Jess Pieklo: It doesn't.

Imani Gandy: Basically this should be an easy case, but of course conservatives have muddied the waters, claiming First Amendment protections and religious liberty. We're going to get into some of their ridiculous arguments after a quick break.

This is a big case. It's an important case. As often happens, there have been a lot of groups that have filed amicus briefs. Some of the amicus briefs are fairly absurd and I want to highlight one of them in particular. Roy Moore, yes, our old friend Roy Moore, Mister-

Jess Pieklo: Good old Roy.

Imani Gandy: Mister 10 Commandments in the courthouse, Mister You can ignore the Supreme Court ruling on same-sex marriage.

Jess Pieklo: Mister Lock up the pregnant ladies.

Imani Gandy: Mister, hey, I can date 12 year olds when I'm 30. That guy. He has an-

Jess Pieklo: Speaking of mall stands.

Imani Gandy: Oh, my god. Roy Moore can't go to the mall so he doesn't know what mall stands are. Oh, god. Roy Moore is disgusting. What's really hilarious is that he has an organization, a foundation and it's called The Foundation For Moral Law or ...

Jess Pieklo: FML.

Imani Gandy: FML. The FML-

Jess Pieklo: The Fuck My Life Foundation.

Imani Gandy: The Fuck My Life Foundation. Exactly. It should be called The Fuck Your Life Foundation because Roy Moore is looking to fuck up your life. In the beginning pages of his brief, of the amicus brief that was filed by the FML organization, they make this argument -- wouldn't it be horrible, for example, if you were forced to say nice things about Donald Trump and you didn't like Donald Trump, you didn't agree with his policies, but there was a law that said that you had to wake up every day and say, "I heart Donald Trump." Can we just-

Jess Pieklo: That would be terrible.

Imani Gandy: It would be terrible.

Jess Pieklo: And fucking unconstitutional.

Imani Gandy: And so unconstitutional. I can't with these people. Can we get someone to explain to them, perhaps you, Jessica, the difference between commercial and political speech?

Jess Pieklo: Sure. I am happy to do that because what a ridiculous argument. Commercial speech, it's almost exactly what it sounds like. Commercial speech is a legal term of art that means speech -- so anything that's written or said and it exists in the commercial context. So advertising -- for example, the kind of communications that one does when selling goods or services like, oh, I don't know, reproductive healthcare. Meanwhile, political speech is just that. It's speech that conveys a political message and typically political speech gets a lot more First Amendment protection than commercial speech does and there's a lot of obvious reasons I think for that. We don't want the government dictating a particular message or agenda like The Fuck My Life Foundation suggests, right?

Imani Gandy: Right.

Jess Pieklo: Sorry. The Foundation of Moral Law.

Imani Gandy: Right, right, right, right.

Jess Pieklo: Meanwhile, yes, very clear on that, but businesses also can't just say whatever they want to try and push their goods or services. They can't flat out lie to consumers about what they're peddling. The government then has a legitimate interest as far as the law is concerned in making sure that commercial speech isn't full of lies so it gives the government more power to regulate it.

Imani Gandy: I just think it's really amusing to me that in Roy Moore's or in the FML's world, abortion is as loathsome as Donald Trump. Now, I don't think it is. I think abortion is a societal good and I think that it's a human right and every person who needs one should get one. But we're talking about Roy Moore here.

Jess Pieklo: As opposed to Donald Trump who is absolutely not a societal good.

Imani Gandy: Oh, god. He couldn't be less of a societal good. From the standpoint of Roy Moore and those folks, those folks love Donald Trump and those folks hate abortion. I just really like this idea that in their mind abortion is equivalent to Donald Trump. What bubble are they living in? I don't understand it.

Jess Pieklo: Here, ADF and conservatives are trying to say that the California law targets political speech because the sign forces them to convey a pro-abortion message by simply saying that California has, as one of its services, low-cost and affordable abortions for folks who qualify.

Imani Gandy: All that the sign has to say on it isn't that. The sign doesn't say, "Hey, if you need an abortion, you can call California." All it says is we have all of these publicly funded services, including abortion, prenatal care and contraception. This notion that clinics are being forced to convey a pro-abortion message is just nonsense.

Another really ridiculous argument that conservatives have been making is that because CPCs offer these services free of charge and again remember they may be offering the services free of charge, but they are backed by a lot of big Christian money.

Jess Pieklo: And taxpayer dollars.

Imani Gandy: And taxpayer dollars. The argument is since they're offering these services free of charge, it's not really a big deal if they lie to their clients which obviously makes no sense because the people who are using these free services are the people who are vulnerable, who are being targeted by this nonsense. What they're basically saying is that it's okay to lie and to screw over poor people.

Jess Pieklo: You don't get to decide that your corporate entity gives you a license to lie to folks. It's really important in the social services context because it's not like this is just going to be left up to abortion and reproductive healthcare services. A lot of these

organizations have offshoots into doing things like so-called "conversion therapy" and promote that kind of really harmful therapy and "care" as well. If they're going to try and argue the right to lie in one context, we know they're going to try and argue the right to lie in another.

Imani Gandy: I also just think it's really amusing that considering anti-choicers never shut up about how much they hate abortion, the one place that they don't want to talk about how much they hate abortion is in a clinic. Why is that?

Jess Pieklo: Thank you for saying that. It's ridiculous. They will harass patients on their way to an actual, legitimate healthcare clinic, get in their face, try and put literature there, tell them horrible things. Rewire has a great documentary, Care in Chaos, that shows you this in action. Meanwhile when they are posing as healthcare providers, nope, nope, mum is the word. It's the first time they actually shut their yaps.

Imani Gandy: It's just really irritating. I think one thing we have to talk about is just the hypocrisy when it comes to informed consent laws. A lot of states have informed consent laws that require women to go through this counseling period so that the state can be assured that no one is coercing this person into getting an abortion and that the person has all the information they need. Unfortunately, all of the information they need tends to be bullshit. It tends to be the same sort of lies that CPCs tell their patients or their clients since they can't be patients because they're not doctors. They'll say stuff like, "You'll get breast cancer, suicide ideation. You'll be infertile. You'll probably get a drug abuse problem. Every time you hear a vacuum cleaner, you're going to have a freak out." These are just ridiculous lies but they're okay when doctors are forced to say these things to pregnant women. But when they are forced to just put up a sign saying, "Hey, you can get these services over here. By the way, we're not licensed," that's going too far.

Jess Pieklo: Hopefully the federal courts won't be as split on this issue. We've seen them uphold some of these mandatory disclosure laws in places like South Dakota and Texas, but we also saw them strike North Carolina's. The possibility of a good ruling in the Becerra case as a pathway to challenge other laws, maybe. We might actually get that. I think it's worthwhile to have a little bit of hope after Whole Woman's Health.

Imani Gandy: Yeah, I think Whole Woman's Health was a really big boon to our movement, to people who are repro rights activists, repro rights justice activists because it demonstrated that years and years of hard work can actually turn into this amazing golden Supreme Court ruling that basically is going to make it very difficult for states to continue to roll back access. Or at least it's going to make them look even harder at more ridiculous ways to roll back access. You know what? I have faith in states that they're going to be able to do that because if there's one thing that states like to do, it's restrict abortion access.

Jess Pieklo: Another really important lesson to take out of the Whole Woman's Health decision is that evidence matters. Here, California's homework could very well pay off for it in the way that it crafted the law and has responded to it. Oral arguments are

March 20th in the case. We'll be there. We'll have coverage for it and we will let you know what the court decides when it decides.

Imani Gandy: Don't text that dial even though it's not a radio, it's a podcast.

Jess Pieklo: Well, that's it for this episode. Thank you so much as always for listening and for subscribing and I don't know what to say, Imani. You're better at this shit than I am.

Imani Gandy: I think you nailed it. You got everything in there. Thanks for listening. Thanks for subscribing. Please leave us reviews. We only have one this week. I think we're just going to wait until next week. Hopefully we'll have a couple more. Stay tuned.

Jess Pieklo: Don't forget to join us on Facebook. We have a Facebook group.

Imani Gandy: Yes, Facebook.

Jess Pieklo: Join our Facebook group. We'll keep the conversation going there. You can find us on Twitter #BoomLawyered, #TeamLegal.

Imani Gandy: @AngryBlackLady, @Hegemommy, H-E-G-E-M-O-M-M-Y. Just find us on all of the things and say hello or ask us your questions.

Jess Pieklo: See you on the tubes.

Imani Gandy: Thanks for listening.

Boom! Lawyered is created and hosted by Imani Gandy and Jessica Mason Pieklo. The show is produced by Nora Hurley. Our executive producer is Marc Faletti and Rewire's editor in chief is Jodi Jacobson.