



Pastor's Briefing Book
On Illinois SB 1564

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OVERVIEW

Illinois SB 1564 Undermines Religious Freedom of Health Care Providers

Illinois SB 1564 would force health care providers in the state, including pro-life pregnancy care centers, to promote and participate in abortion and other morally-objectionable activities.

If this bill becomes law, pro-life doctors, pharmacists, and pregnancy center staff would be forced to violate their conscience and distribute information on “legal treatment options” when asked by a patient, the “benefits” of those options, and be required to refer, transfer or provide a list of places where the provider “reasonably believes” the patient can obtain the requested service.

In other words, pro-life and faith-based health care providers will be required by law to assist a woman in obtaining an abortion or abortion-inducing drugs.

This is a dangerous affront to religious liberty in Illinois. You can help stop it.

Get Involved – Help Stop Illinois SB 1564

This bill has already passed the Illinois Senate and is now pending before the Illinois House.

1. Call the State Representatives from your area and tell them to oppose SB 1564. Use the attached Talking Points to make your argument. To find the representative who represents the district where your church is located, visit: http://openstates.org/find_your_legislator/
2. If you are willing, try to schedule a meeting with your Representative when they are in the district. A face-to-face meeting in addition to a phone call can be a powerful motivator for a legislator who is on the fence.
3. If you are in a highly populated area, contact the representatives from other areas your congregation serves. Visit http://openstates.org/find_your_legislator/ and enter addresses of some of your members from other neighborhoods to see what district they live in.
4. Consider writing a letter to the editor of your local paper voicing your concern about the bill.
5. Talk to your congregation about the importance of religious freedom and freedom of conscience for a free society. The government should not pass laws which force individuals to violate their deeply held moral or religious beliefs.



Illinois SB 1564 Talking Points

- Illinois SB 1564 would force pro-life healthcare providers to promote and facilitate abortion and threatens the core mission of pregnancy centers that offer women alternatives to abortion.
- SB 1564 requires healthcare providers, such as pregnancy centers and pro-life OBGYNs, to “provide in writing information,” “transfer,” or “refer” patients for abortion and other “services” they object to.
- Pregnancy centers, which provide women with alternatives to abortion, would be forced to close their doors or violate their core mission.
- Doctors would be required to facilitate abortions, for any reason, at any stage of pregnancy, despite their conscience or moral convictions. A doctor must, at minimum, provide a woman seeking an abortion a written list of providers which he or she reasonably believes performs abortions.
- This bill would also require that doctors and pro-life pregnancy centers discuss the “benefits” of all “legal treatment options,” including abortion.
- If passed, this bill could drive out pro-life medical facilities and doctors from the state of Illinois. Women will be deprived of the choice to seek care at a provider that in no way arranges for abortions.
- This bill violates federal conscience laws (Coats-Snowe and Hyde-Weldon) and could jeopardize the state’s federal funding under Medicare and Medicaid.
- Freedom of conscience is a long-held American tradition and the government should not abuse its power to implement a radical abortion agenda and force pro-life people out of the medical profession.



Analysis of Illinois SB 1564 - Detrimental to Both Healthcare Providers and Patients

Anna Paprocki, *Staff Counsel*

SB 1564 violates federal law, jeopardizing billions of dollars in federal funding. Importantly, SB 1564 would also force pro-life healthcare providers to promote and facilitate abortion and threatens the core mission of pregnancy centers that offer women alternatives to abortion.

AUL RECOMMENDATION: Vote **NO**

SB 1564 jeopardizes Illinois' federal funding including, but not limited to, the federal share of Medicaid.

A bipartisan letter¹ from Members of the Illinois Congressional delegation urges Members of the Illinois General Assembly to immediately cease consideration of SB 1564 because it violates longstanding federal conscience laws, including the Church Amendment,² the Coats-Snowe Amendment,³ and the annual Hyde-Weldon Amendment.⁴

SB 1564's requirements that healthcare providers "give [] information" on abortions, "provide in writing information," "transfer," or "refer" patients for treatments to which they object, are incompatible with these federal laws.

Violating these laws would seriously imperil the state's federal funding for health-related services, which is expressly conditioned on compliance with these federal conscience laws.

Pro-life pregnancy centers would be required to violate their core mission by referring women for abortion or distributing information on where to obtain abortions.

Pregnancy centers that exist to offer women alternatives to abortion, often referred to as "crisis pregnancy centers," are healthcare providers bound by the bill's coercive duties to promote abortion. SB 1564 would force pregnancy centers discuss the so-called "benefits" of abortion and refer for or provide information on where to obtain abortions.

Doctors would be required to facilitate abortions for any reason, and at any stage of pregnancy, despite their conscientious and professional objections.

Illinois existing conscience law already ensures patient safety is not compromised by clarifying that a physician is not relieved from a duty to "inform his or her patient of the patient's condition, prognosis, and risks..." The law also clearly provides that healthcare personnel are not relieved from "obligations under the law of providing emergency medical care."

¹ <http://www.aul.org/wp-content/uploads/2015/04/Illinois-Congressional-Delegation-Letter-to-IL-General-Assembly-on-SB-1564.pdf>

² 42 U.S.C. § 300a-7.

³ 42 U.S.C. § 238n

⁴ *See, e.g.*, P.L. 113-235, div. G, § 507(d)(1).

Pro-life healthcare providers, including pregnancy centers, would be required to discuss so-called “benefits” of abortion as a “treatment option” for all pregnant women.

The bill’s requirement that this information be given in a “timely” manner could be construed as immediate, since any delay in seeking an abortion would potentially increase an abortion’s risks.⁵

When a pregnant woman receives a diagnosis that her child has Down Syndrome, a healthcare provider who is morally opposed to abortion could be mandated to immediately tell her that abortion is a “treatment option” and discuss the “benefits” of aborting her child.

Many pro-life Catholics and non-Catholics alike cannot in good conscience fulfill a government mandate to promote and facilitate abortion-on-demand, including late-term abortions and abortions performed on babies because of their disabilities.

Conscience is not a “Catholic” thing. The agreed upon language in SB 1564 fails to respect the conscience objections of many Catholic and non-Catholic healthcare providers and patients across the state.

Illinois physicians, Illinois pregnancy help organizations that have medical directors, and national organizations with members in Illinois who are physicians or medical pregnancy help organizations, represented by the Alliance Defending Freedom, have testified⁶ how SB 1564’s requirements violate their sincere moral objection to participating in abortion.

Illinois women would be deprived of their choice of a medical provider who does not, in any way, refer or arrange for abortions.

SB 1564 eliminates choice in Illinois. By violating the life-affirming principles of pro-life physicians and medical organizations, women would not be able to choose reproductive care at a practice that does not refer or arrange for abortions.

SB 1564 is unconstitutional and will subject Illinois to costly litigation.

The Freedom of Speech Clause of the First Amendment includes the right not to speak, or how to address or not address a particular topic, as equally as it protects the right to speak. Several federal courts have specifically struck down requirements that pregnancy centers tell women certain things about abortion or birth control, or that they give the women information about alternative service providers. *See, e.g., Centro Tepeyac v. Montgomery County*, 5 F. Supp. 3d 745 (D. Md. 2014). After receiving the permanent injunction against the coercive law in *Centro Tepeyac*, attorney fees were awarded against the government in the amount of \$374,999.

Chief Co-Sponsor Senator Holmes articulated the real point of the bill during the Senate Floor debate: “I want to say to any doctor out there...your moral beliefs—frankly, I could give a damn.”

⁵ It is undisputed that the inherent risks of abortion increase with gestational age. *See e.g.,* L.A. Bartlett et al., *Risk factors for legal induced abortion-related mortality in the United States*, OBSTETRICS & GYNECOLOGY 103(4):729- 37 (2004). ⁶ <http://www.aul.org/wp-content/uploads/2015/04/ADF-Illinois-Letter-for-Physicians-and-Pregnancy-Centers.pdf>



April 21, 2015
(updated May 7, 2015)

Re: Risk of Losing Federal Funding for Illinois and Federal Constitutional Violations in
SB 1564, Amending the Health Care Right of Conscience Act
LRB099 05684 HEP 25727 b

Dear Legislator:

I am an attorney for Alliance Defending Freedom, a non-profit legal organization. I am writing on behalf of the below named Illinois physicians, Illinois pregnancy help organizations that have medical directors, and national organizations with members in Illinois who are physicians or medical pregnancy help organizations.

In serving Illinois women and families, these doctors and organizations unconditionally respect and value the lives of women and their preborn children, and they are committed to “do no harm” to their patients including children in the womb.

When the patients, families and women choose to be served by these doctors and organizations, they are exercising their right to be assisted by a medical professional who shares their respect for human life.

But the Illinois legislature is considering a measure that would deprive Illinois women of their right to choose a pro-life doctor. The state could lose its federal funding, including reimbursements through the Medicaid program, and subject itself to court liability if it enacts SB 1564, which passed the Illinois Senate on April 22, 2015.

SB 1564 takes away the rights of Illinois women to be treated by a pro-life doctor, because it would force medical facilities and physicians who conscientiously object to involvement in abortions (and other procedures) to refer for, make arrangements for someone else to perform, or arrange referral information that lists willing providers, for abortions.¹

By violating the pro-life principles of pro-life physicians and medical organizations, SB 1564 would deprive Illinois women of their choice of a medical provider that does not refer or arrange for abortions in any way.

The federal government has long declared that states cannot receive federal funding if they rob women of the right to choose a pro-life doctor by forcing pro-life physicians and entities to refer or arrange for abortions. In this respect SB 1564 squarely violates the “Coats-Snowe”

¹ Reference to abortions throughout this letter generally concerns abortions that are not spontaneous.

amendment, 42 U.S.C. § 238n (Public Health Service Act Section 245), and the “Hyde-Weldon” amendment, see P.L. 113-235, div. G, § 507(d)(1). Coats-Snowe declares that “any State or local government that receives Federal financial assistance, may not subject any health care entity to discrimination on the basis that” it (1) “refuses to . . . perform [induced] abortions, or to provide referrals for . . . such abortions,” or it (2) “refuses to make arrangements for any of the activities specified in paragraph (1).” In addition to protecting “entities,” Coats-Snowe protects “individual physician[s].” The federal funding that is jeopardized by violating Coats-Snowe “includes” but is not limited to “governmental payments provided as reimbursement for carrying out health-related activities.” Separately, Hyde-Weldon prohibits states that receive certain federal funding from requiring physicians or health care entities to refer for abortions.

SB 1564 blatantly violates these federal conscience statutes, and would put at risk all of Illinois’ federal funding—including reimbursements under such programs as Medicaid. Its requirement that medical facilities and physicians refer for abortion violates the federal bans on a state forcing a person or entity to refer for abortion. Its requirement that they find another physician in the facility to perform the abortion, or transfer the patient to an abortion provider, violates the ban on requiring someone to “make arrangements” for abortion. Its requirement that they provide information of willing abortion providers violates both the ban on requiring abortion referrals and the ban on making arrangements for abortion or for its referral.

Alliance Defending Freedom has filed multiple actions to enforce federal conscience statutes. To reverse illegal decisions by federal funding recipients, we have represented many health care professionals in lawsuits and in administrative complaints with the United States Department of Health and Human Services (HHS). Alliance Defending Freedom’s successful legal action on such matters is featured as the primary example in the HHS Office of Civil Rights’ own Power Point presentation describing how federal funding recipients will be required to comply with federal conscience laws.² Alliance Defending Freedom is ready and willing to bring legal action against the state of Illinois on behalf of pro-life physicians and medical organizations if SB 1564 were to become law.

SB 1564 also violates the United States Constitution. Under the Freedom of Speech Clause of the First Amendment, no state may force a person or entity to refer or provide information for abortion, birth control, or other services to which the person objects. Freedom of speech includes the right not to speak, and how to address or not to address a particular topic, as equally as it protects the right to speak. *Wooley v. Maynard*, 430 U.S. 705, 714 (1977); *see also Pacific Gas & Electric Company v. Public Utilities Commission of California*, 475 U.S. 1, 11 (1986) (“There is necessarily . . . a concomitant freedom not to speak publicly, one which serves

² See HHS Office of Civil Rights, “Enforcement of the Federal Health Care Provider Conscience Protection Laws,” at 24–25, *available at* http://www.hhs.gov/ocr/civilrights/provider_conscience_ppt.pdf (last visited April 20, 2015) (referring to Alliance Defending Freedom’s client nurses who filed a complaint against Vanderbilt University, *see* ADF, “Vanderbilt University abandons illegal policy,” *available at* <http://www.alliancedefendingfreedom.org/News/PRDetail/4513> (last visited April 20, 2015)).

the same ultimate end as freedom of speech in its affirmative aspect.”) (citation omitted); *Hurley v. Irish-American Gay, Lesbian, & Bisexual Group of Boston*, 515 U.S. 557, 573 (1995) (“one important manifestation of the principle of free speech is that one who chooses to speak may also decide ‘what not to say’”); *Riley v. Nat’l Fed’n of the Blind of N.C., Inc.*, 487 U.S. 781, 796–97 (1988) (the “difference between compelled speech and compelled silence . . . is without constitutional significance”).

Pro-life pregnancy centers offer real help and hope to women and families who are experiencing a pregnancy and wish to make a choice other than abortion. They are non-profit organizations that provide their services for free to thousands of people in Illinois, saving taxpayers many thousands of dollars. Many pro-life pregnancy centers, including those among the undersigned, are actually medical facilities and/or they operate under the official supervision of a licensed physician. These centers offer free medical services in conjunction with their pro-life information and assistance. Consequently when SB 1564 requires medical facilities and physicians to refer or provide information for abortion, it forces them to engage in speech that directly contradicts their non-profit mission. This deprives thousands of women and family members of free medical and other services to make a choice that values life.

Alliance Defending Freedom has represented multiple pro-life pregnancy help organizations in federal lawsuits in which we have obtained court orders against laws that attempted to force the pregnancy centers to recite government’s messages. Several of the cases specifically struck down the requirement that pregnancy centers tell women certain things about abortion or birth control, or that they give the women information about alternative service providers. *See Centro Tepeyac v. Montgomery County*, 5 F. Supp. 3d 745 (D. Md. 2014). After receiving the permanent injunction in *Centro Tepeyac*, Alliance Defending Freedom and its co-counsel obtained an attorney fees award against the government in the amount of \$374,999. Alliance Defending Freedom is ready and willing to represent Illinois pro-life pregnancy centers if SB 1564 becomes law.

Respectfully submitted,

s/ Matthew S. Bowman

Senior Legal Counsel

ALLIANCE DEFENDING FREEDOM

440 First Street NW, Suite 600

Washington, DC 20001

(202) 393-8690

mbowman@alliancedefendingfreedom.org

See below for represented Illinois physicians and medical pregnancy center organizations

Filed on behalf of the following:

Illinois Physicians:

Dr. Anthony J Caruso, MD MPH
DOWNERS GROVE OBGYN
1121 Warren Ave, Suite 200
Downers Grove, IL
630-541-7788
630-541-7595 (fax)
www.downersgroveob.com

Dr. Robert C. Lawler, MD
DOWNERS GROVE OBGYN
1121 Warren Ave, Suite 200
Downers Grove, IL
630-541-7788
630-541-7595 (fax)
www.downersgroveob.com

Dr. L. Carl Jurgens, MD
OB Hospitalist
Rockford Health Physicians
Rockford, Illinois

Dr. Richard G. Moutvic, MD
Obstetrics & Gynecology
Chicago Heights, IL

Dr. Mary Keen, MD
Clinical Associate Professor
Loyola University Medical Center
2160 South First Avenue
Maywood, IL 60153

Dr. Joseph J. Kash, MD
(Medical Director of WATERLEAF)
Edward Cancer Center
Medical Oncology and Hematology
120 Spalding Dr. Suite 111
Naperville, IL 60540
(630) 527-3788

Dr. Michael M. Wall, MD
(Medical Director of NEW LIFE
PREGNANCY CENTER, Decatur, IL)
Family Medicine
241 W. Weaver - Suite 145-C
Forsyth, IL 62535

Illinois Medical Pregnancy Centers:

AID FOR WOMEN—DOWNTOWN
CENTER
Susan Barrett
Executive Director
8 S. Michigan Avenue, Suite 812,
Chicago, IL 60603
312.621.1101 phone
www.helpaidforwomen.org

WATERLEAF
Kelly Brennan Gorsky
Executive Director, Co-Founder
3598 E. New York St.
Aurora, IL 60504
(630) 701-6270
www.waterleafwc.org

AID FOR WOMEN—CICERO CENTER
1400 South Austin Blvd.
Cicero, IL 60804

AID FOR WOMEN—DES PLAINES
CENTER
1150 North River Rd.
Des Plaines, IL 60804

AID FOR WOMEN (REPRESENTATIVE)
AT THE PORT FREE CLINIC IN
CHICAGO'S BACK OF THE YARDS
NEIGHBORHOOD
5013 South Hermitage Ave.
Chicago, IL 60609

AID FOR WOMEN (REPRESENTATIVE)
AT MONSIGNOR THIELE CENTER IN
CHICAGO'S WICKER
PARK/HUMBOLDT PARK
NEIGHBORHOOD
1510 North Claremont Ave.
Chicago, IL 60622

THE WOMEN'S CENTERS OF
GREATER CHICAGOLAND, LTD.—
CICERO AVENUE
Mary A. Strom
Executive Director
5116 N. Cicero Avenue
Suite #301
Chicago, IL 60630
773-794-1313
mstrom@womens-center.org
www.womens-center.org

THE WOMEN'S CENTERS OF
GREATER CHICAGOLAND, LTD.—
DES PLAINES
2720 S River Rd., Suite #234
Des Plaines, IL 60016
847-803-9620

INFORMED CHOICES GRAYSLAKE
Sarah VanDerLip
Executive Director
888 East Belvidere Road, #124
Grayslake, IL 60030
847-231-4651
sarahv@informedchoices.org
Informedchoices.org

INFORMED CHOICES CRYSTAL LAKE
610-1 Crystal Point Drive
Crystal Lake, IL 60014
(815) 455-0965

OPTIONS NOW MEDICAL PREGNANCY
CENTER
Trudy Bodenbach
Executive Director
4854 North Alby
Godfrey, IL 62035
618-466-1690
www.optionsrightnow.com
www.options-now.com

LIFETIME PREGNANCY RESOURCE
CENTER
Debbie Schultz
Executive Director
104 North Grand Ave. E.
Springfield, IL 62702
217.523.0100
info@lifetimephc.org
www.lifetimephc.org

COMMUNITY HOPE CENTER
Denise Ukena
Asst. Executive Director
1201 Hope Center Lane
Cottage Hills, IL 62018
618-259-0959
www.hopencenters.com

THE WOMEN'S CENTERS OF
GREATER CHICAGOLAND, LTD.—
EVERGREEN PARK
9730 S. Western
Suite #318
Evergreen Park, IL 60805-2815
708-425-0707

WOMAN'S CHOICE SERVICES
LOMBARD
Lisa Van Dyke
Director of Client Services
929 S. Main Street, Unit 103
Lombard, IL 60148
(630) 261-9564
www.womanschoiceservices.com

WOMAN'S CHOICE SERVICES
BOLINGBROOK
682 W. Boughton Road, Suite B
Bolingbrook, IL 60440
(815) 725-7732

RELEVANT PREGNANCY RESOURCE
CENTER
Tricia Blasdel
Executive Director
410A Pine Street
Highland, IL 62249
618.654.3732
tricia@relevantoptions.org
www.relevantoptions.org

FREEPORT PREGNANCY CENTER
Sherrie Bicksler
Executive Director
222 West Exchange Street
Freeport, IL 61032
815.232.5433
freeportpc@gmail.com
freeportpregnancycenter.org

LIFE NETWORK OF SOUTHERN
ILLINOIS
Debbie Geist
Executive Director
722 N Market Street
Waterloo, IL 62298
618-939-4224
www.mylifenet.org
supportmylifenet.com

PREGNANCY RESOURCES
Susan Skoglund
Executive Director
829 15th Street
Moline, IL 61265
(309) 797-3636
www.qcpregnancypartners.org

WOMEN'S CARE CLINIC OF DANVILLE,
ILL. April Brown
Executive Director
200 West Williams
Danville, IL 61832
217-431-0987
www.danvillewcc.org

WOMEN'S PREGNANCY CENTER
Denise Bailey
Director
1825 N. Knoxville Ave.
Peoria, IL 61603
309-688-0202
Peoriapregnancychoices.com

LIVING ALTERNATIVES PREGNANCY
RESOURCE CENTER—CHAMPAIGN
Sherry Sherwood, CEO
205 E. Wilbur
Champaign, IL 61824
(309) 530-5437
www.pregnancyresourcecenter.org

PREGNANCY RESOURCE CENTER

Cheri Triplett

Executive Director

213 W. Washington

Rushville, IL 62681

WE CARE PREGNANCY CLINIC

Katie Mehne

Executive Director

403 North 5th Street

DeKalb, IL 60115

815.748.4242

wecarepregnancyclinic.org

NEW LIFE PREGNANCY CENTER

Penny Weaver

Executive Director

1698 E. Pershing Road

Decatur, IL 62526

217-872-5556

www.newlifepregnancycenter.com

1ST WAY LIFE CENTER

Judy K Cocks

Executive Director

2020 W. Johnsburg Rd.

Johnsburg, IL 60051

815-385-2999

1stwaymchenry.com

life@1stWayJohnsburg.com

THE PREGNANCY CARE CENTER OF

ROCKFORD—WEST STATE CENTER

Tiffany Staman

Executive Director

4921 East State Street

Rockford, IL 61108

815.680.5101

www.thepregnancycenter.org

LIVING ALTERNATIVES PREGNANCY
RESOURCE CENTER—BLOOMINGTON-
NORMAL

303 Landmark Drive, Suite 1B

Normal, IL 61761

(309) 454-5433

LIVING ALTERNATIVES PREGNANCY
RESOURCE CENTER—JACKSONVILLE

1440 West Walnut, Suite A-3

Jacksonville, IL 62651

(217) 245-9340

LIVING ALTERNATIVES PREGNANCY
RESOURCE CENTER—KANKAKEE

1780 West Merchant Street

Kankakee, IL 60901

(815) 933-2207

LIVING ALTERNATIVES PREGNANCY
RESOURCE CENTER—TAZEWELL

1618 Valle Vista Boulevard

Pekin, IL 61554

(309) 620-9227

LIVING ALTERNATIVES PREGNANCY
RESOURCE CENTER—WILL COUNTY

2 Uno Circle, Suite D

Joliet, IL 60435

(815) 744-7755

ABIGAIL WOMEN'S CLINIC

Betty J. Pappas, RN

Executive Director

1610 Stroble Ave.

P.O. Box 28

Mendota, IL 61342

815-538-3044

abigailwomensclinic.com

THE PREGNANCY CARE CENTER OF
ROCKFORD—EAST STATE CENTER
611 West State St.
Rockford, IL 61102
815.680.5101

National Physician and Pregnancy Center Organizations with Illinois Members:

AMERICAN ASSOCIATION OF
PRO-LIFE OBSTETRICIANS
AND GYNECOLOGISTS
Dr. Donna J. Harrison, MD
Executive Director
P.O. Box 395
Eau Claire, MI 49111
202.230.0997
www.aaplog.org

HEARTBEAT INTERNATIONAL
Jor-El Godsey
Vice President
5000 Arlington Centre Blvd., Suite
2277
Columbus, Ohio 43220-2913
(888) 550-7577
HeartbeatServices.org
HeartbeatInternational.org

CARE NET
Cynthia Hopkins
Vice President of Center Services
& Client Care
44180 Riverside Parkway, Suite 200
Lansdowne, VA 20176
703-554-8737
www.care-net.org

NATIONAL INSTITUTE OF FAMILY
AND LIFE ADVOCATES
Thomas A. Glessner, J.D.
President
5610 Southpoint Ctr. Blvd. #103
Fredericksburg, VA 22407
(540) 372-3930
www.nifla.org

CHRISTIAN MEDICAL ASSOCIATION
Dr. David Stevens, MD, MA (Ethics)
CEO
P.O. Box 7500
Bristol, TN 37621
423-844-1000
cmda.org

Non-medical pro-life pregnancy centers in Illinois (which the bill nevertheless may define as “health care facilities” merely because they offer “advice in connection with ... abortion”):

LOVING ARMS
Cathy A. Coker
Executive Director
500 N. Walnut Street
Taylorville, IL 62568
217-824-7200
lacpc.com



Additional Resources

Find Your Legislator:

http://openstates.org/find_your_legislator/

Clickable Map of Illinois House Districts

<http://openstates.org/il/>

AUL Alert on SB 1564:

<https://secure3.convio.net/aulact/site/Advocacy?cmd=display&page=UserAction&id=889>

Illinois Congressional Delegation Letter to State Representatives on SB 1564:

<http://www.aul.org/wp-content/uploads/2015/04/Illinois-Congressional-Delegation-Letter-to-IL-General-Assembly-on-SB-1564.pdf>

Illinois Family Institute Educational Bulletin Inserts for SB 1564:

http://illinoisfamily.org/wp-content/uploads/2015/05/IFI_Oppose-Abortion-Bills_bulletin.pdf

Illinois Women's Health and Life Alliance Urges House Defeat of SB 1564:

<http://www.christiannewswire.com/news/4991875995.html>

Pro-life Coalition Hosts May 5 Press Conference at the State Capitol:

<http://livestream.com/blueroomstream/events/4015637?t=1430861768513>

National Catholic Bioethics Center Statement on Abortion Referral:

<http://www.ncbcenter.org/page.aspx?pid=1263>

Pro-life Groups Battle Abortion Bill:

<http://www.illinoishomepage.net/story/d/story/pro-life-groups-battle-abortion-bill/29295/ZuF4xuQfx0iZwXdGmCP6uw>

Illinois State Representative Peter Breen Sends Dear Colleague Letter on SB 1564:

<http://illinoisrighttolife.org/wp-content/uploads/2015/04/Breen-letter-on-SB-1564.pdf>

Statement on SB 1564 by Presidents of the Illinois Guilds of the Catholic Medical Association:

<http://www.chicagocatholicphysicians.org/announcements.html>

Culture of Life Foundation: Problems Brewing for Pro-lifers in Illinois:

<http://www.culture-of-life.org/e-brief/problems-brewing-pro-lifers-illinois-ethical-assessment-sb-1564>

Professor Robert P. George Sends Letter to Illinois State Representatives on SB 1564:

<http://www.nationalreview.com/article/418259/open-letter-illinois-legislature-robert-p-george>