No. 26-1264

In the United States Court of Appeals for the First Circuit

A WOMAN'S CONCERN, INC., d/b/a YOUR OPTIONS MEDICAL CENTERS,
Plaintiff-Appellant,

v.

MAURA TRACY HEALY, Governor of Massachusetts, sued in the individual and official capacities, ROBERT GOLDSTEIN, Commissioner of the Massachusetts Department of Public Health, sued in the individual and official capacities; REPRODUCTIVE EQUITY NOW FOUNDATION, INC.; REBECCA HART HOLDER, Executive Director of Reproductive Equity Now Foundation, Inc.,
Defendants-Appellees.

On Appeal from the United States District Court for the District of Massachusetts, Case No. 1:24-cv-12131-LTS (Rachel M. Lopez)

BRIEF OF AMICI CURIAE ADVANCING AMERICAN FREEDOM; AMERICAN VALUES; AMERICANS FOR FAIR TREATMENT; AMERICA'S WOMEN; ANGLICANS FOR LIFE; CENTER FOR URBAN RENEWAL AND EDUCATION (CURE); CHRISTIAN MEDICAL & DENTAL ASSOCIATIONS; COALITION FOR JEWISH VALUES; DEMOCRATS FOR LIFE; FAMILY INSTITUTE OF CONNECTICUT ACTION; FRONTIERS OF FREEDOM; JAMES DOBSON FAMILY INSTITUTE; JCCWATCH.ORG; MEN AND WOMEN FOR A REPRESENTATIVE DEMOCRACY IN AMERICA, INC.; MEN FOR LIFE; NATIONAL RIGHT TO LIFE; NEW JERSEY FAMILY POLICY CENTER; NEW YORK STATE CONSERVATIVE PARTY; NORTH CAROLINA VALUES COALITION; ORTHODOX JEWISH CHAMBER OF COMMERCE; STUDENTS FOR LIFE OF AMERICA; THE FAMILY FOUNDATION OF VIRGINIA; SALT & LIGHT GLOBAL; THE WAGNER CENTER; TRADITION, FAMILY, PROPERTY, INC.; WISCONSIN FAMILY ACTION; WOMEN FOR DEMOCRACY IN AMERICA, INC.; DANIEL DARLING, DIRECTOR, LAND CENTER FOR CULTURAL ENGAGEMENT; AND TIM JONES, FORMER SPEAKER, MISSOURI HOUSE, FOUNDER, LEADERSHIP FOR AMERICA INSTITUTE IN SUPPORT OF PLAINTIFFS-APPELLANTS AND REVERSAL

J. MARC WHEAT
Counsel of Record
Timothy Harper (Admitted in DC)
ADVANCING AMERICAN FREEDOM, INC.
801 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 780-4848
MWheat@advancingamericanfreedom.com
Counsel for Amici Curiae

June 8, 2026

RULE 26.1 CORPORATE DISCLOSURE STATEMENT

The amici curiae Advancing American Freedom, Inc.; American Values; Americans For Fair Treatment; America's Women; Anglicans for Life; Center for Urban Renewal and Education (CURE); Christian Medical & Dental Associations; Coalition for Jewish Values; Democrats for Life; Family Institute of Connecticut Action; Frontiers of Freedom; James Dobson Family Institute; JCCWatch.org; Men and Women for a Representative Democracy in America, Inc.; Men for Life; National Right to Life; New Jersey Family Policy Center; New York State Conservative Party; North Carolina Values Coalition; Orthodox Jewish Chamber Of Commerce; Students for Life of America; The Family Foundation of Virginia; Salt & Light Global; The Wagner Center; Tradition, Family, Property, Inc.; Wisconsin Family Action; Women for Democracy in America, Inc.; Daniel Darling, Director, Land Center for Cultural Engagement; and Tim Jones, Former Speaker, Missouri House, Founder, Leadership for America Institute are nonprofit corporations. They do not issue stock and are neither owned by nor are the owners of any other corporate entity, in part or in whole. They have no parent companies, subsidiaries, affiliates, or members that have issued shares or debt securities to the public. The corporations are operated by volunteer boards of directors.

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STATEMENT OF INTEREST OF AMICI CURIAE[1]

Advancing American Freedom (AAF) is a nonprofit organization that promotes and defends policies that elevate traditional American values, including the uniquely American idea that all people are created equal and endowed by their Creator with unalienable rights to life, liberty, and the pursuit of happiness. AAF "will continue to serve as a beacon for conservative ideas, a reminder to all branches of government of their responsibilities to the nation,"[2] and believes American prosperity depends on ordered liberty and self-government.[3] Advancing American Freedom files this brief on behalf of its 161,715 members nationwide including 3,815 members in the First Circuit.

Amici American Values; Americans For Fair Treatment; America's Women; Anglicans for Life; Center for Urban Renewal and Education (CURE); Christian Medical & Dental Associations; Coalition for Jewish Values; Democrats for Life; Family Institute of Connecticut Action; Frontiers of Freedom; James Dobson Family

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[1] Plaintiff-Appellant consented to the filing of this brief of amici curiae. Counsel for government defendants-appellees did not respond to a request for consent. Counsel for defendants-appellees Reproductive Equity Now, Inc. and Rebecca Hart Holder responded to a request for consent by seeking to review this brief. No person other than Amicus Curiae and its counsel made any monetary contribution intended to fund the preparation or submission of this brief.

[2] Edwin J. Feulner, Jr., Conservatives Stalk the House: The Story of the Republican Study Committee, 212 (Green Hill Publishers, Inc. 1983).

[3] Independence Index: Measuring Life, Liberty and the Pursuit of Happiness, Advancing American Freedom available at https://advancingamericanfreedom.com/aaff-independence-index/.

Institute; JCCWatch.org; Men and Women for a Representative Democracy in America, Inc.; Men for Life; National Right to Life; New Jersey Family Policy Center; New York State Conservative Party; North Carolina Values Coalition; Orthodox Jewish Chamber Of Commerce; Students for Life of America; The Family Foundation of Virginia; Salt & Light Global; The Wagner Center; Tradition, Family, Property, Inc.; Wisconsin Family Action; Women for Democracy in America, Inc.; Daniel Darling, Director, Land Center for Cultural Engagement; and Tim Jones, Former Speaker, Missouri House, Founder, Leadership for America Institute believe, as did America's Founders, that compliance with the Constitution's limits on government power is essential for the preservation of American freedom.

INTRODUCTION

The Constitution designed to effectuate the purpose of government: protecting the liberty of the people. That liberty depends on the rule of law which is undermined when the government abuses its power to advance a political agenda at any cost. This case is an instance of such disregard for the rule of law in Massachusetts. Massachusetts has engaged in "selective law enforcement prosecution, public threats, and even a state-sponsored advertising campaign" against pro-life pregnancy centers, linking to materials paid for by the state that specially name plaintiff-appellant A Woman's Concern, Inc. d/b/a Your Options Medical Centers ("Your

Options"). Amended Complaint at 1, *A Woman's Concern v. Healey*, No. 24-12131 (D. Mass. June 6, 2025). This concerted effort to undermine the mission of pregnancy resource centers chills First Amendment-protected speech and associational rights.[4] This Court should reverse the district court's dismissal and ensure that Your Options can represent its constitutional interests in court.

Your Options was founded in 1991 by three Christian families to offer women with unplanned pregnancies "a safe place to receive help and support in choosing life." *Id.* at 4. Your Options is a medical clinic that has been licensed by the Massachusetts Department of Public Health since 1999, and it does not perform abortions or refer women for abortions. Regardless of Massachusetts's claims, Your Options does not advertise that it performs abortions. *Id.* at 5.

Still, in 2022, then-Attorney General Maura Healey issued a consumer advisory claiming that Your Options engages in false advertising by referring to itself as offering "reproductive health services." *Id.* at 7. In the same advisory, Rebecca Hart Holder, Executive Director of Defendant-Appellee Reproductive Equity Now,

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[4] The actions of Massachusetts here are reminiscent of the campaign against the National Rifle Association (NRA) undertaken by the government of New York. That campaign involved both a public pressure campaign and behind-the-scenes threats of financial institutions that do business with the NRA in an effort to silence its Second Amendment advocacy in the state. Brief of Advancing American Freedom et al. as amici curiae, *Nat'l Rifle Ass'n v. Vullo*, 602 U.S. 175 (2024) available at https://advancingamericanfreedom.com/national-rifle-association-of-america-v-maria-t-vullo/. The Supreme Court ultimately reversed the Second Circuit's dismissal of this claim, allowing it to proceed. *Vullo*, 602 U.S. at 198-99.

Inc., said Your Options and other pro-life pregnancy centers are "fake clinics" and that they are "dangerous" and "use deceptive advertising." *Id.* at 7-8. Massachusetts partnered with Reproductive Equity Now, which receives state funding, in its public campaign against pregnancy resource centers. *Id.* at 16-18. Fifteen days later, one of Your Options' buildings was vandalized with spray paint. *Id.* at 8. Eight days after that, vandals returned with posters using language identical to the advisory: "This is a Fake Clinic." *Id.* at 8-9.

Despite the fact that Your Options had received zero complaints from patients in its twenty-five years of operation, Massachusetts conducted a review of Your Options after it received a complaint from Defendant-Appellee Holder. *Id.* at 9. The result was that the state required Your Options to make one change in its Policies and Procedures Manual before finding that Your Options was in compliance with the law. *Id.* at 9-10.

Nonetheless, based on the same complaint from Ms. Holder, the Massachusetts Board of Registration in Medicine began its own investigation and issued two subpoenas to Your Options. *Id.* at 10. Because Ms. Holder, whose organization works in conjunction with the state to oppose pregnancy resource centers, was the complainant, she has access to the subpoenaed documents.[5] *Id.* at

[5] This is not the first time a government official has sought to use the subpoena power to target pregnancy resource centers. In New Jersey, then-Attorney General Matthew Platkin issued a subpoena for troves of donor information from First Choice

10-11. Your Options thus suspects that Ms. Holder "is utilizing (or colluding with) the government to conduct a fishing expedition into Plaintiff and its medical director solely because it is operating a pro-life pregnancy center." *Id.* at 11. As a result of the state's campaign, one doctor stopped working with Your Options. *Id.* at 49.

Despite never receiving complaints against Your Options from any source other than Reproductive Equity Now, Massachusetts is investigating Your Options and burdening it with subpoenas. However, "[a]t the same time, [the state] took no comparable action against abortion clinics that had failed health inspections for using non-sterile surgical equipment, storing biohazardous materials with food, and failing to verify patient vitals before anesthesia." Opening Brief of Plaintiff-Appellant at 15. Put simply, this was not a mere public health campaign meant to inform residents of Massachusetts about their medical options and ensure that medical providers in the state were following the law. It was and is a concerted attempt by the state and its private allies to bully pregnancy resource centers in the state and make their operation difficult or impossible.

Women's Resource Center in the hopes of burdening it with administrative work and chilling its association with its supporters. Brief of Advancing American Freedom et al. as amici curiae, *First Choice Women's Resource Centers, Inc. v. Davenport*, 146 S. Ct. 1114 (2026) available at https://advancingamericanfreedom.com/aaf-stands-for-donor-privacy-in-defense-of-pregnancy-center/. The Supreme Court ruled that First Choice could proceed with its case after the Third Circuit upheld the district court's dismissal of the pregnancy resource center's challenge. *First Choice Women's Resource Centers, Inc.*, 146 S. Ct. at 1131.

Massachusetts's actions in this case are inconsistent with the First Amendment's protection of free speech and free association. Private parties must have access to courts when government officials take actions that, though potentially legal in isolation, when combined amount to a concerted campaign to make engaging in legal, constitutionally protected activity difficult or impossible.

Twice in recent years, government officials taking similar action have asked lower courts to toss challenges to their censorship campaigns, and the lower courts have obliged. In both instances, the Supreme Court has vacated and remanded those dismissals, giving the victims their day in court. *Vullo*, 602 U.S. at 175; *Davenport*, 146 S. Ct. at 1131. This Court should do the same and remand to the district court for further proceedings.

ARGUMENT

I. The Supreme Court and Lower Courts' Existing Precedent Clearly Establishes the Principle that Efforts to Indirectly Circumvent the Constitution's Protections are Invalid Just as are Direct Efforts to Violate Them.

"*Bantam Books* stands for the principle that a government official cannot do indirectly what she is barred from doing directly: A government official cannot coerce a private party to punish or suppress disfavored speech on her behalf." *Vullo*, 602 U.S. at 190 (citing *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 67-69 (1963)). The Supreme Court and lower courts have recognized limitations not only on overt and direct violations of the rights protected in the Constitution but also limitations

on the government's ability to circumvent constitutional protections of individual rights.

"[Q]ualified immunity shields officials from civil liability so long as their conduct 'does not violate clearly established statutory or constitutional rights of which a reasonable person would have known.'" *Mullenix v. Luna*, 577 U.S. 7, 11 (2015) (per curiam) (quoting *Pearson v. Callahan*, 555 U.S. 223, 231 (2009)). A right is clearly established for the purposes of qualified immunity when it is "sufficiently clear that every reasonable official would have understood that what he was doing violates that right." *Id*. at 11 (internal quotation marks omitted). The Supreme Court and lower courts have repeatedly made clear that the Constitution's protections apply even when the government violates them either through otherwise legal activity or through a third party.

A. The precedent of the Supreme Court and lower courts on racial discrimination in education clearly establish the principle that government action that, in another context and aimed at a different purpose, might be legal, is nonetheless unconstitutional where it is clear those actions were directed at circumventing constitutional protections.

After the Supreme Court's decision in *Brown v. Board of Education*, 347 U.S. 483 (1954), some school districts attempted to avoid the consequences of that decision without creating an opportunity for judicial review. Virginia, for example, passed a law creating a "Pupil Placement Board" which had authority to determine which schools students would attend. *Adkins v. Sch. Bd. of Newport News*, 148 F.

Supp. 430, 441 (E.D. Va. 1957). Relatedly, the law prohibited students' changing schools unless approved by the Board, which approval would be given only for good cause. *Id*. The law was meant to maintain *de facto* segregation even though segregation was unconstitutional.

Striking down this policy, the Eastern District of Virginia wrote, "Courts cannot be blind to the obvious, and the mere fact that Chapter 70 makes no mention of white or colored school children is immaterial when we consider the clear intent of the legislative body." *Id*. at 442. Because the purpose of the law in question was to continue segregation in contravention of the Court's decision in *Brown*, the district court struck down the law.

Courts recognized this for what it was; an attempt to treat black students as second-class citizens despite the requirements of the Fourteenth Amendment's Equal Protection Clause. As the Supreme explained almost twenty years later:

> Any arrangement, implemented by state officials at any level, which significantly tends to perpetuate a dual school system, in whatever manner, is constitutionally impermissible. "[T]he constitutional rights of children not to be discriminated against . . . can neither be nullified openly and directly by state legislators or state executive or judicial

> officers, nor nullified indirectly by them through evasive schemes for segregation whether attempted 'ingeniously or ingenuously.'"

Gilmore v. Montgomery, Alabama, 417 U.S. 556, 568 (1974) (alteration in original) (quoting *Cooper v. Aaron*, 358 U.S. 1, 17 (1958)). Nor should government officials be able to stifle the core political activities of association and speech "through evasive schemes."

In this case, the Massachusetts government engaged in what might constitute normal government speech in a different context. Governments can and do express their own viewpoints. *Vullo,* 602 U.S. at 187. What they cannot do is engage in a coordinated campaign to make it difficult or impossible to engage in legal, constitutionally protected activity. In an attempt to circumvent the First Amendment's protections, Massachusetts, coordinating with Reproductive Equity Now, sought to chill the speech and association of Your Options and other pregnancy resource centers. The Supreme Court and lower courts have established irrefutably the principle that government officials cannot circumvent the Constitution's protections by creative means. That is exactly what Massachusetts sought to do here.

B. The precedent of the Supreme Court and lower courts clearly establish that government cannot enlist the help of third parties to accomplish indirectly what it cannot accomplish directly.

The state cannot ask a third party to do what it could not do itself, nor may it use its regulatory power to bring about an end that it could not bring about directly. There

can be no lawful proxy war on constitutional rights. "The text and original meaning of [the First and Fourteenth] Amendments, as well as this Court's longstanding precedents, establish that the Free Speech Clause prohibits only *governmental* abridgment of speech. The Free Speech Clause does not prohibit *private* abridgment of speech." *Manhattan Community Access Corp. v. Halleck*, 139 S. Ct. 1921, 1928 (2019) (emphasis in original) (citing *Denver Area Ed. Telecommunications Consortium, Inc. v. FCC*, 518 U.S. 727, 737 (1996) (plurality opinion); *Hurley v. Irish-American Gay, Lesbian and Bisexual Group of Boston*, Inc., 515 U.S. 557, 566 (1995); *Hudgens v. NLRB*, 424 U.S. 507, 513 (1976); *Miami Herald Publishing Co. v. Tornillo*, 418 U.S. 241, 256 (1974)). The barrier between state and private action created by the state-action doctrine "protects a robust sphere of individual liberty." *Manhattan Community Access Corp.*, 139 S. Ct. at 1928. Yet, the First Amendment rights to free association and speech must be protected against crafty government action that seeks to abuse that robust private sphere. The will-no-one-rid-me-of-this-troublesome-priest approach is not a legitimate means of accomplishing the unconstitutional.

In the Fourth Amendment context, courts have found that a suspect or defendant's constitutional rights may be violated even where the government is not the one directly carrying out the violation. *See Skinner v. Railway Labor Executives Ass'n*, 489 U.S. 602, 614 (1989) ("Whether a private party should be deemed an agent or

instrument of the Government for Fourth Amendment purposes necessarily turns on the degree of the Government's participation in the private party's activities."). As the Sixth Circuit said, "[i]n the Fourth Amendment context, we have held that the government might violate a defendant's rights by 'instigating' or 'encouraging' a private party to extract a confession from a criminal defendant." *United States v. Folad*, 877 F.3d 250, 253 (6th Cir. 2017) (citing *United States v. Lambert*, 771 F.2d 83, 89 (6th Cir. 1985)). In the Fifth Amendment context as well, "courts have held that the government might violate a defendant's right by coercing or encouraging a private party to extract a confession from a criminal defendant." *Id*. (citing *United States v. Garlock*, 19 F.3d 441, 443-44 (8th Cir. 1994)). Similarly, in the state action context, government coercion or some forms of government encouragement intended to bring about a certain result can transform an otherwise private actor into an agent of the government. *Blum v. Yaretsky*, 457 U.S. 991, 1004 (1982). Thus, for example, the Fifth Circuit in *Missouri v. Biden*, found state action in federal officials sometimes-successful efforts to have certain social media posts downgraded or removed. *Missouri v. Biden*, No. 23-30445 (5th Cir. Oct. 3, 2023) *rev'd on other grounds sub nom Murthy v. Missouri*, 603 U.S. 43 (2024).

In this case, the government of Massachusetts coordinated with a private third party to attempt to harm the constitutional expression and legal activity of a private organization. Not by persuasive argument but by consistent pressure, the

government here sought to make pro-life pregnancy centers' operation and advocacy much more difficult in Massachusetts. "[T]he principle that a government official cannot do indirectly what she is barred from doing directly," was clearly established by *Bantam Books*, *Vullo,* 602 U.S. at 190 (citing *Bantam Books*, 372 U.S. at 67-69), and many other cases. Your Options should be allowed to pursue its case against Massachusetts's pressure campaign that has chilled its First Amendment-protected expression and harmed its legal operation.

II. The Massachusetts Government's Actions Here Unconstitutionally Harm Your Options and Other Pregnancy Resource Centers' Right to Free Association.

Massachusetts's efforts to undermine Your Options' and other pregnancy resource centers' ability to operate violate the freedom to associate protected by the First Amendment. Association is an American tradition. As Alexis de Tocqueville noted, early Americans made a habit of forming associations. Unlike in aristocratic societies where aristocrats hold the power and those beneath them carry out their will, in America, "all citizens are independent and weak; they can hardly do anything by themselves, and no one among them can compel his fellows to lend him their help. So they all fall into impotence if they do not learn to help each other freely."[6]

[6] 3 Alexis de Tocqueville, *Democracy in America*, 898 (Eduardo Nolla ed., James T. Schleifer trans., Indianapolis: Liberty Fund, Inc. 2010) (1840).

Moreover, "[w]hen you allow [citizens] to associate freely in everything, they end up seeing in association the universal and, so to speak, unique means that men can use to attain the various ends that they propose."[7] In America, "[t]he art of association then becomes . . . the mother science; everyone studies it and applies it."[8]

This American tradition was enshrined in the First Amendment. The Supreme Court has "long understood" the rights of Free Speech and Peaceable Assembly, and Petition in the First Amendment to imply "a corresponding right to associate with others." *Ams. for Prosperity Found. v. Bonta*, 141 S. Ct. 2373, 2382 (2021) (quoting *Roberts v. United States Jaycees*, 468 U.S. 609, 622 (1984)). Such association "furthers 'a wide variety of political, social, economic, educational, religious, and cultural ends,' and 'is especially important in preserving political and cultural diversity and in shielding dissident expression from suppression by the majority.'" *Id*. (quoting *United States Jaycees*, 486 U.S. at 622).

The Supreme Court has recognized what Tocqueville found Americans knew at the dawn of our Republic: "[e]ffective advocacy of both public and private points of view, particularly controversial ones, is undeniably enhanced by group association," *Ams. for Prosperity Found.*, 141 S. Ct. at 2382 (internal quotation marks omitted) (quoting *NAACP v. Alabama ex rel. Patterson*, 357 U.S. 449, 460 (1958)), and that

[7] *Id*. at 914.
[8] *Id*.

"[i]t is beyond debate that freedom to engage in association for the advancement of beliefs and ideas is an inseparable aspect of the 'liberty' assured by the Due Process Clause of the Fourteenth Amendment, which embraces freedom of speech." *NAACP v. Alabama*, 357 U.S. at 460 (citing *Gitlow v. New York*, 268 U.S. 652, 666 (1925)). Further, "'it is immaterial' to the level of scrutiny 'whether the beliefs sought to be advanced by association pertain to political, economic, religious, or cultural matters.'" *Ams. for Prosperity Found.*, 141 S. Ct. at 2383 (quoting *NAACP v. Alabama*, 357 U.S. at 460-61).

In this case, Massachusetts, partnered with Reproductive Equity Now, sought to undermine political diversity by squeezing organizations that advocate and put into practice pro-life views out of the marketplace of ideas in the state. Such an effort to chill certain viewpoints and the associations that express them is antithetical to the First Amendment's protections of association and speech.

Further, Massachusetts's actions here harm the associational interests of the pregnancy resource centers, their donors and potential donors, and doctors. Some donors or potential donors to pregnancy resource centers in Massachusetts, seeing the pressure the government is placing on Your Options and other similar organizations, may conclude that it is in their interest to disassociate from targeted organizations. For example, a small or mid-size business owner could reasonably believe that while the pregnancy resource centers are the target of Massachusetts's

zealotry today, their business may well be a target in the future if they financially support legal, constitutionally protected activity the state has labeled "dangerous" and "deceptive." For the same reasons, a person who might otherwise have supported one of these targeted organizations might decide not to do so. Indeed, some existing supporters may choose to distance themselves from the work of these clinics. Doctors, especially, who might have contributed to these clinics' work will predictably stop working with these clinics lest the government embroil them in investigations that threaten their medical licenses and thus their livelihoods. As appellants explain, this has already happened in this case.

These harms burden the present speech and association of pregnancy resource centers. "The right of the people to keep and bear arms", U.S. Const. amend. II, is not a "second-class right." *See McDonald v. Chicago*, 561 U.S. 742, 780 (2010). Neither are the rights to speech and association.[9] Massachusetts here has treated it

[9] While Freedom of Association is not as vivid in the popular imagination as Freedom of Speech, the Court recognizes its importance in several contexts. Governments can violate the First Amendment's protection of Free Association by forcing a group "to take in members it does not want," punishing individuals "for their political affiliation," denying benefits to members of an organization because of the organization's message or forcing organizations to disclose their membership. *Ams. for Prosperity Found.*, 594 U.S. at 606 (citing *United States Jaycees*, 468 U.S. at 623; *Elrod v. Burns*, 427 U.S. 347, 355 (1976) (plurality opinion); *Healy v. James*, 408 U.S. 169, 181-182 (1972); *NAACP v. Alabama ex rel Patterson*, 357 U.S. 449, 462 (1958)). In *Americans for Prosperity Foundation*, the Court noted that the forced disclosure of member lists at issue in *NAACP v. Alabama* constituted a "chilling effect in its starkest form." *Id*. Here, too, the government's actions chill association

as if it were. This Court should not leave these fundamental rights without vindication in this case.

CONCLUSION

This Court should rule for Plaintiff-Appellant.

/s/ J. Marc Wheat
J. MARC WHEAT
Counsel of Record
Timothy Harper (Admitted in DC)
ADVANCING AMERICAN FREEDOM, INC.
801 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 780-4848
MWheat@advancingamericanfreedom.com
Counsel for Amici Curiae

in the state of Massachusetts.

CERTIFICATE OF COMPLIANCE

Pursuant to Fed. R. App. P. 32(g), I hereby certify that this document complies with the type-volume limitations set forth in Fed. R. App. P. 32(a)(7)(B) because, excluding the parts of the document exempted by Fed. R. App. P. 32(f), this document contains 3,683 words.

I further certify that this document 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 this document has been prepared in a proportionally spaced typeface using Microsoft Word in a 14-point Times New Roman font.

Dated: June 8, 2026

/s/ J. Marc Wheat
J. MARC WHEAT
Counsel of Record
Timothy Harper (Admitted in DC)
ADVANCING AMERICAN FREEDOM, INC.
801 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 780-4848
MWheat@advancingamericanfreedom.com
Counsel for Amici Curiae

CERTIFICATE OF SERVICE

I hereby certify that on June 8, 2026, 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 notifications of such filing to all CM/ECF counsel of record.

/s/ J. Marc Wheat
J. MARC WHEAT
Counsel of Record
Timothy Harper (Admitted in DC)
ADVANCING AMERICAN FREEDOM, INC.
801 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
(202) 780-4848
MWheat@advancingamericanfreedom.com
Counsel for Amici Curiae