

Supreme Court's buffer zone decision gives pro-lifers breathing room

In the understandable excitement so many of us felt two weeks ago over the wonderfully welcome and important U.S. Supreme Court decision regarding the *Conestoga / Hobby Lobby* case, I have delayed celebrating *another* high court decision in *another* Alliance Defending Freedom supported-case – one with its own enormous implications for your family's First Amendment-protected freedom of speech. And, even more importantly, for the defense of life in the womb.

On June 26, the nation's highest court unanimously **struck down** a

Massachusetts law creating a 35-foot Gospel-free "buffer zone" around abortion facilities. These zones' express purpose was to block advocates for life from speaking with women on their way into these buildings to have an abortion. (The law imposed up to two-and-a-half years in jail for its violation.)

The court ruled that those who would gracefully make the case for life face-to-face are legally entitled to do so, up until the moment a woman enters the abortion facility's property.

"It is no accident that public streets and sidewalks have developed as venues for the exchange of ideas," the court wrote in its **opinion**. "Even today, they remain one of the few places where a speaker can be confident that he is not simply preaching to the choir. ... In light of the First Amendment's purpose 'to preserve an uninhibited marketplace of ideas in which truth will ultimately prevail...', this aspect of traditional public fora is a virtue, not a vice."

"Peaceful pro-life citizens should be able to freely share their message with mothers in vital need without being

forced to shout from outside an anti-speech zone," says ADF Senior Counsel Steven H. Aden. "As the Supreme Court found, Massachusetts had no constitutional basis for creating speech-restricted zones that exist to hinder a particular point of view."

"Americans have the freedom to talk to whomever they please on public sidewalks," says allied attorney Michael DePrimo, co-counsel on the case, which was **argued before the court** in January. "That includes peaceful pro-lifers who just want to offer information and help to women who would like it. The Supreme Court has affirmed a critical freedom that has been an essential part of American life since the nation's founding."

The ruling will impact other cases across the nation,



including *Reddy v. Foster*, an ADF **lawsuit** challenging a similar anti-speech zone law in **New Hampshire**. The case will be heard later this month in federal court; last week, though, a **temporary restraining order** took effect, suspending enforcement of the zones pending a ruling in the case, and allowing pro-life speech there.

"The government has no sound justification for banning free speech on public sidewalks, as the U.S. Supreme Court recently affirmed," says ADF Senior Legal Counsel Matt Bowman. "Censorship zones in such places are about as clear a violation of the First Amendment as it gets. This is especially true when the government allows some pro-abortion voices to speak within a zone but censors all pro-life speech there. While it's good that the law has been temporarily

suspended, we will continue to work toward ensuring that New Hampshire's law is permanently halted in light of the Supreme Court's decision that struck down such laws."

Truly, we are blessed by this recent surge in support at the high court for your religious liberty, freedom of speech, and the sanctity of life. Please join me in giving thanks – and in praying for our attorneys as they continue to defend a host of cases, coast-to-coast, that involve these vital aspects of American life.

Reprinted with permission from Alliance Defending Freedom.