

Liberty Counsel Challenges Abortion Clinic Buffer Zone Denial

Liberty Counsel has appealed to the Third Circuit Court of Appeals regarding the district court's denial of a preliminary injunction against a "buffer zone" ordinance, enacted by the city of Harrisburg, which prohibits pro-life speech on public sidewalks up to 70 feet outside a Planned Parenthood abortion center.

In *Reilly v. City of Harrisburg*, U.S. District Judge Sylvia Rambo defended the "buffer zone" ordinance, which was drafted by Planned Parenthood and passed without any debate or serious discussion by Planned Parenthood's pro-abortion allies on the Harrisburg City Council.

Liberty Counsel previously appealed to the Third Circuit Court of Appeals in 2017, arguing that the district court had erroneously determined that the ordinance was unlikely to violate the First Amendment. On May 25, 2017, the Third Circuit reversed the district court's decision. In its opinion, the Third Circuit held that the district court had ignored the First Amendment's requirement that Harrisburg demonstrate that the ordinance did not unconstitutionally burden speech. It sent the case back to the district court, ordering the court to hold an evidentiary hearing on whether Harrisburg could satisfy its demanding burden. The district court acknowledged its error, but, despite critical admissions by the city, the judge ruled the city met its burden.

Liberty Counsel represents Becky Biter and Colleen Reilly, who have regularly engaged in peaceful sidewalk counseling to encourage women to protect the life of their unborn. This ordinance pushes pro-life counselors sometimes 50 feet to more

than 70 feet away and prohibits their freedom of speech. Liberty Counsel has previously presented evidence concerning the ordinance's gross intrusion into Biter and Reilly's constitutional rights.

"The lower court once again sidestepped the First Amendment in order to silence pro-life speech," says Mat Staver, Founder and Chairman of Liberty Counsel. "The city of Harrisburg has a constitutional mandate to protect the free speech rights of all people in its jurisdiction, and it has no authority to discriminate on the basis of pro-life viewpoints. Public sidewalks and parks have always been protected as places where people can gather to participate in the marketplace of ideas."

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