

Sidewalk Counselors Suing to Overturn City Ordinance

Harrisburg, Pennsylvania has joined a somewhat exclusive club—albeit a dangerous one—by creating one of the most oppressive anti-free speech ordinances in the country in an effort to “protect” abortionists and their clinics.

The ordinance creates buffer zones that encroach onto public sidewalks and rights-of-way by establishing that sidewalk counselors are prohibited from sharing abortion alternatives or praying with would-be clinic “patients” within 20 feet of any abortion clinic’s entrances, exits and driveways. Practically applied, sidewalk counselors are forced to stand sometimes as much as 70 feet away from the clinics in their efforts to save the lives of both the unborn and their mothers.

Becky Biter and Colleen Reilly are among the sidewalk counselors who have regularly engaged in peaceful conversations on public sidewalks outside the Planned Parenthood clinic and the Hillcrest abortion facility. Since the passage of the ordinance, however, they say they have been harassed and intimidated by clinic staff and local police.

Liberty Counsel, in a lawsuit filed against the city on the women’s behalf, argues the ordinance is unconstitutional because it limits First Amendment-protected speech. The U.S. Supreme Court recently unanimously overturned similar buffer zones in *McCullen v. Coakley*, which establishes a strong precedent in favor of this lawsuit.

In a statement regarding its lawsuit, Liberty Counsel noted:

The Harrisburg City Council did not list any specific incidents that led to the passage of the ordinance. While pretending to be neutral, this ordinance discriminates based

on the speaker's viewpoint.

It allows pro-abortion clinic employees and agents to speak within the buffer zones but bans all pro-life speech. In addition, the city did not first seek any solutions that would cause less than complete censorship of the free speech of pro-life sidewalk counselors.

Liberty Counsel's brief states that "the ordinance has completely abolished free speech in traditional public fora used for the expression of ideas, debate, and protest—specifically, public sidewalks and streets adjacent to health-care facilities, including abortion clinics, throughout the City of Harrisburg."

Liberty Counsel founder and chairman Mat Staver called the ordinance "blatant discrimination" against sidewalk counselors. He said it is unconstitutional on its face, because it attempts to prohibit the very kind of speech the First Amendment was written to protect.

"The city cannot prohibit them [sidewalk counselors] since sidewalks and parks have always been viewed as a place where we respect the marketplace of ideas," he said. "It is a dangerous position for a city to prohibit this pro-life viewpoint." {eoa}