

A First-Amendment Christmas Victory

On Dec. 23, a federal court granted Life Legal's motion to "enjoin" or block enforcement of a California law that criminalizes First Amendment activity outside most abortion clinics.

The law, SB 742, makes it illegal to approach a person or occupied vehicle within 30 feet of the entrance to a "vaccination site" for the purpose of obstructing, injuring, harassing, intimidating or interfering with that person. A "vaccination site" is defined as a location offering any type of vaccine services, which includes Planned Parenthood and other abortion facilities that dispense Gardasil and other STD vaccines.

We sued California Attorney General Rob Bonta as soon as the law was passed on behalf of pro-life sidewalk counselors who regularly speak with women entering "vaccination site" abortion clinics, and who provide literature and display signs offering help with abortion alternatives—all activities that could be illegal under the new law.

Last week's court order is the first step in permanently striking down the law. We will be back in court to argue specifically how the law violates the Constitution. In the meantime, the court ruled that SB 742 is unconstitutionally broad because "it would be nearly impossible to have any sort of conversation or exchange within a 30-foot buffer zone." The court also held that the law is not "content-neutral" because it targets only certain types of speech. Laws that are not content neutral are subject to the highest level of judicial scrutiny.

SB 742 has also been challenged in another California case in

which the court only enjoined the prohibition on harassing, but left the rest of the law and its harsh criminal penalties in place. In contrast, the court in Life Legal's case ruled that because our lawsuit challenged all of the law's provisions, "SB 742 must be enjoined in its entirety to protect the First Amendment interests of Plaintiffs and the public."

"Life Legal is pleased that the court has carefully considered our arguments and has determined that we are likely to succeed in our lawsuit challenging this unprecedented suppression of speech on public sidewalks," said Life Legal Chief Legal Officer Katie Short. "We are confident that California's assault on the First Amendment will be permanently struck down." {eo}

Life Legal Defense Foundation was established in 1989, and is a nonprofit organization composed of attorneys and other concerned citizens committed to giving helpless and innocent human beings of any age, and their advocates, a trained and committed voice in the courtrooms of our nation. For more information about the Life Legal Defense Foundation, visit .

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