

SCOTUS Blatantly Sidesteps Pro-Life Speech Case

The U.S. Supreme Court sidestepped an opportunity to rule on behalf of the First Amendment right for pro-life speech around abortion centers.

The Supreme Court declined to hear *Bruni v. City of Pittsburgh*, which challenges a law enacted by the city that bans pro-life speech—even prayer—in painted 15-foot buffer zones outside medical facility entrances. The city then chose to paint such zones outside only two facilities in the entire metropolitan area, Pittsburgh’s two abortion centers, and enforced the ban against pro-life speech only.

This bans the free speech of sidewalk counselors and those handing out literature informing pregnant women of resources available for them and their children. However, speech on other subjects has been permitted in the zone.

Despite the language of the ordinance and how it was applied, the lower court interpreted the ordinance in such a way that pro-life speech is permitted. And the lower courts did not apply the Supreme Court’s more recent precedent striking down restrictions on speech (*Reed v. Town of Gilbert*) and pro-life speech outside an abortion clinic (*McCullen v. Coakley*), and instead relied upon the older case of *Hill v. Colorado*.

Concurring in the denial of cert, Justice Thomas wrote that “the Court should take up this issue in an appropriate case to resolve the glaring tension in our precedents” (citing conflict between intermediate scrutiny in *Hill* and strict scrutiny in *Reed* and *McCullen*). He said he agreed with cert denial “because it involves unclear, preliminary questions about the proper interpretation of state law.”

Liberty Counsel represents Becky Biter and Colleen Reilly, two

pro-life sidewalk counselors who are challenging a similar “buffer zone” around abortion centers in the city of Harrisburg, Pennsylvania. This ordinance prohibits pro-life speech on 70 feet of public sidewalk outside a Planned Parenthood abortion center. Biter and Reilly have regularly engaged in peaceful sidewalk counseling to encourage women to protect the life of their unborn babies.

Liberty Counsel is filing a motion for summary judgment next month in federal district court on behalf of Biter and Reilly. The lower court previously ignored the fact that the city enforced the ordinance to apply to one-on-one conversations, meaning the police officers apply the law only to pro-life speech.

Mat Staver, Liberty Counsel founder and chairman, said, “The government may not discriminate based on pro-life viewpoints. Public sidewalks and parks have always been protected as places where people can gather to participate in the marketplace of ideas. The Supreme Court must resolve the conflicts in its precedent and overrule *Hill v. Colorado*. That day is coming.” {eo}

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