

Free speech rights defended in Florida clinic protest case

The Catholic League has joined a coalition of religious and civil rights organizations filing a friend of the court brief defending the free speech rights of pro-life demonstrators. The League's brief challenges the constitutionality of a state court injunction which restricts the speech and expressive activities of abortion pro-testers.

Several Florida abortion clinics successfully petitioned the court for the injunction, claiming it was necessary to protect women wishing to have an abortion. The petitioners in *Madsen v. Women's Health Center, Inc.* are pro-life advocates whose free speech rights are threatened by the terms of the injunction.

The injunction establishes a 36-foot buffer zone around a Melbourne, Florida abortion clinic prohibiting anyone from "congregating, picketing, patrolling, demonstrating or entering" the area. It also forbids anyone from physically approaching those seeking the services of the abortion clinic within a 300 foot zone around the clinic. The League's brief argues that the injunction violates the First Amendment in two ways. First, the injunction is so vague it allows discriminatory, viewpoint-based enforcement, a clearly unconstitutional effect. Speakers on one side of the controversy (pro-life advocates) were arrested, while speakers on the other side (pro-abortion advocates) were not, even though they were also gathered near the clinic making noise.

Second, even where the terms of the injunction are clear, it is so overbroad that it chills speech protected by the First Amendment. The injunction at issue here has a ripple effect

far beyond the parties, so that a person would think twice before engaging in speech or expressive activity that is clearly protected. As the League's brief notes, the ability to influence public debate on matters of public concern, free from excessive regulation or control by government, is an essential civil right. All members of the coalition are committed to the principle of equality of all speakers before the law, and view with alarm any diminution of First Amendment rights.

Members of the coalition include the Christian Legal Society, Americans United for Life, Family Research Council, and the National Association of Evangelicals. Oral argument in *Madsen* will take place in April, and a decision is expected sometime in late June.