

League testifies in opposition to N.Y. clinic protest law

The Catholic League offered testimony in hearings before the Committee on Public Safety of the City of New York questioning the appropriateness of a proposed new law aimed specifically at curtailing demonstrations at abortion clinics. The statement by Catholic League president William A. Donohue follows:

“Whenever legislation is being considered, three relevant questions to ask are: 1) Why are present laws inadequate? 2) Who are the likely beneficiaries of the bill and 3) Who, if anyone, stands to lose? A defensible bill, I would suggest, is one that fills a legislative void and grants relief to some without burdening the rights of others. It is not clear, however, how Intro 33 meets this test. Let me be explicit.

“New York already has laws that cover harassment, physical obstruction of entryways, stalking, trespass and violence. What, then, does Intro 33 add to any of these laws? In short, where are the inadequacies in existing legislation? I would be most anxious to see this evidence.

“To be sure, this bill does increase the penalties for the aforementioned offenses. But it would be instructive to learn why. Is there evidence that existing penalties have failed to deter an increasing number of lawbreaking anti-abortion protesters? I would be most anxious to see this evidence.

“Regarding the second question, who, precisely, are the intended beneficiaries of Intro 33? Has there been a rash of incidents whereby women in New York have been denied the right to seek an abortion? Indeed has there been even one case in the 1990s – in all of New York – whereby a woman seeking an

abortion has been blocked from doing so because of anti-abortion protesters? If such evidence exists, I would be most anxious to see it.

“If in fact there is no evidentiary basis for this bill, then it suggests that Intro 33 was crafted on the basis of politics, not principle. Indeed if principle were the motivating factor then surely demonstrators other than anti-abortion protesters would have been targeted. But no, this bill provides no penalties whatsoever for militants aligned with the homosexual, feminist, environmental, animal rights and pacifist causes. Is it because such demonstrators have always conducted themselves with grace? The record, as everyone must concede, shows otherwise.

“Even if one were to concede for the sake of argument that Intro 33 will bring relief to some segment of the population, it would do so in a way that would necessarily violate the rights of innocents. It will not do to say that no provision of this bill “shall be construed or interpreted so as to prohibit expression by the First Amendment.” If that is indeed the intent, then justice requires that the bill be more specific. “Why not just come right out and say that the First Amendment rights of anti-abortion protesters to demonstrate, pray, picket and counsel is protected by this law, the Constitution of the State of New York and the Constitution of the United States? It is surely not the intent of Intro 33 to create a “chilling effect” on freedom of expression, so why not alleviate the fears of law-abiding anti-abortion protesters and simply affirm, in detail, their right to freedom of expression?

“It is in no one’s interest to have a law passed and then have it challenged immediately in court. But if this bill passes unamended, then that is exactly what will happen. To be sure, the courts have determined that abortion is a constitutional right. But they have also determined – and for a far longer period of time – that freedom of expression is central to

liberty.

“To summarize, it is not clear what laws have proven to be so inadequate that Intro 33 is necessary. Moreover, there is no evidence that the kind of offenses that this bill addresses have increased in recent years. Nor is there any evidence that the intended beneficiaries will in fact benefit in any demonstrable way. However, we do know that if Intro 33 passes as is, the First Amendment rights of anti-abortion protesters will almost certainly be abridged. And if that happens, more than just their free speech rights will be impacted – the rights of all Americans to lawfully express themselves will be effected.”