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LEGISLATIVE TESTIMONY

To: Joint Committee on the Judiciary

From: James F. Driscoll, Esq., Executive Director

Re: House Bill 1478, "An Act restoring free speech and public access."

Date: July 9, 2013

The Massachusetts Catholic Conference ("MCC") respectfully submits this testimony in support of House Bill 1478, "An Act restoring free speech and public access."

The proposed legislation would repeal M.G.L. c. 266, § 120E1/2. This statute forbids all individuals except abortion clinic personnel and their clients from entering for any purpose all designated areas located immediately in front of the entrances to any abortion facility in Massachusetts. These areas, being thirty-five feet wide and extending to the street, are colloquially referred to as "buffer zones." The statute imposes criminal penalties for any violations.

The statute should be repealed because it creates no-speech zones in areas traditionally regarded as open to the public precisely for the purposes of free expression and assembly. The statute prohibits speakers from engaging in all forms of peaceful speech, including the distribution of leaflets, display of signs, consensual conversation and communication with other from a normal conversational distance.

There is already a statute in Massachusetts that prohibits individuals from obstructing any entrances to medical facilities.¹ Aside from the important First Amendment concerns, criminalizing the peaceful and non-obstructive use of the sidewalks is unnecessary and excessive.

For the foregoing reasons, the MCC urges the committee to give House Bill 1478 a favorable report recommending its passage.

The Massachusetts Catholic Conference is the public policy office of the Roman Catholic Bishops in the Commonwealth, representing the Archdiocese of Boston and the Dioceses of Fall River, Springfield, and Worcester.

¹¹ M.G.L. c. 266 § 120E.