



DIOCESE OF MANCHESTER
Secretariat for Administration

January 28, 2014

The Honorable Sharon Carson
Senate Judiciary Committee
State House, Room 100
Concord, New Hampshire 03301

Re: SB 319 (Relative to Access to Reproductive Health Care Facilities)

Dear Senator Carson and Members of the Judiciary Committee:

As the Director of the Office of Public Policy of the Roman Catholic Diocese of Manchester, and on behalf of Bishop Peter Libasci, I write to **oppose SB 319**, a bill calling into question the free speech rights of New Hampshire citizens.

SB 319 would create a buffer zone around abortion clinics, only allowing certain individuals to be present within the designated area. The plain language of the bill is intended to silence the speech of those who oppose abortion. The First Amendment of the United States Constitution and Part I, Article 22 of the New Hampshire Constitution, however, prohibit our state and federal governments from creating laws that restrict speech based upon its content. In *Hill v. Colorado*, the United States Supreme Court recognized, "The right to free speech, of course, includes the right to attempt to persuade others to change their views, and may not be curtailed simply because the speaker's message may be offensive to his audience." 530 U.S. 703 at 716 (2000). The *Hill* decision affirmed that it is "constitutionally repugnant" to ban particular topics from being discussed, while others are allowed. *Id.* At 722-23.

The constitutionality of a Massachusetts abortion clinic buffer zone law currently is under review by the United States Supreme Court in the case of *McCullen v. Coakley*. The Court heard oral arguments in the case earlier this month. It would be premature for the New Hampshire Legislature to take action to enact an abortion clinic buffer zone law when the Supreme Court likely will soon declare the law unconstitutional.

We urge the committee to report SB 319 as inexpedient to legislate because this bill suppresses the speech of individuals based upon the content of their speech, a direction inconsistent with the basic right of free speech. Thank you for your consideration of our testimony and for your service to the people of the State of New Hampshire.

Sincerely,

Meredith P. Cook, Esq.
Director, Office of Public Policy

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