



Written by [Bob Adelman](#) on September 6, 2023

Free Speech Victory in California

Rob Bonta, California's far-left attorney general, is "hereby restrained and enjoined from enforcing" a law signed by California's Democratic Governor Gavin Newsom in October 2021. [So read the ruling filed on Tuesday](#) by the U.S. District Court for the Eastern District of California.

At issue was the offending law, Senate Bill 742, that made it "a crime to ... interfere with ... any person ... [who] is a reproductive health services client" inside a 100-foot radius surrounding an abortion clinic. A person violating a 30-foot bubble between her and that "client" is guilty of "harassing" and subject to a fine of up to \$1,000 and a jail term of up to six months.



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The court also ruled that Bonta (i.e., the taxpayers of California) must pay Alliance Defending Freedom (ADF), the public-interest law firm that challenged the law, \$192,706 for their legal services.

Here's the interesting part: ADF brought the complaint on behalf of a pro-life group, Right to Life, which has its main operations right next door to a Planned Parenthood clinic in Fresno. Right to Life volunteers have been free to converse with women approaching the clinic, offering them assistance and alternatives to abortion. It has had a record of turning mothers away from abortion, right up until the Newsom/Bonta law was passed.

The law was written in such a way as to make it appear that it only applied to clinics offering vaccinations against uterine cancers. Planned Parenthood offered such vaccinations (Gardasil and Cervarix) and thus the new law quashed the freedom of the volunteers from Right to Life next door, prohibiting them from conversing with those entering Planned Parenthood to perform an abortion.

The complaint, filed just days after the law became effective, claimed that it was the "State of California's attempt to unconstitutionally restrict speech based on content and viewpoint in public forums, by creating 30-foot bubble zones around persons within 100 feet of ... any facility that provides any type of vaccine."

Volunteers from Right to Life's Outreach Center would "often approach individuals arriving at Planned Parenthood ... and attempt to engage with them at a normal conversational distance, in order to offer print materials and to explain the help and support that Right to Life can provide."

The Outreach Center is a warm, friendly place, with a coffee bar and a lounge where a mother with an "unplanned" pregnancy can, if she wishes, visit with one of the volunteers about options other than abortion.

But the new law prohibited this, calling it "harassing," defined as "knowingly approaching" such a person "for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education, or counseling with" that person "without consent."



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The complaint declared that SB 742 “violates the United States Constitution’s Free Exercise of Religion, Freedom of Speech, Free Association, Due Process, and Equal Protection Clauses ... as applied to the constitutionally protected activities of Right to Life and its [volunteers], including its right to freely describe its mission and services in public.”

The court agreed, and ADF’s senior counsel Denise Harle celebrated:

This is a significant victory not only for our client, Right to Life, but for every other speaker in California.

The First Amendment protects every Californian, regardless of their viewpoint. Now Right to Life’s staff and volunteers can continue their critical mission of serving vulnerable women in the central California region with their free, life-giving services.

So did John Gerardi, Right to Life’s executive director:

California can no longer prevent pro-life advocates from exercising their First Amendment rights to interact with women and couples in need outside of abortion clinics, solely because the clinic happens to offer some kind of vaccine....

We are delighted that our First Amendment rights were vindicated, and that we can continue to serve women, couples, and babies in need.



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