



Written by [Jack Kenny](#) on July 12, 2014

Federal Judge Puts N.H. Buffer Zone Law on Hold

U.S. District Court Judge Joseph Laplante Wednesday ordered the New Hampshire communities of Concord and Derry not to enforce the 25-foot buffer zone around entrances to abortion clinics until he can rule on the constitutionality of the law that officially took effect July 9.

Laplante has scheduled a hearing on a challenge to the law for Friday July 25. The challenge has been brought on behalf of seven anti-abortion activists engaged in what they call sidewalk counseling at abortion clinics by peacefully approaching women entering the site and urging them to reconsider decisions they may have made to have abortions. Three other Granite State communities with abortion facilities — Manchester, Keene, and Greenland — along with Attorney General Joseph Foster and the relevant county attorneys, had already agreed with Laplante's request to hold off on enforcing the law, pending a determination by the District Court.



A similar challenge to a 35-foot buffer zone in Massachusetts was upheld by the U.S. Supreme Court in a [unanimous decision](#) on June 26, holding that the Bay State law violated free speech rights protected by the First Amendment.

City officials in Concord, New Hampshire's capital city, had planned to go ahead with enforcement of the law before Wednesday's order, the *New Hampshire Union Leader* reported.

"We're going to uphold state law unless it's been declared to be invalid, unconstitutional or unenforceable," City Manager Thomas Aspell told the Manchester paper. "We didn't think that was the case." In Derry, Town Council Chairman Mark Osborne said he was not aware until late Tuesday that Judge Laplante had requested a hiatus on implementing the law. The town council has not had time to meet and consult with its lawyer before the judge's order came down.

The law stipulates a \$100 fine for unauthorized people, other than passersby, who are in the zone after having received an initial warning. In some of the communities a 25-foot buffer zone, extending from clinic entrances, would put demonstrators or sidewalk counselors either in the middle of the road or, realistically, across the street from the site, leaving them unable to converse with the very people they seek to approach. The law requires clinic personnel to work out the details for establishing such a zone with municipal officials.

Earlier this week, Planned Parenthood, which operates clinics in a number of New Hampshire



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communities, said it was studying the decision in the Massachusetts case and had no immediate plans for posting buffer zones at its clinics.



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