

Reproductive Health, Rights, and Justice Organizations Oppose “Speech-Free” Buffer Zones

To the New York State Legislature,

As New York-based Reproductive Health, Rights, and Justice organizations and their national partners, we unequivocally oppose legislative proposals on both the state and local levels that would impose speech-free buffer zones around reproductive health care facilities and places of religious worship.

The legislation would criminalize people who are "demonstrating or preparing to demonstrate" within these buffer zones. We believe that people should be able to access reproductive health care, including abortion care, and visit religious institutions free from harassing conduct. New York State has a long-standing Freedom of Access to Clinic Entrances (FACE) Act that already provides protections to reproductive health care facilities and houses of worship and prohibits conduct like threats or violence, trespass, and physical obstruction of doorways or pedestrian access. This existing law has been crafted to withstand constitutional scrutiny, whereas the current proposal is not only overbroad in a way that will restrict the public's protected right to assemble and voice dissent precisely when communities need these rights most, but it is also unlikely to withstand judicial scrutiny and threatens to take down the state's FACE Act. Regardless of where it is located in the law or whether these buffer zones apply to reproductive health care facilities in addition to places of religious worship, the New York Reproductive Rights, Health, and Justice Movement opposes this proposal because it is fundamentally undemocratic.

Reproductive freedom itself has been defended and expanded over the decades because people have organized through protest, direct action, and collective pressure. The bill treats that type of democratic participation as suspicious conduct. New York also has a rich history of protests at sites of power, from demonstrations by Occupy Wall Street to actions by ACT UP and WHAM! at religious institutions when their leaders have tried to control public policy and bodily autonomy. This tradition of protest is based on the principles that no institution is exempt from public accountability and that free speech protections cannot be selectively applied, both of which are threatened by the proposed legislation.

There is a documented and widespread use of excessive force by law enforcement against protesters across the state. The legislation, if enacted, would become another tool for surveillance, mass arrests, and selective enforcement, especially against communities of color and the movements challenging entrenched power that already face a disproportionate response from law enforcement. Specifically, the NYPD Strategic Response Group's record at protests has been marked by violence and impunity. This bill also comes at a time of an escalating national criminalization of dissent, and the federal authorization of state-sanctioned violence through immigration enforcement and federal policing. The legislature must prioritize protecting New Yorkers during this time, not further the efforts to restrict free speech.

We reject the premise that expanding the policing of protests is an acceptable or effective way to advance reproductive access and religious freedom. We urge the legislature and sponsors to shelve this dangerous proposal.

Signed,

Abortion Access Front
All* Above All
Center for Reproductive Rights
Girls for Gender Equity
If/When/How: Lawyering for Reproductive Justice
League of Women Voters of St. Lawrence County, NY
National Council of Jewish Women New York
National Institute for Reproductive Health Action Fund
National Network of Abortion Funds
New York Abortion Access Fund
New York Civil Liberties Union
NYC for Abortion Rights
Physicians for Reproductive Health
Planned Parenthood Empire State Acts
Planned Parenthood Hudson Peconic
Planned Parenthood of CWNy
Planned Parenthood of Greater New York
Planned Parenthood of the North Country New York
Reproductive Health Access Project
Thank God For Abortion
Upper Hudson Planned Parenthood
WCLA - Choice Matters