



# McCullen v. Coakley, 189 L. Ed.2d 502 (2014)

Topics Covered: Abortions, Access to Medical Facilities and Patient Privacy

## **Outcome: Very Unfavorable**

### **Issue**

The issue in this case was whether a Massachusetts statute making it a crime to enter or remain on a public way or sidewalk within 35 feet of an entrance to an abortion clinic in order to “counsel” those having abortions is constitutional.

### **AMA Interest**

The AMA supports the right of access to medical care and opposes acts of intimidation that may impede physicians’ ability to care for their patients. Further, the AMA believes that physicians should protect patient privacy in all its forms, including the physical privacy of patients and respect for their personal space.

### **Case Summary**

The plaintiffs in this case were “pro-life” sidewalk counselors and demonstrators, who characterize themselves as “peaceful” and “non-confrontational.” They parked their cars near various abortion clinics in Massachusetts and attempted to persuade patients of the clinics not to have abortions. They festooned their cars with pro-life signage, carried placards and other signs, prayed aloud, sometimes with the assistance of loudspeakers, and occasionally wore evocative garments (such as a costume of the Grim Reaper). When possible, they would speak with prospective patients and hand out anti-abortion literature. The defendants were the Massachusetts Attorney General and various county prosecutors.

The plaintiffs challenged a Massachusetts “buffer zone law,” which prohibits persons from encroaching within a specified distance of abortion facilities or the patients at those clinics. The plaintiffs contended that the Massachusetts law infringes their rights under the First and Fourteenth Amendments to the United States Constitution. Both the trial court and the United States Court of Appeals held the buffer zone law constitutional, but the plaintiffs appealed to the United States Supreme Court.

On June 26, 2014, the Supreme Court reversed, holding that the Massachusetts buffer law was insufficiently tailored to accommodate the free speech rights of the plaintiffs.

### **Litigation Center Involvement**

The Litigation Center joined the Massachusetts Medical Society and the American Congress of Obstetricians and Gynecologists in an *amicus* brief to the Supreme Court. The brief argued that the buffer zone law is reasonable and does not unduly infringe the plaintiffs' constitutional right to communicate with the abortion facility patients.

United States Supreme Court brief