

## The *Bruni* Case

**Case Name:** *Nikki Bruni v. City of Pittsburgh*

**Case Status:** Alliance Defending Freedom filed a cert petition on March 26, 2020, asking the U.S. Supreme Court to reverse a lower court decision.

**Significance:** Whether the government can censor speech on a public sidewalk because it doesn't like what the speakers have to say.



**Background:** Sidewalk counselors Nikki Bruni, Julie Cosentino, Cynthia Rinaldi, Kathleen Laslow, and Patrick Malley put their pro-life convictions into practice outside of a Pittsburgh Planned Parenthood clinic. They provide women entering and leaving the clinic with information about abortion alternatives, post-abortion resources, prayer, and personal support. Yet, Pittsburgh bans them from speaking with women—or even praying (what the City calls “demonstrating”)—within a zone stretching out 15-feet from the abortion clinic’s entrance in every direction, extending onto the public sidewalk and street. While others may speak to women about the weather or sports until they walk through the clinic’s door (even to drown out the sidewalk counselors), counselors are banned from entering that area to speak with a pregnant woman about matters of faith, nonprofit services, and life and death. Pro-life sidewalk counselors are left with two bad choices: shouting to be heard over traffic or remaining silent. Sometimes a woman stops in the buffer zone and stretches out her hand to receive literature. Pittsburgh bans sidewalk counselors from reaching out at that critical moment. That robs a woman of a fully informed choice. It also violates the First Amendment’s free-speech guarantee and the Supreme Court’s unanimous *McCullen v. Coakley* ruling that struck down a similar ordinance.

Instead of following Supreme Court precedent, the U.S. Court of Appeals for the Third Circuit re-wrote the City’s law to save it, holding that the law does not apply to counseling but constitutionally prohibits prayer and holding signs or wearing buttons. But that ruling didn’t help at all: City officials can *still* prosecute the sidewalk counselors in state court for speaking in the prohibited zone, and no one is allowed to pray there. It’s just the latest example of the legal gymnastics courts have used to rule against pro-life expression.

### Key Points

- The government cannot carve out space on the public sidewalk and declare certain topics off limits.
- The best choice is a fully informed pregnancy choice. Yet Pittsburgh keeps women from learning about all their options during an unexpected pregnancy. The City is not only anti-speech, it is anti-choice and anti-woman.
- Sidewalk counseling is the only type of one-on-one conversation Pittsburgh appears to ban. Planned Parenthood escorts have free reign to enter the zone, surround women, talk over the sidewalk counselors, and deflect women from conversing with them or accepting their literature.
- The buffer-zone law was a solution in search of a problem. The record shows no arrests or prosecutions for obstructing access to abortion clinics in the City, activity which was already illegal.
- The City Council Chair, who sponsored the law, admitted that it was not intended to protect women from obstruction, but from hearing pro-life speech.

**The Bottom Line:** The right to free speech is for everyone—not just those in power; the government can’t silence speakers just because it doesn’t like what they say.