The Freedom of Access to Clinic Entrances (FACE) Act, passed by Congress in 1993, was purportedly enacted to protect women seeking abortion and abortion providers against threats of physical violence. The Obama administration, however, is using the FACE Act to intimidate and bully peaceful sidewalk counselors.

What was the impetus for such a law? The pro-abortion lobby pointed to isolated incidents of violence against abortionists and abortion clinics, as well as clinic blockades. The abortion industry professed before Congress that these incidents were increasing in frequency and threatened the safety of abortion providers, and ludicrously, that local law enforcement was unable or unwilling to prosecute those responsible.

Congress compliantly passed FACE, granting special protection to persons “obtaining or providing reproductive health services.” FACE not only imposes heavy criminal penalties for the use of “force, threat of force, or physical obstruction” against abortion patients or providers, but also creates civil causes of action, allowing an “aggrieved” person—or the Department of Justice (DOJ)—to sue for damages for alleged violations.

The legislative history reveals that lawmakers claimed “The Act is carefully drafted so as not to prohibit expressive activities that are constitutionally protected, such as peacefully carrying picket signs, making speeches, handing out literature, or praying in front of a clinic (so long as...
Trust Pro-Abortion Women? No Way!

January 22, the anniversary of the deadly Roe v. Wade decision, is traditionally marked by events hosted by both pro-life and pro-abortion groups. This year, a pro-abortion group (called variously Trust Women, the Silver Ribbon Campaign, and the Center for Policy Analysis) decided it would commemorate not just the Roe v. Wade date but the entire month of January with a display of banners along San Francisco’s iconic Market Street.

The organization obtained the necessary permits and erected the banners in late December. Sporting slogans such as “115. Out Of My Uterus” and “Abortion Is a Human Right,” the seventy banners quickly grabbed the attention of the public, the media, and the organizers of the West Coast Walk for Life, which would be proceeding right under those banners. The banners also grabbed the attention of Life Legal Defense Foundation, which noticed something that others had overlooked: the banners were illegal.

The San Francisco Public Works Code sets out the conditions under which permits may be issued for the placement of banners on designated city property. First and foremost, the banners must be to undergird the banner permit. Rather, the banner permit had been issued on the event’s sponsor. For an event that would close all or part of San Francisco’s iconic Market Street.

After comparing the requirements of the law with the facts on the ground, LLDF sent a letter to the Department of Public Works, pointing out the many ways in which the banners were not in compliance with the law, and demanding documentation showing how and why the permits had been issued. When the City finally complied with the demands (several days and a long holiday weekend later), the documents further confirmed LLDF’s objections: there was no city-wide event involving a closure of Market Street to undergird the banner permit. Rather, the banner permit had been issued on the basis of a permit for a Friday evening to Sunday afternoon, with an estimated crowd attendance of 200, far fewer than the 500 required under the code. And even this alleged event was having. On Tuesday, January 17, its website announced that on Sunday, January 22 (i.e., five days later), it would be having “an event to commemorate and admire the pro-choice banners on Market Street.” As the San Francisco Chronicle dryly noted: “So the banners are being promoted an event to admire the banners. And they’re not for the day or time listed on the event permits.”

Pity the pro-aborts. They had to re-schedule their event when they found it conflicted with the Occupy Wall Street West protests that were going to take place in San Francisco that same Friday. You can’t expect people to be two places at once, can you?

But their problems weren’t over yet. The City did not go along with their attempt to reschedule their “event” from Friday evening to Sunday afternoon, and threatened to revoke their banner permit if they did not make their website conform with what they had told the City about.

That liberty is under attack by new regulations from the U.S. Department of Health and Human Services. The regulations require insurance providers to cover contraceptives, including those with abortifacient propensities. When the regulations were finalized Providers were given a year or less in which to comply, conscientious objections notwithstanding.

An “exemption” is included for religious providers but it is so narrow that it brings to mind Justice Janice Brown’s comment that under this definition, even the ministry of Jesus Christ would be considered secular. (This comment was made in her dissent to Catholic Charities v. Superior Court, 32 Cal.4th 527, 583 (2004), a case upholding California’s contraception mandate, which may have been the model for the HHS regulations.) After the firestorm created by public outcry over the offensive and unconstitutional regulations this statement, in part, was issued by HHS: “we’ve reached a decision on how to move forward. Under the rule, women will still have access to free preventive care that includes contraceptive services—no matter where they work. So that core principle remains (emphasis added). But if a woman’s employer is a charity or a hospital that has a religious objection to providing contraceptive services as part of their health plan, the insurance company—not the hospital, not the charity—will be required to reach out and offer the woman contraceptive care free of charge, without co-pays and without hassles.”

Of course the employer will still have to pay for these benefits. The net result of this decision is to force those with conscientious objections to support what they believe to be sinful.

When President Obama took office he took an oath to protect and defend the U.S. Constitution. Yet under his watch regulations have been enacted that eviscerate the free exercise rights of those who have conscientious objections to the use of contraceptives.

The definition of an “exempted religious organization” under the HHS “Required Health Plan Coverage Guidelines” that has caused the public outcry and the filing of several lawsuits is follows: A religious employer is one that:

1) Has the inculcation of religious values as its purpose;
2) Primarily employs persons who share its religious tenets;
3) Primarily serves persons who share its religious tenets; and
4) Is a non-profit organization under Internal Revenue Code section 6033(a).


FROM THE EXECUTIVE DIRECTOR

Thomas Jefferson believed that “No provision in our Constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of the civil authority.” Certainly he was referring to the free exercise clause of the first amendment to the U.S. Constitution which not too many years before was created by the Founding Fathers to protect religious liberty.

When President Obama took office he took an oath to protect and defend the U.S. Constitution. Yet under his watch regulations have been enacted that eviscerate the free exercise rights of those who have conscientious objections to the use of contraceptives.
Marcella Tyler Ketelhut, a new member of Life Legal Board of Directors, graduated from U.C.L.A. in 1982 with a degree in Political Science/International Relations.

Mrs. Ketelhut left the practice of law to serve as the Executive Director for Rock for Life Ventura County, a non-profit focused on educating and empowering young people for the pro-life cause through conferences, concerts and speaking engagements. Rock for Life had the distinction of being the most active RFL chapter nationally; spreading to the Pepperdine campus to encompass all of Los Angeles.

Recently, Mrs. Ketelhut has taken on the role as Executive Director for Stand True West Coast, affiliated with Stand True.

As in-house counsel for Blue Cross of California of engaging youth with education and awareness through similar events as RFL.

Have you always been pro-life?

No, actually I was extraordinarily pro-abort most of my life, working for a number of liberal and pro-abort feminist organizations while at UCLA in the early 80’s. I even interned with a liberal think tank in Washington, D.C.

So what changed your mind?

When I got married in 1987, I was a pro-abort, feminist, fallen-away Catholic with serious pagan/New Age leanings. Sadly, having gone to a Catholic law school  didn’t do anything to change my ridiculous views. My husband took a massive leap of faith in marrying me, as his convictions were not mine at all (he’s a cradle Catholic who lived his beliefs very clearly.) Had to be a Holy Spirit moment that drove this pristine former altar boy to give a ring to a lunatic Nancy Pelosi wanna-be!

You mention having gone to a Catholic law school?

Yes, I went to Catholic University Law School in Washington, D.C. where I was in the inaugural class of the Communications Law Institute. It was a great time to be in D.C., but sadly, my focus was on getting a high-paying legal job—and enjoying the great things that D.C. had to offer. When I returned to Los Angeles, I worked for a number of law firms doing primarily employment and labor law, and then went in-house for a major insurance company doing litigation. My focus has always been on litigation. It pretty much ate me alive.

Do you still practice law?

No, I went inactive to homeschool our daughter after trying to practice law from home. Yes, women can have it all—just not all at once!! As Sarah started high school we planted our vineyards, and after she went off to Pepperdine, Jeff and I started our own winery, and I do all the marketing for the winery. What I'd really love to do is start an Italian bakery.

So back to how you came to your pro-life convictions after being anti-life … was there an epiphany that brought you “into the light,” so to speak?

Yes. Once I delivered Sarah, that rocked my world. I was going to have a nanny watch her while I went off and clawed my way up the corporate ladder. The first time I held her, it changed everything. The woman who had previously made fun of stay at home moms became one. Yes, God had a laugh. Then, three years later, Sarah almost died from a rare illness. I was a marginal Catholic for the first few years of marriage—my sweet husband spent a lot of time on his knees. Our daughter came within hours of dying, and it was that which shocked me into reality. I read St. Augustine's Confessions. That, and the gentle, persistent witness of my husband wrenched me back to the truth.

When did you get involved with the pro-life movement?

Our daughter actually got us involved—for her thirteenth birthday she asked to go to Washington, D.C. for the March for Life. Having lived through four D.C. winters, we attempted to dissuade her, which we ultimately did. But instead she had a party where the girls collected supplies for mothers and babies at the local pregnancy center. Right after that, I had a young woman from Rock for Life speak at our parish, and she asked Sarah to take over the chapter. Since she was under 18, I had to sign the contract on her behalf, and we began our first chapter of Rock for Life, and immediately jumped into the world of pro-life advocacy using rock music and shows as a way to bring the kids in, and then sharing a life-changing message, and introducing them to the great people from the local pro-life centers, as we always included them prominently, immediately next to the merchandise booths.

How long did you work with the Rock for Life Chapter?

We led the local Ventura County chapter for about 7 years, and then when Sarah started at Pepperdine, she started the Los Angeles County chapter on campus. Last year, we joined forces with Stand True, and are now affiliated with Priests for Life and Gospel of Life.

What was the best part of Rock for Life?

Seeing a change in kids who had been indoctrinated into believing lies about abortion. Planned Parenthood makes it so all life issues? IVF—in essence—all life issues.

Why do you think is the biggest challenge facing the pro-life movement now?

I was introduced to Life Legal by Priests for Life.

What do you think will be trampled (and lives perhaps extinguished,) but for the involvement of the dedicated lawyers and the dedicated staff of Life Legal. But also, I see this organization taking a broader national role in being proactive in leading the truthful dialogue in the public square about the realities of abortion; the realities of euthanasia, the realities of IVF—in essence—all life issues.

It would be the unity among pro-lifers. Planned Parenthood makes unholy alliances with those whom they have nothing in common. But they make alliances to steamroll who they perceive to be a common enemy.

advocating themselves in their peer groups in spite of opposition. Ok, and I guess working with national rock tours was fun. Let me change that—interesting and challenging.

Why Life Legal now? What is the attraction of this, among many, many pro-life organizations?

Having been involved with the pro-life world for the past eight years, between the speaking, charitable events, rock and roll shows with a pro-life message, and 40 Days for Life campaigns and marches, it seemed right to get back to what I was trained to do—legal advocacy.

Why legal advocacy?

I was a corporate litigator for many years, but haven’t practiced law for the last twelve years, focusing more on the educational end of the pro-life spectrum. It is time to step it up because the pro-abortion lobby has a stranglehold on our current Administration, and because abortion seems to have become our national religion.

And Life Legal Defense Foundation figures into this, how?

Life Legal is poised, I believe, to become the true unifying voice in the life arena; something desperately needed if we are to take on the behemoth that is Planned Parenthood; the behemoth that is the abortion lobby.

What most draws you to Life Legal?

Obviously the in-the-trenches representation of clients whose rights would be trampled (and lives perhaps extinguished,) but for the involvement of the dedicated lawyers and the dedicated staff of Life Legal. But also, I see this organization taking a broader national role in being proactive in leading the truthful dialogue in the public square about the realities of abortion; the realities of euthanasia, the realities of IVF—in essence—all life issues.

Once I delivered Sarah, that rocked my world. I was going to have a nanny watch her while I went off and clawed my way up the corporate ladder.
their “event.” So a day later, January 18, three weeks after the banners went up, the Trust Women/Silver Ribbon website finally announced the “event” (taking place two days later) that the banners were supposedly “in conjunction with.” This event was a “virtual on-line march,” to be conducted by bringing portable internet-accessible devices to Justin Herman Plaza and simultaneously logging on to the “Online March for Reproductive Justice.”

And on the basis of that fig leaf, the banners stayed up for a few more days. In other words, the Department of Public Work’s response to finding out that it had allowed itself to be duped into granting the banner permit for a non-existent event was not to revoke the permit and take down the banners, but to demand that the event take place, or at least that it be advertised as if it were going to take place.

But advertising an event doesn’t make it happen. When Friday evening came around, not a single virtually marching pro-abort showed up at Justin Herman Plaza. Even the RACORX rally the next day, which the Silver Ribbon campaign tried to piggyback on to get its numbers up, only drew 120 people, not the 500 it told the City it would have in order to block the Walk for Life’s bid for the Plaza.

The Department of Public Works continues to stand by its decision to allow the banners. Therefore, the next time another group—this time perhaps a pro-life one, perhaps one that actually has an event scheduled for Market Street—applies for a permit to put up banners “in conjunction with” its event, there should be no problem with getting approval.

Meanwhile, the lesson is clear: don’t trust pro-abort women.
Planned Parenthood, Politics, and Prosecutorial Good Conduct

The Phill Kline Story – The 2011 LLDF Annual Benefit

LLDF held its Annual Benefit on November 5, 2011. Once again, the venue was the Terrace Room at The Lake Merritt Hotel in Oakland, California. The Terrace Room is a 1920s art deco supper club with a panoramic view of Lake Merritt.

The program began with a thoughtful and inspiring invocation by LLDF board member Terry Thompson and a pledge of allegiance to the flag led by Col. Ron Maxson, one of the founders of LLDF. LLDF board chairman John Street welcomed the guests and introduced other board members in attendance. Board member Colette Wilson then took the podium to introduce the evening’s keynote speaker, the Honorable Phill Kline.

Describing Mr. Kline as “a lawyer’s lawyer,” Colette touched on just a few of the high points of Mr. Kline’s considerable resume. Following a career in private practice, Mr. Kline served eight years in the Kansas state legislature where, among other accomplishments, he helped draft and pass one of the nation’s most restrictive laws against third trimester abortions. Noting with increasing dismay the lack of enforcement of this and similar laws, he then ran for and was elected to the post of Kansas state attorney general in 2003. He served in that position—and continued to prosecute the criminal case against Planned Parenthood—until 2008.

Mr. Kline immediately captured the full attention of his audience with a heartbreaking story of a young girl who was victimized first by her own father, and then by Planned Parenthood.

Once at the speaker’s podium, Mr. Kline immediately captured the full attention of his audience with a heartbreaking story of a young girl who was victimized first by her own father, and then by Planned Parenthood. The girl was then immediately elected to the office of district attorney of Johnson County—the job previously held by the man to whom he lost his bid for re-election to the attorney general’s office. Mr. Kline served in that position—and continued to prosecute the criminal case against Planned Parenthood—until 2008.

In response to the investigation, Planned Parenthood went on the offensive. They filed over 200 ethics complaints against him, causing him to incur staggering legal fees defending himself.

found was shocking beyond belief. One of the exceptions to the Kansas law against late-term abortions allowed for abortion in cases of “severe fetal anomaly.” Included in Dr. Tiller’s definition of “severe fetal anomaly” were cleft palate, Down syndrome and…twins. Twins, reasoned Dr. Tiller, are an “anomaly” and can have a “severe” economic impact on a family.

Attorney General Kline also investigated Planned Parenthood, and specifically its lack of compliance with the state’s mandatory child abuse reporting law. He learned that Planned Parenthood did not see this as a legitimate law, but rather as an invasion of the privacy of the child. “Planned Parenthood does not call child rape ‘child rape,” he remarked, “They call it ‘intergenerational sex.’” This viewpoint is understandable, he pointed out, given that Planned Parenthood takes its position in such matters from Alfred Kinsey. Kinsey was the 1950’s “researcher” of human sexual behavior, among whose conclusions were that “children are sexual at birth” and that “non-coerced sexual activity with children is not necessarily harmful.”

In the course of his investigation of Planned Parenthood, Mr. Kline subpoenaed the organization’s records. These documents were in the hands of then-Kansas Governor Kathleen Sebelius (now U.S. Secretary of the Department of Health and Human Services), a staunch Planned Parenthood supporter. Governor Sebelius fought the document request “tooth and nail” for over a year, but Mr. Kline’s office finally obtained the documents. “The documents showed that during a time period when 166 abortions were performed on children 14 and under and as young as 10 in Kansas, Planned Parenthood reported one case of child sexual abuse—and that case was already reported and in the media at the time they reported it.” Federal law does not permit grants of federal funds to entities that refuse to comply with mandatory reporting statutes, and actually provides for a “clawback” of previous grants. Faced with the loss of $350 million in annual federal funding, as well as a possible clawback of funding from previous years, “this investigation became a billion dollar case.” And when that happened, said Mr. Kline, “the law flew out the window in Kansas.”

In Kansas, said Mr. Kline, the Supreme Court is appointed for life without the necessity of confirmation. Five of the seven justices had been appointed by Governor Sebelius. Consequently, the Supreme Court did all it could to thwart the investigation and to prevent the case from moving forward. Nevertheless, Mr. Kline and his office persevered in their investigation. Having reviewed the evidence, a judge found probable cause to believe that Planned Parenthood’s files contained evidence of crimes. Mr. Kline subpoenaed those files and Governor Sebelius increased her efforts to resist their production. She demanded to know the names of all those being investigated and all the evidence against them. Mr. Kline’s investigators refused, due to her close ties with Planned Parenthood, and out of fear that Planned Parenthood would be tipped off and evidence would be destroyed. This feat, Mr. Kline told his audience, was later proven to be well-founded: It has recently come to light that when Governor Sebelius did learn who was being investigated, her state agencies destroyed documents that implicated Planned Parenthood.

In response to the investigation, Planned Parenthood went on the offensive. They filed over 200 ethics complaints against him, causing him to incur staggering legal fees defending himself. Eventually, the attacks on Mr. Kline and on his family for simply doing the job he had been elected to do became increasingly ugly—and not just ugly, but personal and even dangerous: “The Kansas City Star portrayed me at me in the grocery store. My daughter was simply doing the job she had been elected to do became increasingly ugly—and not just ugly, but personal and even dangerous: “The Kansas City Star portrayed me as a child molester in an editorial page cartoon with my hand up a little girl’s skirt saying I was invading their rights. The effort became so aggressive to smear me that my wife was followed for six months by media, as was my daughter. She had feces smeared in her car. We had death threats that forced us to move out of our home. I had canned food thrown at me in the grocery store.
Should doctors be forced to kill?

Fifty years ago, doctors would have been excommunicated professionally for assisting a patient’s suicide or performing a non-therapeutic abortion. After all, the Hippocratic Oath proscribed both practices, while the laws of most states made them felonies.

My, how times have changed. Today, abortion is a national constitutional right, and two states have passed laws legalizing doctor-prescribed death. Meanwhile, destroying human embryos may become the basis for cellular medical treatments and people diagnosed with a persistent vegetative state could, one day, be killed for their organs—a proposal often made to alleviate the organ shortage in some of the world’s most notable bioethics and medical journals.

With life-taking procedures threatening to become as much a part of medicine as life-saving techniques, a cogent question arises: What about the rights of doctors, nurses and other medical professionals who believe in traditional Hippocratic ethics? Increasingly those who do are castigated as interfering with “patient rights.” Indeed, medical professionals who wish to:

1. refuse to perform abortion procedures or treatments because of a refusal to perform, accommodate, assist or submit to the performance of a medical procedure that violates their conscience.
2. refuse to provide information about such procedures or treatments.
3. refer a patient to a doctor willing to provide such care.

That decision is relevant to whether medical professionals can be forced to participate in the taking of human life. Here’s how: Washington legalized physician-assisted suicide in 2009. Thus, under the terms of the Stormans case, all pharmacies would be required to knowingly dispense death-causing drugs for use in legal assisted suicide. (Washington regulators are rewriting the regulation, which is, for now, suspended. But the appellate court’s reasoning remains the law throughout the Ninth Circuit.)

The increasing hostility to medical conscience rights was demonstrated vividly by the furor unleashed after the Bush administration promulgated a rule explicitly protecting health care workers from workplace discrimination if they refuse to participate in a medical procedure that violates their conscience. Several medical associations objected. So did some medical journals. For example, an editorial in the April 9, 2009 New England Journal of Medicine urged revoking the Bush rule, stating, “health care providers—and all those whose jobs affect patient care—should cast off the cloak of conscience when patients’ needs demand it.”

Unsurprisingly, the mainstream media jumped with both feet into the anti-conscience bandwagon. The New England Journal of Medicine urged the Bush protections didn’t last long. One of the new Obama administration first official acts began the process of revoking the Bush rule, which fell last February—although some aspects of federal law still protect against forced participation in abortion.

It is becoming increasingly clear that medical professionals who wish to:

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What about the rights of doctors, nurses and other medical professionals who believe in traditional Hippocratic ethics? Increasing those who do are castigated as interfering with patient rights.

In the face of such implacable opposition, the Bush protections didn’t last long. One of the new Obama administration first official acts began the process of revoking the Bush rule, which fell last February—although some aspects of federal law still protect against forced participation in abortion.

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continue in the Hippocratic tradition will face increasing pressure to yield their consciences to the desires of patients and the reigning moral cultural paradigm. The question thus becomes what to do about it.

Ironically, some in Europe have already begun the task of protecting medical professionals who don’t want to kill. The Council of Europe recently passed “The Right to Conscientious Objection in Lawful Medical Care,” which states in part:

No person, hospital or institution shall be coerced, held liable or discriminated against in any manner because of a refusal to perform, accommodate, assist or submit to an abortion, the performance of a human miscarriage, or euthanasia or any act which could cause the death of a human foetus or embryo, for any reason.

This is the exactly right approach. We live in an increasingly morally polyglot society about matters of life, death and the overarching purposes of medicine. Death-causing procedures—or treatments derived from the destruction of human life—may well become more widely and legally available in the coming years. But just because something is legal, that doesn’t mean it is right. The time has come for Congress and state legislatures to follow the lead of the Council of Europe and pass strong laws protecting medical conscience. Doctors, nurses, pharmacists and other medical professionals should not be forced to comport their professional conduct with the lowest common ethical denominator.

[Wesley J. Smith is a senior fellow at the Discovery Institute’s Center on Human Exceptionalism (discovery.org), a consultant to the Patient’s Rights Council, and a special consultant to the Center for Bioethics and Culture (thecbc.org). This article was originally published at The Daily Caller (Dec. 16, 2011) and is here reproduced by kind permission of the author. The article may be found as originally published at http://dailycaller.com/2011/12/16/should-doctors-be-forced-to-kill/. Mr. Smith’s blog, Secondhand Smoke, has been relocated to the blog pages on First Things web site: http://www.firstthings.com/blogs/secondhandsmoke]
People v. White (Birmingham, Ala.)—Clinic director attempted to dispense pro-life sidewalk counselors by directing a high pressure sprinkler nozzle into their faces, injuring White's eye and damaging other property. White was charged with assault after attempting to prevent further use of sprinkler as weapon.

Colantona v. College of Alameda (Calif.)—Pro-lifers arrested for trespassing on a public college campus. College of Alameda administrators told the police that they did not approve of the Survivors' signs and literature and therefore they wanted the group removed from the campus. Three activists spent twelve hours in jail before being released. College desires to settle case without formal civil complaint being filed. College imposed new speech policy. Plaintiffs are awaiting settlement proposal from Peralta Community College District. The District is awaiting Board approval of the newly drafted free speech policy.

Fairbanks v. Planned Parenthood (Ohio)—Lawsuit filed alleging that PP violated Ohio law by their failure to report the sexual abuse of minors. The suit alleges that Fairbanks was brought to PP by her father, who had been sexually assaulting her since she was thirteen. He sought an abortion for his daughter at PP to stop the sexual abuse and resulting pregnancy. Although minor attempts to tell PP personnel of abuse, they ignored her and failed to report, allowing abuse to continue. PP's motion to dismiss some of the claims is pending. Trial set for May 2012.

Hope v. Oakland—Federal constitutional challenge to Oakland “Mother May I” ordinance restricting speech outside abortion clinics. Following initial successful challenge, city passed amended ordinance, prompting a second challenge. City’s motion to dismiss denied. Motions for summary judgment heard June 26. On August 4, federal district court judge Charles Breyer ruled Oakland’s “Mother May I” ordinance unconstitutional. The case was appealed to the Ninth Circuit. Victory! Ninth Circuit held the city’s enforcement policy to be content-based and therefore unconstitutional. The Court also held that escort misconduct could be a basis for holding the law unconstitutional as applied, if the Ordinance, in conjunction with such misconduct, effectively prevented communication with patients. The case was remanded to district court for further proceedings, including Hoye’s motion for attorney fees.

Louisiana v. Garcia, et al. (La.)—Pro-lifers arrested for trespassing on a public college campus for allegedly refusing to leave property after being ordered to do so by an officer. Victory! Criminal charges dismissed.

People v. Brock (Glendale, Calif.)—Pro-life activist Ronald Brock convicted of violating the city ordinance prohibiting “mobile billboard advertising.” Brock travels around the United States displaying the truth about abortion on signs affixed to his motorhome. Appeal filed and briefed, 2012. Decision pending.

Pollan, et al. v. Warren County Montgomery County Community College District et al. (Dayton, Ohio)—Pro-lifers arrested for for attempting to enter public college campus and arrested and jailed on charges ranging from disorderly conduct to trespass to felony assault on a police officer. Grand jury convened on felony charge, but refused to indict. Civil suit filed.

People v. Weinman (Jackson, Miss.)—Pro-life picketer convicted of violating local sign ordinance. Appeal briefs filed and arguments pending.

Planned Parenthood v. Goddard (Ariz.)—Arizona abortionists and abortion facilities (including Planned Parenthood) filed two separate lawsuits, one in state court, one in federal court. The suits sought to enjoin common sense laws related to informed consent for abortion, parental consent for minors, and health care rights of conscience. LLDf and allied attorneys represent intervenors defending the law. Victory! Court of appeals reversed, finding the laws constitutional, and PP did not appeal.

Holden v. U.S. v. Hamilton (Ky.)—Civil lawsuit for damages, penalties, and, injunctive relief pursuant to FACE brought against sidewalk counselor who moved escort’s arm out of his way in order to hand leaflet to patient. Escorts were locking arms on sidewalk to block sidewalk counselors. Discovery is proceeding, and trial has been set for January 2013.

Concerned Citizens of San Mateo County v. Redwood City (Calif.)—Administrative appeal filed against granting of conditional use permit to PP in Redwood City. City responded by asking for further information from PP. Appeal is deferred pending PP’s response. Victory! Planned Parenthood withdrew its application and abandoned plans to open a clinic at that location.

San Francisco v. Fox—Pro-life picketer_sidebar counselor with violation of local bubble ordinance. No charges filed.

Phil Kline—Former Kansas Attorney General accused of violating state ethics rules while investigating abortion providers. As District Attorney, Kline filed “107 criminal charges against the Planned Parenthood clinic in 2007, accusing them of performing illegal abortions and falsifying records. Kline is the only Attorney General/pro secutor ever to obtain abortion records and formally charge both George Tiller and Planned Parenthood. Claiming political motivations, Kline filed exceptions to the findings of fact and will file brief on May 15th, 2012.

Astrue, Dept of Social Security v. Capato—Amicus brief filed in in-vitro fertilization case before the US Supreme Court in an effort to draw attention to the dangers inherent in modern reproductive technologies like IVF.

U.S. Department of Health and Human Services v. Florida—Amicus brief filed in Florida’s challenge to the Patient Protection and Affordable Care Act (Obamacare), drawing Court’s attention to a hidden “abortion premium mandate” that many individuals who object to funding abortion will be forced to pay through their employer’s insurance companies. LLDf, along with other pro-life legal groups, on behalf of American College of Pediatricians, Christian Medical and Dental Associations, American Association of Pro-Life Obstetricians and Gynecologists, Catholic Medical Association, et al. The lower court characterized Obamacare as “an unprecedented exercise of congressional power.”


Mr. Kline noted that while the pro-life community has focused its efforts on getting pro-life legislation passed, it has done little about enforcement of those laws. Emphasizing the practical lesson to be learned from his story, he called to his audience’s attention the importance of the office of prosecutor: “There is more power in the office of prosecutor than virtually any other office in America.” Comparing his experience as legislator with that as attorney general, he said, “When I became attorney general for the State of Kansas, I learned that I didn’t have to count votes. I decided. I decided.” He urged his listeners to “be mindful of those who would ask for your support for the office of district attorney, because I can tell you that across the nation they are looking the other way.”

While Mr. Kline may have been defeated politically by Planned Parenthood and its allies, he is unbowed. His battle is not over. He appears to have emerged from the crucible into which his clash with Planned Parenthood and its political allies cast him no worse for the experience—if anything, even more committed to the cause of justice for all human life. And he retains optimism, clearly rooted in his faith, that “justice shall prevail, for its origin is the Author of Truth.”
These activities do not cause a "physical obstruction" making ingress to or egress from the facility impassible or rendering passage to it difficult or hazardous). Moreover, as noted, §2715(d)(5) of the act states expressly that "nothing in it shall be construed or interpreted to prohibit expression protected by the First Amendment." Ironically, the law that expressly provides for pro-life free speech activities is now being wielded as a sword by an extremely hostile President. Why? Because the real threat to the abortion industry is the life saving message of peaceful sidewalk counselors handing out literature to women before they enter the clinic. For every woman who turns around, the abortion industry loses money. So under the Obama administration, which is committed to protecting Planned Parenthood and the rest of the abortion industry, the target of this legislation includes the middle-aged woman or retired man who faithfully convened a meeting of the National Task Force on Violence Against Reproductive Health Care Providers. As a result, the DOJ began conducting nationwide FACE Act trainings in collaboration with its regional offices, local law enforcement agencies, Planned Parenthood, and other abortion rights groups. Immediately following the Task Force announcement and trainings, several peaceful pro-life sidewalk counselors came under investigation. And, in less than three years since the task force declared war against the prolife movement, the Department of Justice has filed nine civil lawsuits under the Freedom of Access to Clinic Entrances Act, a statute its representatives touted before the Senate Judiciary Committee last year.

At the start of 2012, there were six active cases that the DOJ was still pursuing against pro-life advocates. In all of the cases, the government's primary goal is seeking a permanent restraining order against the peaceful sidewalk counselors to keep them away from the abortion clinics, thus effectively silencing their message of help to women in need. What the DOJ did not anticipate is the efforts of pro-life attorneys to come to the defense of the life champions on the front lines. The legal battle lines have been drawn, and we are fighting for truth, freedom, and life.

For example, in June 2011, the government filed suit against Ken Scott (U.S. v. Scott; 1:11-cv-01430-PAB), claiming among other things that in August 2009, he approached vehicles in an effort to speak with drivers as they entered the parking lot of an abortion clinic. Scott's attorneys maintain that in some instances the vehicles stopped voluntarily and in other circumstances they were able to easily pass after Mr. Scott walked past the driveway. The DOJ sought a preliminary injunction against Scott to preclude him from continuing to use these constitutionally protected free speech activities pending the outcome of the case. After a lengthy hearing in which witnesses from both sides testified, a federal judge denied the government's request, concluding that the DOJ was not reasonably likely to prove the allegations at trial.

In the cases of Holder v. Hamilton (1:10-cv-00759-JBC) and U.S. v. Parente (2:11-cv-01420-DSC), the DOJ claims that Mr. Hamilton and Ms. Parente physically struck individuals who were purportedly escorting women into abortion clinics. Interestingly, in neither case has the government offered any proof that the "escorts" were in any way involved in providing reproductive healthcare services, as is required under the statute. Both Ms. Parente and Mr. Hamilton adamantly deny the allegations and will fight to protect their right to peacefully hand out literature on the public sidewalk in front of abortion clinics.

The government isn't backing down yet. In addition to seeking a permanent restraining order against the prolife advocates, the DOJ is asking for stiff penalties for these purported FACE Act violations, in the form of outrageous fines and statutory "damages" in excess of tens of thousands of dollars. But, the pro-life defendants have learned, these fines are negotiable in exchange for a promise to stay away from the abortion clinic. Yes, that's right: the government is willing to forego the financial penalty if the prolife advocate is willing to give up his or her constitutional right to free speech.

The message the Justice Department is sending by demanding these exorbitant fines from peaceful sidewalk counselors is clear: this is government sanctioned extortion.

Quite possibly the most egregious mischaracterization of facts and abuse of power is the case against 11-year-old Richard Retta. Mr. Retta has been a target of legal persecution ever since the task force declared war against the pro-life movement. Mr. Hamilton and Ms. Parente physically struck individuals who were purportedly escorting women into abortion clinics. Interestingly, in neither case has the government offered any proof that the “escorts” were in any way involved in providing reproductive healthcare services, as is required under the statute. Both Ms. Parente and Mr. Hamilton adamantly deny the allegations and will fight to protect their right to peacefully hand out literature on the public sidewalk in front of abortion clinics.

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On one occasion, a young girl left the clinic and approached Retta for help. The escorts were so outraged that they grabbed her arm and physically struck individuals who were not let the escorts force her to have an abortion. No good deed goes unpunished. For this act of courage and attempt to save a woman from what appeared like a forced abortion, Retta is now being prosecuted by the DOJ.

But just as the Bible states, their evil intentions will be exposed when light is shed upon them. The same is true of the Justice Department’s overzealous and merciless prosecution of protesters under the FACE Act. In January, a federal judge dismissed the FACE suit against Mary Susan Pine of Florida. Stunned the DOJ, the judge in the Pine case declared, “The Court is at a loss as to why the Government chose to prosecute this particular case in the first place.” “The Court can only wonder whether this action was the product of a concerted effort between the Government and the PWC [Presidential Women’s Center], which began well before the date of the incident at issue, to quell Ms. Pine’s activities rather than to vindicate the rights of those allegedly aggrieved by Ms. Pine’s conduct,” Judge Ryskamp remarked. Remarkably, in the face of this rebuke, the DOJ is appealing the dismissal.

One has to wonder what the motivation is behind the FACE prosecutions referenced above. The DOJ is currently keeping a tight lip about its contacts with local law enforcement officials and its communication with abortion providers in connection with the active FACE cases. What do they have to hide? Is the truth really as Judge Ryskamp observed, that the DOJ is in bed with the abortion industry and its intent is to suppress the pro-life message? The truth is being revealed.

The recent surge in FACE prosecutions is not about physical safety or access to clinics. As Troy Newman, Director of Operation Rescue, recently commented on the threat to sidewalk counselors, “It’s really a political tool to shut them up, shut them down, and make them go away.” But the DOJ has underestimated the commitment of these pro-life champions, and LLDF is proud to stand with them as they face down the DOJ and continue to advocate for the life of the unborn.

The possibility that the DOJ is willing to forego the financial penalty if the pro-life advocate is willing to give up his or her constitutional right to free speech, would reward the liars with a monetary windfall if called to account in court for their lies! Incredibly, this cynical view of the new law gained traction in many lower courts in Illinois before the Illinois Supreme Court roundly rejected it. SLAPP suits, according to our high Court’s ruling, are only those brought by persons whose real interest is only to harass their opponents, not to secure judicial relief to which they are entitled under the law. So, the libel case brought by Eric and the League has been given new life. While it had been regarded as a ticket to bankruptcy court, given the adverse interpretation of the SLAPP law, now it seems once again to afford a path to justice. Why? Because Eric and the League has been given new life. While it had been regarded as a ticket to bankruptcy court, given the adverse interpretation of the SLAPP law, now it seems once again to afford a path to justice.

More information about current FACE cases may be found at http://lldf.org/FACE

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Life Legal defends the defenders of life to save innocent lives and prevent women from suffering as Julia Holcomb has. God has used Ms. Holcomb’s tragic experience for good (Romans 8:28). I pray that all those who have had abortions or have participated in any way in an abortion procedure may find in my story, not judgment or condemnation, but a renewed hope in God’s steadfast love, forgiveness and peace.

Marriage and the family are the building blocks of all virtuous societies. I pray that our nation may find its way back to God’s plan by respecting the life of unborn children and strengthening the sanctity of marriage.

Details to follow at lldf.org soon.