

Draconian protest law protects abortion

by Linda Everett

On May 26, a misguided President Clinton, speaking of the need to give federal protection to both women who seek abortions and to the doctors who perform them, signed into law a federal bill that promises to freeze the right of American citizens to demonstrate their opposition to the 1.6 million abortions performed in the United States every year. The Freedom of Access to Clinic Entrances Act (FACE) is the product of furious lobbying on Capitol Hill about the alleged violence perpetrated against abortion clinics and their staff. The FACE Act violates the First Amendment rights of abortion protesters by making most protest actions outside clinics a federal crime.

The bill establishes “federal criminal penalties for violent, threatening, obstructive and destructive conduct intended to injure, intimidate, and interfere with persons seeking to obtain or provide reproductive health services.” Now, every jurisdiction in this country already has laws that prohibit *harassment* (use of words, gestures, and actions which tend to alarm, annoy, or abuse verbally another person, such as anonymous late night calls); and *intimidation* (unlawful coercion, extortion, duress, or causing fear of bodily harm in another); *assault* (willful attempt or threat to inflict injury upon the person of another or intentional display of force in which victim fears bodily harm—assault may be committed without actually touching or doing bodily harm to another); and *murder*. Instead of enforcement of these existing measures, the FACE bill aims to intimidate tens of thousands of people who have peacefully picketed or held silent vigils for nearly two decades outside abortion clinics.

The authors of one version of FACE sought to penalize first-time, non-violent civil disobedience offenses, such as lying down in front of an abortion clinic doorway, with a maximum fine of \$100,000 and one year imprisonment for the first offense, and \$250,000 and three years for subsequent offenses. The final compromise bill lowered the fines, but still levies penalties of up to \$10,000, and/or six months in jail, for the first non-violent offense; and up to \$25,000, and/or three years imprisonment, for a second offense. Violators who cause bodily injury face imprisonment up to ten years, or, in case of death, up to life.

FACE now lets accusing abortionists or victims of alleged illegal conduct to personally sue and collect large monetary damages from protesters, forcing loss of their homes or businesses, or, in the case of church participation, loss of

church/parish property. New civil remedies award victims temporary or permanent injunctions, compensatory and punitive damages, the costs of a suit, and legal and witness fees. The bill claims not to ban activities protected by the First Amendment free speech clauses, yet those involved in any activity considered “intimidating,” such as prayer, can be slapped with suits or outrageous fines—like the \$1 million in punitive damages a Houston court ordered three protest groups and their leaders to pay to a Texas Planned Parenthood. Under this law, sidewalk counseling, where individuals offer women medical help or a home, can be interpreted as “interfering” with a person seeking services.

One Florida protester who brought her case, *Madsen v. Women’s Health Center, Inc.* before the Supreme Court, is fighting restraining orders that forbid protesters to walk or leaflet on public sidewalks within a 36-foot buffer zone around a clinic. It gets nuttier. No displays of anti-abortion literature are allowed within sight of the clinic. No one with “pro-life” beliefs can approach patients within 300 feet of the clinic. In April, a Colorado court upheld a law that bans approaching within eight feet of a person who is within 100 feet of the entrance to a clinic for purposes of engaging in oral protest, education, or distributing printed material.

Where will it end?

Where will it all end? Last year, *EIR* reviewed Jack Kevoorkian’s plan for obitoriums or clinics where lethal injections are administered to patients exercising their “right” to suicide. Once Dr. Death’s clinic franchises are set up nationwide, will the same congressmen behind the FACE Act come out and demand new laws to protect brainwashed patients from family members and protesters, who, remembering Hitler’s extermination camps, try to save them from Nazi euthanasia? Why would Congress pass a law that Rep. Jim Bunning (R-Ky.) says, “will make an individual’s pro-life convictions a thought crime”?

It’s likely this law has more to do with curtailing increasing public outrage, beyond the traditional anti-abortion movement, against the neo-malthusian choice of abortion as a budget-cutters’ tool. Consider how our state welfare reform laws increasingly mirror China’s one-child-only policy: Some states now deny assistance to children born while a parent is on welfare. Adolescents and teens are increasingly manipulated by school counselors into “empowering” themselves by having abortions as a means to break out of poverty or welfare. Health insurance companies, health maintenance organizations, and state health reform policies also follow China’s new eugenics policy—families are ruthlessly pressured to end a pregnancy rather than give birth to a child suspected of having a costly medical condition. As the economy collapses, such coercive policies are likely to increase—along with public outrage. It appears the only thing the FACE Act “protects” are the hides of those officials who would rather not face it.