

Late-Term Abortion Protester Wins First Amendment Case

The City of Chicago on Wednesday dismissed its case against Andrew Scholberg, who was arrested while standing outside Family Planning Associates, a late-term abortion facility on the north side of Chicago, for allegedly blocking access to the clinic and violating Chicago's controversial "mini-FACE" ordinance, a local version of the federal Freedom of Access to Clinic Entrances Act. The complaining witness from the clinic and arresting officer did not appear in court.

"We are pleased that the City of Chicago has dismissed these false charges against a man who was properly and legally exercising his First Amendment rights on the public way," says Peter Breen, executive director and legal counsel at the Thomas More Society. "He did nothing wrong, and was peaceful. The police commander has to stop these baseless arrests and the filing of frivolous charges."

The City of Chicago adopted both "Bubble Zone" and "mini-FACE" ordinances in late 2009. The "mini-FACE" ordinance mimics the language of the federal FACE statute, and a guilty verdict under the City's "mini-FACE" ordinance could give rise to a federal civil action for fines of \$10,000 and permanent injunctions against pro-life activity outside a particular abortion facility.

Chicago's "Bubble Zone" ordinance prohibits someone from approaching a person within eight feet of a local abortion clinic, and does not allow the presentation of a leaflet, sign or oral message within that space. The Thomas More Society has already won three other similar "Bubble Zone" cases in the past year and a half.