

# Late-Term Abortion Protester Wins First Amendment Case



AP Images/ Mel Evans

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.