

Pro-Lifers Arrested for Picketing in Abortion Activists' Neighborhood

On Saturday, May 18, I was arrested on Aloma Avenue in Winter Park, Fla., a four-lane highway in a residential area, and charged with "picketing where prohibited."

This is what happened.

The city of Winter Park passed an ordinance in August that appears to ban residential picketing in the city of Winter Park. At the commission meeting, Mayor Kenneth Bradley voted against the ordinance because he stated it was unconstitutional. Several attorneys attempted to enlighten the city commission regarding the errors in the ordinance. However, the city commission passed the new ordinance with one member, Tom McMacken, stating he did not care if it was unconstitutional.

The ordinance was adopted in response to a residential "Awareness Campaign" last August by a group of Christian evangelists who wanted to distribute literature and march through a neighborhood where the president and CEO of an abortion clinic lives. When the ordinance was challenged in court as written, the Winter Park city attorney explained that "picketing" is very narrowly defined in the ordinance. He said that picketing may still allow marching and speech within the buffer zones created by the ordinance. However, the attorneys challenging the ordinance *prima facie* ("at face value") argued it is still confusing as written.

There is a group of pro-life evangelists from the Orlando, Fla., area that has been trying to seek clarification of what is allowed and is not allowed under the ordinance. On Saturday, May 18, a larger group of 25 in the area of Aloma

Avenue were conducting a similar pro-life campaign as the one held last August. Some were testing various aspects of the ordinance. The enforcement has been confusing because the city's officials make contradictory statements about the ordinance. The Winter Park city attorney has stated in court that picketers could move through the buffer zone, but city police officers have stated picketers could not enter the buffer zone.

As part of my vocation as a teacher and missionary, I work as a videographer and have produced several DVD presentations and other media on a variety of topics, including the "sanctity of life" issue. I was present not as a picketer on Aloma Avenue, but as a videographer trying to bring greater awareness to this issue. I was standing with a group of three people who were arrested.

I held a video camera, professor Pat McEwen read a blue leather-bound Bible, and Cheryl Bischoff had a sign that said "Celebrate Life" with a picture of some cute babies. Whether picketers could move through the buffer zone or not, I was not in violation of the ordinance under any interpretation because I was recording the video and was not picketing. Because an attorney had already challenged the ordinance *prima facie* in a lawsuit that was dismissed in March, the picketers were seeking clarification on what the anti-picketing ordinance actually does. The reason I had a video camera was to record the various contradictory statements by the police.

The ordinance was confusing even to the SWAT team that was called out to arrest us. (Winter Park utilizes a multi-city SWAT team that is on call on weekends for various reasons.) On May 18, we were doing the same thing as on the previous occasions when the police refused to threaten to arrest anyone. This time, the police overreacted to a peaceful gathering.

The SWAT officers could not find a copy of the ordinance in

their system, which delayed our processing. They apologized for that repeatedly. One of them confided to us that he agreed with what we were doing in principle. The arrest report also contains "evidence" that does not apply to the terms of the ordinance, such as a complaint by neighbors who were not the target of any of the picketers. They also could not come up with a name for the law we violated, so they settled on "Picketing Where Prohibited."

To add insult to injury, when the charges were entered into public record at the Orange County Clerk of Courts, each of us was mistakenly charged with prostitution. This is simply beyond words. Although the mistake was cleared up in time, this false information could be viewed on the Internet at the Clerk of Courts website. The "guilt by association" has been damaging to each of us.

In short, I was merely videotaping an event to record the statements of the police to see if they could clarify what appears to be an unconstitutional ordinance. I was not picketing under the definitions stated in the ordinance. The city of Winter Park and Orange County behaved in a confused and incompetent manner. In my view, each of us was arrested even though all three of us were obeying the ordinance. I believe it was necessary to video record the challenge, and it was our right to do so under the First Amendment.