

Judge Suspects Conspiracy, Throws Out Pro-Life Persecution Suit

A federal judge has put an end to an attorney general's **political persecution** of a pro-life educator.

Attorney General Eric Holder accused educator Mary Susan Pine of violating the Freedom of Access to Clinic Entrances Act, or FACE, by obstructing the entrance to an abortion clinic.

Holder sought thousands of dollars in fines against Pine, as well as a permanent injunction banning her from counseling women on the public sidewalk outside the Presidential Women's Center (PWC) abortion clinic in West Palm Beach, Fla., where she has **faithfully ministered** for more than 20 years. Liberty Counsel successfully defended Pine.

"This is a tremendous victory not just for Susan Pine, but for the **First Amendment** and the **pro-life movement**. Attorney General Holder sought to use federal law as a billy club against pro-lifers, but received instead a clobbering from the very Constitution he had sworn to protect. Freedom-loving Americans everywhere should rejoice," says Harry Mihet, senior litigation counsel for Liberty Counsel.

In granting summary judgment, Judge Kenneth L. Ryskamp concluded that "the evidence could not lead a rational jury to find that Ms. Pine's conduct [i.e., having peaceful conversations with clinic visitors on a public sidewalk] constituted a physical obstruction within the meaning of FACE." The judge also concluded that the government lacked evidence to prove not just one, but "all three elements of its FACE claim."

Judge Ryskamp chastised Holder for seeking to apply federal

law in a clearly unconstitutional manner: “Stretching the terms of FACE to apply to this case ... so that a desire to provide people with information about alternatives to abortion constitutes an unlawful motive, would unjustifiably impinge on Ms. Pine’s First Amendment rights.”

What’s more, the federal government’s decision to prosecute Pine despite having no evidence of wrongdoing prompted Judge Ryskamp to suspect a conspiracy at the highest level of the Obama administration: “The court is at a loss as to why the government chose to prosecute this particular case in the first place,” he wrote.

“The court can only wonder whether this action was the product of a concerted effort between the government and the PWC, 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.”