

Pro-Lifers: Abortion Sign Ban Could Erode Free Speech

The U.S. Supreme Court is reviewing what could become a major First Amendment case: Should the government be allowed to forbid pro-life protestors from publicly displaying graphic images of aborted babies?

It may seem like a question only affecting pro-lifers. But some say such a ban could affect the free speech rights of all Americans.

The case involves Ken Scott and Clifton Powell, two of the country's more radical **pro-life protesters**. Scott can often be seen outside Denver's largest abortion clinic with other protesters, yelling at the clinic's workers and the women arriving for abortions.

The protesters often display posters of what they consider the most horrifying of acts: killing innocent unborn babies.

At one demonstration, Scott's attorney, Rebecca Messall, told CBN News, "The signs here portray the results of abortion, and that's why the protests exist: because it's the taking of a human life in a very gruesome and gory way."

Scott spoke as women drove into the clinic's parking lot just a few yards from him and the large posters. "A picture's worth a thousand words," he said, "and it shows the truth."

Authorities haven't stopped Scott, Powell and other pro-life protesters from displaying their posters outside the **Planned Parenthood** facility.

But the two men ran afoul of the law several years ago when they protested outside a Denver church they believe works closely with Planned Parenthood.

The men displayed huge posters of aborted babies and shouted at church parishioners, many of them children, as they marched outside the church, memorializing Christ's processional through the streets of Jerusalem.

The church sued and Denver Judge John McMullen slapped an injunction on displaying the posters at future such events.

The judge said the images caused "psychological harm" to children, including the pastor's daughter who'd been in the processional.

McMullen wrote, "Reverend Carlsen's daughter, age 7 ... buried her face in a hymnal as she passed the protestors and was still upset about the posters I've described several days later."

Every Colorado court concurred with his ruling.

"I'm a parent. I don't want my children to be disturbed and upset," UCLA Law Professor Eugene Volokh told CBN News.

Supreme Court Petition

Still, Volokh petitioned the Supreme Court to review the case and declare the **First Amendment** protects showing even these gruesome images.

"If you allow courts to restrict speech simply because there's some evidence that some children are upset and disturbed," Volokh said, "and in the court's view that's tantamount to psychological harm, that would allow restriction on a vast range of speech that needs to remain constitutionally protected."

Eric Scheidler, head of the Chicago-based Pro-Life Action League, often leads protests in the Midwest and uses posters of aborted babies.

"Sure the signs are gory. Children will see things like that-roadkill and so forth. They get over it very quickly,"

Scheidler said. "It's the adults who can't get the image out of their mind because they know this represents a great injustice being perpetrated against unborn children, 3,500 times every single day."

Can anyone really be psychologically harmed from seeing an image? How do you prove that? And to gain a measure of protection from these images, what freedoms do we lose?

"Everyone should be concerned because this is about liberty," Volokh insisted. "The question is whether the government can use the force of law to restrict display of these images anywhere that children might be present."

Colorado Court of Appeals

The Colorado Court of Appeals certainly saw it that way, writing, "We recognize the presence of a compelling governmental interest in protecting children from disturbing images."

But Scheidler believes such images could change a nation's heart. "These signs convey the injustice of abortion," Scheidler said, "what abortion does to its unborn victims, like nothing else can. And so we absolutely must show these pictures."

"Gruesome images are the result of what many people see as gruesome deeds," Volokh added.

The law professor says gruesome photos helped end lynching of African-Americans and made the Holocaust real to a shocked world.

"Photographs of the dead and the near-dead from the concentration camps were very important in getting people to fully understand what it is that happened there," Volokh stated.

"Again and again in American history, injustice has been

brought to an end when people saw the victims of that injustice,” Scheidler insisted. “That’s what we’re trying to do with these signs.”

Changing Women’s Minds

Scott says he shows the images because he’s seen them change the minds of women headed for abortions. “Fifty percent says it’s because they saw the picture,” Scott shared.

Volokh says the First Amendment protects a potentially unpopular minority’s messages from the majority who might be angered or offended.

“But others might look and say ‘Wow, this really reaches me. Now that I see this image, I think I understand the underlying message these people are trying to send,’” he added.

“Yes, this message about what abortion does to its victims is an uncomfortable message,” Scheidler admitted. “But if you can censor this message, then you can censor any message, ultimately, any message that people aren’t comfortable with and just don’t want to see.”