

Greater Columbus  
**Right to Life**  
Growing a Community of Life

July 6, 2016

Dear Friends,

I would like to thank all of you who signed postcards, sent emails, made phone calls, and showed up in person to oppose the Columbus proposed, amended, and enacted municipal ordinance 1458-2016. With your help, we were able to generate an estimated 10,000 postcards, 2500 letters, and hundreds of phone calls and emails to City Council and the Mayor's offices. More than 1300 individuals signed our online petition, the majority of whom live or work in the City of Columbus. It is without a doubt true that this tremendous and unprecedented grassroots turnout of pro-life activists was heard by Columbus City Hall and is directly responsible for the amendments to the ordinance. ***After much consideration, it is our opinion that while the as-amended ordinance enshrines an unjustly pejorative opinion of pro-life activity in the Columbus City Code, the final language is little more than a restatement of already illegal activities combined with an enhanced penalty for already illegal behavior when conducted knowingly within fifteen feet of an abortion clinic. As such, while we object to using city ordinances as a public relations stunt for abortion activists, we do not anticipate that any Greater Columbus Right to Life activities and volunteers will be infringed upon by a just and unbiased interpretation and enforcement of the law. For that reason, we do not currently anticipate needing to file legal action against the city code. We will continue to pursue our complaint against shameful and slanderous statements by a member of the Columbus Police at a Council hearing.***

We have prepared general guidance for our volunteers and other interested parties who wish to better understand the exact details of the new law, which will go into effect on July 21, 2016. If you recall, our response to the proposal was always that the proposed ordinance was a combination of already illegal behavior and the new, vague, and ambiguous crime of "annoying and inconveniencing" someone within fifteen feet of the property line of an abortion clinic. Our response was that the first part was unnecessary and redundant and the second part unconstitutional. We referred to existing laws such as the FACE Act (federal law prohibiting blocking clinic entrances), state and local assault laws, and even the existing Columbus disorderly conduct statute. We also pointed out that as no legitimate pro-life organizations and activists were violating these laws, the efforts of City Council and the abortion industry were to enshrine in law the crime of annoying and inconveniencing abortion clinic owners, employees, and even patients. Again and again, the ordinance's sponsor, Councilwoman Elizabeth Brown, and proponents indicated that the law was necessary because existing laws did not provide law enforcement the tools necessary to stop dangerous and threatening behavior and because clinic patients did not want to come forward with complaints. They assured us that their intent was that

their original proposal was broad enough to resolve these specific problems, but sufficiently narrow to ensure that it would not infringe upon the ability of peaceful pro-life individuals to pray, sing, and even sidewalk counsel. As we continued with our outreach efforts, attorney after attorney sided with us – including an unlikely supporter, the ACLU of Ohio. We were also joined in support by other local, statewide, and national pro-life organizations, and churches and pastors from many different faiths. It should be noted that we are especially thankful that the Diocese of Columbus shared our action alert widely and was an active and engaged opponent.

Many of you have heard the saying that in politics, you must “dance with them that bring you.” It appears as though City Council was indeed dancing with their friends in the abortion industry, because rather than accept that we were correct that the first part of the proposed language duplicated existing law and the second part was unconstitutional, they forged ahead with a fix that has every earmark of politics rather than good policy. It was well within the power of City Council to accept this reality, call on the police to enforce existing laws in any instances of bad actors or bad actions, and table the proposal indefinitely. However, for whatever reasons – politics, ego, or even the upcoming referendum on the way that Columbus City Council is elected, City Council amended the proposed municipal ordinance to remove the references to “annoying and inconveniencing.” In its place, they referenced the existing Columbus City ordinance on disorderly conduct. As amended, the bill would increase the penalty for engaging in disorderly from a 4<sup>th</sup> degree misdemeanor to a first degree misdemeanor, if it can be proved that one was “knowingly” engaged in disorderly conduct within fifteen feet of an abortion clinic.

It is worth noting that disorderly conduct is one of the crimes that we pointed to from the beginning as an existing law that 1: already applied uniformly across the city, and 2: no pro-life volunteers were being cited for violating. Moreover, city-wide the legal standard for violating the disorderly conduct statute is “recklessly.” [Columbus City Code](#) provides definitions for both knowingly and recklessly in city code as follows:

*A person acts knowingly, regardless of his purpose, when he is aware that his conduct will probably cause a certain result or will probably be of a certain nature. A person has knowledge of circumstances when he is aware that such circumstances probably exist.*

*A person acts recklessly when, with heedless indifference to the consequences, he perversely disregards a known risk that his conduct is likely to cause a certain result or is likely to be of a certain nature. A person is reckless with respect to circumstances when, with heedless indifference to the consequences, he perversely disregards a known risk that such circumstances are likely to exist. (Ordinance 2301.22)*

Without delving too deeply into the legal weeds, the standard of “knowingly” is a more stringent requirement than the “recklessly” under existing law. City Council and proponents of the ordinance have essentially made the following argument, “because it has been too difficult to prosecute pro-life advocates under existing laws, we are going to enact a new law that references existing laws but that requires a higher burden of proof if the violation occurs abutting an abortion clinic.” If there were a legitimate policy and public safety issue at Columbus clinics that could not be addressed under existing law, City Council’s enacted ordinance would be absurd and useless. As a political and public relations matter, they have temporary and minor victory, but pro-life activists have long realized that we are in it for the long-haul.

There are, however, two caveats to our analysis that there is nothing of real concern in the enacted language. The first is that pro-abortion individuals and politicians are certainly hoping that the threat of the new law will keep people away. Regrettably, we have already seen this happening to some degree. Uncertainty and respect for the laws of our community have kept a few away in the past two weeks, and we fear it will continue to keep some people at home. It should not. I would strongly ask that you review our analysis of the proposal and continue to come out, boldly and lovingly, to stand as witnesses to the truth. Indeed, we would invite anyone who stood with us in the defense of the right to a prayerful and peaceful presence outside of Columbus clinics to join us in the exercise of that right. We could use some extra help this summer! The second caveat is the assumption that Columbus City Police officers continue to uphold the law without bias and in the interest of public safety. We have every reason to believe that this will be the case, but if it is not, then we will respond quickly and strongly. With rare exception, our interactions with Columbus police have been respectful and fair, which we anticipate will continue.

For now, we will continue to monitor the recently amended language as well as its enforcement. If the language is interpreted in such a way that it is used to prosecute or persecute peaceful and prayerful, pro-life activity, we will immediately re-engage our coalition and take the necessary steps to protect our volunteers, our work, and the unborn.

Thank you again for your prayers, your activism, and your involvement. If there has ever been a time to recognize and be grateful for an organization like Greater Columbus Right to Life and to remind our friends that we are truly unique in our ability to educate, equip, and engage our community, it has played out in the past month. Someone recently likened this fight to a David and Goliath battle against the combined efforts of City Hall, Planned Parenthood, and NARAL. With only one full-time staff person, a handful of dedicated volunteers, and the combined efforts of thousands of friends and supporters in the Central Ohio region we made a huge difference.

This has taken a considerable amount of our time, energy, and financial resources that we could not have anticipated or budgeted just one month ago. Unlike City Hall, which is funded by the taxpayers of Columbus, and Planned Parenthood, which receives considerable taxpayer financed support and is suing to continue receiving your tax dollars, we are entirely dependent upon your support. [We are asking each person who joined us in this effort to make a donation of \\$14.58 in protest of municipal ordinance 1458-2016.](#) For less than \$1 per foot of the bubble zone they attempted to enact, you can help us pay for the costs of this expedited campaign, help us share our resources with pro-life groups in other Ohio communities that anticipate similar legislation, and - most critically - help us prepare for the next assault on the work that we do, which we have been warned is coming.

Always for Life,

Beth Vanderkooi  
Executive Director  
Greater Columbus Right to Life