

January 24, 2005

Testimony in opposition to HB 324

Mme. Chair, Members of the Committee:

For the record, my name is Eric Schiedermayer. I represent the Montana Catholic Conference, the voice for Montana's two Roman Catholic bishops in the state legislature, who in turn are the spiritual leaders of some 140,000 Montanans.

"Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble..." I'm sure you all recognize that as the opening of the first amendment to our U.S. Constitution – our Bill of Rights.

Make no mistake, even the most liberal and progressive lawyer in the country will agree that this bill IS a restriction on both the free exercise of religion and of free speech. And while it's true that the U.S. Supreme Court has ruled that IF the state has a compelling interest to do so, it CAN override even our first amendment rights, such a compelling interest does not exist at this time in the state of Montana.

The pro-life activities that take place in Montana are peaceful and prayerful. Typically, such activities involve a couple of people praying on the public sidewalk near an abortion provider with a handful of flyers that they hold out to women as they pass by to enter the clinic. Nobody's access is obstructed, and no violence is done. To be honest, even such protests are few and far between. Almost nonexistent these days is the other form sidewalk protest, a form wherein a Church actually organizes a prayer vigil and a larger number of people show up to protest the killing of unborn children. While the presence of a large group of people praying might be disconcerting to those operating the abortion clinic, these situations too are almost universally peaceful and inoffensive.

For what purpose does the bill threaten fines of up to \$1000 and 6 months in jail for first time offenders who pray within 36 feet of an abortion facility? To prevent terror and intimidation? The law already penalize such wrongful activities. The "Freedom of Access to Clinic Entrances Act of 1994" clearly protects against obstructing access to abortion clinics, and I have a simple question-and-answer handout regarding this act for the committee.

This bill looks identical to a bill introduced last session, a bill which the Senate Judiciary committee had the good sense to leave tabled. But here it is again. What's the motivation behind this legislation? Why does it keep popping up? Has anybody been violently prevented from entering an abortion clinic in Montana during the past two years? No. Obviously, someone has another agenda.

This bill is aimed at squelching any remaining pro-life activism, no matter how peacefully conducted. To claim anything else is completely disingenuous. In 2000, Supreme Court justice Scalia described such bubble laws as one of the more "aggressively pro-abortion novelties announced by the court in recent years."

Abortion is big business, and no Montana law requires its providers to tell their clients about fetal development, crisis pregnancy centers, the large number of families eagerly waiting to adopt a child, and the long-term negative impacts of abortion on the women's lives. It is a fact that many women walk into abortion clinics not knowing the facts or the ramifications of what they are about to do. And *that's* why this bill keeps coming up session after session. Abortion providers do not want women to know the facts or really consider their choices. They want to permanently silence anybody who dares to oppose them. No hard feelings really, for them it's just business.

I urge you to consider the constitutional ramifications of this bill, and to reject this attempt to criminalize free speech. Those who themselves reject violence as an answer to the violence of abortion, and who stand peacefully to pray and persuade others to choose life, should not suffer the penalties this bill proposes or be forced to give up their constitutional rights.

Finally, do we have to continually waste time rehashing the demands of special interest groups every session? Don't we have better things to be spending our time on? Yes. Is violence at abortion clinics a problem in Montana? No. I urge you to table this and devote your energies to something that makes a difference to your constituents, something that will help make Montana an even better place to live and raise our families.

Respectfully submitted,

Eric Schiedermayer
Executive Director, Montana Catholic Conference