

Dallas Erickson Testimony  
HB 324  
House Judiciary Committee  
January 24, 2005

Madam Chair and Members of the Committee,

I am Dallas Erickson and I represent Montana Family Coalition. We ask you to table this bill as a violation of First Amendment rights and for being vague and ill defined.

This is a bill to protect a company that deals in killing the unborn. Planned Parenthood is a company that derives it's income from enticing pregnant women into abortion clinics who have the false impression that the little movement or little bulge in the womb is nothing but a piece of tissue to be discarded at will. That is really something coming from a people that used to be that "piece of tissue." We all used to be in that form and I dare say that if any one of us would have been aborted we would not be here today.

It is amazing to me that the Montana Education Association can't figure out where all the children are that used to populate our schools. They apparently didn't learn math in school. If you abort one of the students that would have been in the school then you will have an empty seat later. A study would indicate that a good majority of the numbers of students that are missing from our schools can be accounted for if the abortions were tallied up.

This bill purports to guarantee safe access to an abortion clinic. It does no such thing when two people go in only one comes out of an abortion clinic. The one the sponsor and the proponents forget is the one that will be killed.

This bill contains extremely high criminal penalties for such ill-defined acts as, "**obstructs, hinders, or blocks** another person's entry into or exit from a health care facility. Commission of the offense includes but is not limited to knowingly approaching within 8 feet of a person who is entering or leaving a health care facility to give the person written or oral information, to display a sign, or to protest, counsel, or educate about a health issue, when the person does not consent to that activity and is within 36 feet of an entrance to or exit from the health care facility."

These superfluous and biased measures would undermine the civil rights of all.

It is interesting that the abortion clinics are referred to as "health clinics" when they are actually **death clinics** for the unborn.

It's difficult to comprehend the abortion lobby's contention that peaceful prolife protests by housewives and grandparents somehow encourage violence. If a crime of murder or assault is committed it is already covered under Montana state laws against violence. Harassment, trespassing, vandalism, arson and assault, wherever they occur, are all against Montana's Penal Code.

What should alarm civil-liberty defenders most about this bill that violates the First Amendment is the fact that if a person was handing out sales flyers or announcements or posters of an event that person would not violate this bill. Only those who are attempting to "educate on a health issue" fall under this bill. The true nature of the bill is revealed here. It does not target specific behavior but specific beliefs. It punishes not for how they act, but for why they act.

Imagine two people blocking the door of a health facility. One is protesting that the agency is not paying the workers enough; the other is protesting the abortions taking place inside. The abortion protester could face both criminal and civil actions; abortionists could sue, collect damages and obtain a

restraining order. The most the protester for higher pay could be charged with is a mere violation, the equivalent of a parking ticket.

Such belief-based discrimination cannot be reconciled with this country's long tradition of public protest. We need only look at the early labor demonstrations or the picket lines accompanying present-day strikes. We have seen it in the context of the war in Vietnam, the struggle for racial equality, the threat of nuclear proliferation and a wide variety of domestic social issues.

Pro-life protest is not violence. It is a core freedom in our democracy, which has always permitted even the most unpopular forms of dissenting speech. "Clinic access" proposals have nothing to do with maintaining public order, guaranteeing safety or stopping violence. They are all about advancing the abortion business, stifling free speech and intimidating those who hold the politically unpopular belief that the defense of human life in its earliest stages is a valid and critical objective.

No law can guarantee safety from random, isolated acts of violence. Violence that we would be opposed to and do not support.

What should alarm civil-liberty defenders most about this clinic-access proposal is that it targets not specific behavior, but specific beliefs. It would criminalize nonviolent sit-ins against abortion but would not prohibit identical conduct motivated by other viewpoints. Thus it would penalize people not for how they act, but for why they act.

Please table this bill and allow those who have the same or different viewpoint from yours an opportunity to express it from public property.

Thank you.

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