



## **STATEMENT ON MODERN-DAY LAW-BREAKING TACTICS AT ABORTION FACILITIES AND HOW IT AFFECTS SIDEWALK ADVOCACY**

June 12, 2020

By the Sidewalk Advocates for Life National Team

When we launched Sidewalk Advocates for Life (SAFL) six years ago, knowing lives and souls were on the line, we dedicated ourselves to uncovering the most effective outreach strategies for saving lives and ending abortion, studying relevant research, testimony, and experience in sidewalk advocacy/sidewalk counseling. Simultaneously, we sought the counsel of pro-life attorneys who are experts in First Amendment rights and risk management to help us guard and protect this crucial ministry on the sidewalk. Additionally, knowing that our values would aid our ability to build trust with abortion-minded mothers, we developed the *Pledge of Integrity* which requires that, in order to serve as a volunteer Sidewalk Advocate, one must agree to be peaceful, prayerful, and law-abiding while reaching out at the abortion facility. Not only have these values provided legal protection to our ministry, but they are the foundation of our national reputation which has led to partnerships with life-affirming organizations across the United States and the world, allowing us to assist nearly 10,000 abortion-minded mothers and preborn children in just six years.

Recently, there was a law-breaking incident at a site where SAFL, working alongside another peaceful sidewalk counseling group, has had an outreach presence for years. Because the group behind this tactic mentioned SAFL in their statement about the events that day — which could confuse where our volunteers were in the midst of this incident and whether there was approval or even coordination between our groups that day — we feel compelled to release this statement about what exactly our Sidewalk Advocates witnessed, what they did in response, and why SAFL stands against modern-day law-breaking tactics.

On May 13, 2020, members of the SAFL-Grand Rapids team arrived for regularly-scheduled outreach to find that an out-of-town group called the Red Rose Rescue (RRR) had entered the privately-owned parking lot of the Heritage Clinic for Women, the main abortion center in Grand Rapids, Michigan. The following is what our Sidewalk Advocates witnessed: Members of the RRR approached clients in a manner described as “aggressive,” “intimidating,” and “haranguing.” A member of our team heard someone with their group tell a client, “There’s a special cage in hell for you.” Video footage showed an RRR member pacing in the middle of the driveway, continuously yelling towards the premises. Meanwhile, due to the crowd that the group attracted, Sidewalk Advocates had a difficult time accessing abortion-minded clients to conduct outreach. Multiple witnesses said the collective scene was “chaotic.” Members of the RRR were eventually cited or arrested on site. In response, Sidewalk Advocates were tasked with having to distinguish themselves to police rather than focus on reaching abortion-bound clients. Since community members were unable to verify whether any mother accepted help at a life-affirming pregnancy center or otherwise chose life, our Sidewalk Advocates said there were no confirmed turnaways/babies saved that day.

Over the past few years, the RRR has conducted over a dozen other law-breaking operations around the country, each time choosing to abandon the constitutionally-protected activity of sidewalk counseling and enter the private premises of abortion centers to speak with abortion center clients. According to public descriptions of the events, there has never been confirmation of a woman inside the abortion facility accepting their help at a life-affirming pregnancy center and definitively choosing life, nor any worker accepting their help to leave the abortion industry. After everyone inside the abortion facility has apparently refused their help, they have often switched from a help-oriented disposition to one of protest by staging a sit-in and/or refusing to leave, leading to their arrest.

**We want to make clear that SAFL was in no way involved with the incident in Grand Rapids and does not condone the methods exhibited that day; even more so, we’re saddened that the SAFL-Grand Rapids team was prevented from fully conducting outreach to**

abortion-minded mothers, especially noting that they've witnessed at least 100 confirmed turnaways/babies saved the past few years.

From this vantage point, we are gravely concerned about modern-day law-breaking tactics at abortion facilities for the following reasons:

1. **It contradicts modern research, testimony, and experience that women need a calm, supportive environment to trust our offer of help and choose life.** “Right-Brain Research,” a series of research studies conducted over a few decades, appears to be the most comprehensive of its kind in regards to effective messaging to an abortion-minded mother. **The studies conclude that the most attractive message to a woman facing an unexpected pregnancy is one, initially, of a concrete offer of help and empowerment in a calm, supportive environment, resolving for her an emotional, not logical, issue of self-preservation in perhaps a multitude of worries and pressures concerning her situation.**

According to various news articles and Facebook Live video-testimonies of those who have recently participated in law-breaking tactics, the scene often quickly escalates when abortion workers realize they are intentionally and obviously trespassing. Because it's logical to believe that if one law is intentionally broken perhaps those breaking the law will go further, even if untrue, most abortion facilities are now trained to go into a form of “lockdown” where police are called and clients may be rounded up and taken to a back room. Of course, when the clients are away from the group, the abortion workers have the power to control the narrative and label the pro-life individuals as “unsafe” and “threatening,” much less keep them away from life-saving assistance. It also prevents someone coming and going freely from the building, limiting the ability of any peaceful sidewalk counselors and prayer volunteers outside the building to re-offer help; this is a real concern noting that *many* women who choose life at an abortion facility often do so after a second or third offer of help (which underscores the need to remain in a help-oriented disposition throughout our time at the abortion facility). In other eyewitness accounts, as the chaos on the property has risen, abortion workers have put their hands on someone in the group or workers and clients have started shouting at them, which further risks driving away the very abortion-minded clients they are trying to reach.

By contrast, the sidewalk serves as the great equalizer in that women naturally expect others from the public to be in that space — and no one has any legal recourse to say we shouldn't be, thereby giving us a real chance to invite a calm, peaceful conversation and enter her tumultuous world with an offer of help, facts on fetal development, and encouragement in faith.

Otherwise, if we opt for a chaotic approach where abortion center staff will no doubt sound the alarm and call the police, we can thwart our very purpose for being there: Winning her trust and staying available to connect her to the nearest, life-affirming pregnancy resource center.

2. **It carries grave legal risks to individuals and ministries on the sidewalk — even those not associated with law-breaking tactics — including the power to gradually wipe out sidewalk outreach across the nation.** Elissa Graves, an attorney with Alliance Defending Freedom with expertise in the rights of peaceful sidewalk counselors, has shared that if this approach continues, it could easily serve as fodder for jurisdictions to unjustly pass bubble and buffer zones across cities or states, among other laws. If a bubble or buffer zone is established at a particular abortion facility, it will completely wipe out sidewalk counseling and prayer within so many feet of the abortion center or a client, thereby impacting the entire pro-life community and outreach for years to come, *whether or not the individual or group engaged in any law-breaking activity themselves.*

Additionally, if a buffer zone is passed by injunction, the lawsuit may aim to round up as many pro-life individuals and ministries as possible and ban them from the sidewalk for decades. With an injunction in place, even if someone isn't working “in concert” with those subject to it, a court could mistakenly find an association such that the entire organization is banned by the injunction, effectively wiping out their ministry.

Individuals or organizations who take this approach may also be charged with a violation of the Federal Access to Clinic Entrances Act (FACE), a federal felony, with penalties that range from one year in prison and a \$100,000 fine up to a \$250,000 fine and 10 years in prison. Such a penalty could pull someone off the sidewalk and put them in jail for years. Additionally, the FACE Act also allows for a civil lawsuit against those who violate its provisions; a person violating it could be subject, not only to an injunction, but to a judgment for millions of dollars in damages which could destroy a person's or organization's financial future.

Other legal risks include violations of the Racketeer Influenced and Corrupt Organizations Act (RICO), a federal law which provides for criminal and civil penalties due to organized or systemic crime. The abortion lobby has used RICO against proliferers

and won millions of dollars in awards on the state level. If used to prosecute this system of law-breaking, it could wipe out any organization or ministry who associates with the group.

By contrast, Elissa has noted that in court cases where she is defending prayer volunteers and sidewalk counselors that she has been able to effectively counter a false narrative by affirming that her clients have pledged to be peaceful and law-abiding and simply want their First Amendment rights protected. She notes that our law-abiding disposition has gone a long way to preserving our freedoms on the sidewalk to facilitate peaceful conversations and hand out life-saving literature.

In summary, if someone chooses to engage in law-breaking tactics, they may be arrested, removed from the sidewalk, and miss other clients who arrive afterwards. Not to mention, the person may be tied up in needless litigation, thereby missing an opportunity to impact future clients at the abortion facility, possibly for years to come. Even more concerning, it may wipe out other ministries or organizations who associate with them.

3. **It paints the abortion center as the safe haven and pro-lifers as adversaries to law, peace, and order.** While the few who engage in law-breaking tactics affirm that the disposition is passive and no one is harmed while they exercise peaceful civil disobedience, there is a risk, especially present-day, that says that if someone chooses to break the law at an abortion facility, perhaps they are unapproachable, judgmental, and violent, even if untrue.

Former Planned Parenthood Director Abby Johnson has noted that this tactic positions the abortion facility as the “safe haven” and creates a sort of camaraderie among the abortion workers and abortion center escorts as they unite under a banner of “protecting women” from “persecution,” “crazy people,” and “criminal activity.” Not to mention, this reinforces the same, untrue narrative in the media, harming the progress we’ve made as the prevalent viewpoint in the culture.

By contrast, when we practice law-abiding advocacy, we are better positioned to win the trust of local law enforcement, our community, and abortion center clients and workers, which is the first step to a change of heart. In other words, it’s not enough for an approach to be nonviolent — a peaceful approach brings calm, not chaos, to the situation.

4. **It’s rooted in a belief that sidewalk counseling and prayer is insufficient or even ineffective at abortion facilities.** Those who have recently engaged in law-breaking tactics often say that they only do this at abortion facilities where sidewalk counseling, coupled with prayer, is impossible in reaching mothers-in-crisis. However, it rarely appears that they have tried sidewalk outreach or searched out ways to reach clients from the public right-of-way before moving to a law-breaking tactic at that site. This also discounts the fact that every abortion facility has an entry/exit point and a driveway on public right-of-way where you can invite cars to stop, take information, and engage in brief conversation about the local, life-affirming pregnancy help center. Even where an abortion facility is housed in a multi-unit facility, a question or two can narrow down where someone is headed; if nothing else, pro-life advocates can give life-saving information to everyone entering the building, providing an additional opportunity to share the message of life with the community at large.

Additionally, in the RRR’s statistics, they often count anyone who simply leaves that day as a “turnaway” without any knowledge of her heart or her plans for her pregnancy. (In contrast, the national sidewalk counseling community often does not record a “turnaway/baby saved” in this situation, rather a “hopeful” at best.) They say their goal is, if nothing else, to disrupt abortions that day. But former Planned Parenthood Director Abby Johnson has noted — drawing from experience with law-breaking incidents during her time in the abortion industry — that these mothers often leave, not because they are empowered with help and resources, but because they are stressed by the scene that has just unfolded. Unfortunately, in her experience, they will go on to reschedule their abortion, at least, elsewhere.

By contrast, through modern, peaceful, law-abiding outreach techniques, sidewalk advocacy is reaching hearts and minds and seeing unprecedented results. Cities like Dallas, St. Louis, and Memphis, for example, are witnessing hundreds of women choose life-affirming assistance every year. Sidewalk Advocates for Life is celebrating nearly 10,000 confirmed turnaways/babies saved in just six years on the sidewalk. And Then There Were None abortion worker ministry, in its short history, has helped nearly 600 workers leave the business, receiving over 60% of referrals through someone on the sidewalk. Additionally, news outlets have reported record numbers of abortion facility closures in recent years, alongside a record-low abortion rate and, interestingly, a corresponding rise in prayer and peaceful outreach on the sidewalk as well as the passage of more pro-life laws and greater education on the abortion issue.

*If peaceable methods are witnessing never-before-seen results — with the guarantee that we can stay on the sidewalk and impact as many clients as possible — isn't it true we have a moral obligation to study and consider these outreach methods for the sake of lives and souls? Even more so, why would we want to put at risk such rising success across the country?*

5. **It discounts that our primary audience at the abortion facility is the mother, not the preborn child or the community.** Some who resort to law-breaking tactics sometimes note that their aim is not always to save the child and mother from abortion, but rather make a public statement about the atrocity of abortion. This is reinforced by the fact that some have used Facebook Live during their activity, despite the risk that such recordings may inadvertently intimidate or identify abortion-minded mothers. Concerningly, this reasoning discounts the idea that our first call is to do our best to rescue those who may be at risk of death, and the only way to save the child is to reach the heart of a troubled mother.

As well-known sidewalk counselor Karen Black Mercer has said, “Our first objective ...is to win her to yourself. ...When you stand out on that sidewalk, you are not counseling that child. If the child could answer you and respond, the child would not choose abortion. However, you're not talking to the baby, you're talking to (his or her) mother. If she wants to go and have that abortion, she is going to do it. ...the bottom line is that we fight this because of what happens to the children ...But, ultimately, I realize that that's how we need to reach the women in order to save the children. You are there to lovingly, kindly, and compassionately encourage her to change her choice.”<sup>1</sup>

**If we hope to win conversations and help change hearts, we must be caring, supportive, calm people. Otherwise, if we are associated with chaos and law-breaking, it can risk driving away the very woman we hope to serve, giving her the impression that we are not there for her and not a trustworthy person with whom to share her very personal story. Again, if we don't reach her heart, abortion doesn't end in that moment, and we risk losing her to the abortion industry.**

Respected sidewalk counseling priest, Monsignor Philip J. Reilly of the Helpers of God's Precious Infants, further underscores this point: “In order for (our) witness to be successful, it cannot in any way, shape or form, be a demonstration, confrontation or protest; nor perceived as such by anyone in sight. ... (We) believe it is essential that our witness be peaceful, prayerful, and constant. No scorn, abuse, or picketing — because scorn and ridicule close off a channel of grace to the very people who need it the most: the mother seeking the abortion and the abortionist who performs it. ...The way of Christ is to use the overwhelming power of love.”<sup>2</sup>

We think of the countless mothers, fathers, families, and passersby that allowed us to share the message of life — many who emphasized how grateful they were that we were calm, compassionate, non-judgmental, and professional, and therefore, were truly open to what we had to say. We can think of a multitude of instances where the discussion — especially very intimate, personal discussions — would not have happened if we had caused chaos or put any semblance of doubt in their minds that we were trustworthy and safe. We cannot imagine how many missed opportunities there would have been to share not only alternatives to abortion, but life-affirming alternatives to all of a client's healthcare needs, thereby further pulling business away from the abortion industry, long-term.

In conclusion, we want to emphasize our shared passion to save lives and end abortion; however, based on modern research and evidence, we are gravely concerned that any law-breaking tactic will ultimately thwart the intended goals because it may fail to genuinely win the heart of a woman considering abortion, leading to fewer lives saved, not to mention the time and resources it wastes on needless litigation coupled with the risk to all sidewalk ministries across the nation.

We admonish all people of faith and conscience who love the cause of life to stay the course, avoid approaches that cause further discord and chaos, and trust in the power of prayer, love, and peaceful outreach to impact hearts and minds, save lives, and end abortion — as we are, no doubt, witnessing today.

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For more information, please contact: [info@sidewalkadvocates.org](mailto:info@sidewalkadvocates.org)

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<sup>1</sup> Colette Wilson, *Sidewalk Counseling Handbook* (adapted from a seminar by Karen Black May 7, 1994) available at <http://joseromia.tripod.com/black.htm>.

<sup>2</sup> See, e.g., *Helpers of God's Precious Infants* available at <http://www.helpersbrooklynny.org/>.