

Denying the right to choose:

How to
cope with
violence
and
disruption
at
Abortion
Clinics.

Donald Hall
255-5710

This handbook was prepared for the American Civil Liberties Union's Campaign for Choice by Thomas B. Stoddard and Kenneth P. Norwick, lawyers with the New York law firm of Norwick, Raggio, Jaffe & Kayser and Legislative Counsel to the New York Civil Liberties Union. We are grateful to them.

© 1978
American Civil Liberties Union

TABLE OF CONTENTS

	<u>Page</u>
Introduction.....	1
The Purpose of the Handbook.....	1
The Political Context...	2
I. Preventing Trouble Before It Arises.....	3
Approaching the Police..	4
Approaching Other Local Officials.....	6
Approaching the Opposition.....	7
Approaching the News Media.....	8
Coordination With Other Organizations Promoting the Right to Abortion.....	9
II. Preparing For The Worst.....	9
Security Guards or Additional Police Protection.....	9
Locks and Alarms.....	10
Telephones.....	10
The Clinic's Layout.....	11
Files.....	12
Mock Invasions.....	13
Printed Instructions to Patients and Staff....	14
III. Dealing With Disruption.....	16
Picketing and Other Forms of Peaceful Demonstration.....	17
1. Private Clinics....	17
2. Public Clinics.....	19
Sit-ins.....	20

Assorted Forms Of Harassment.....	22
1. Taking Photographs of Staff Members and Patients.....	22
2. Taking Down License Plate Numbers.....	22
3. Name-Calling and Debating.....	23
4. Harassing Patients at Home.....	24
5. Acts or Threats of Violence.....	26
IV. Going to Court.....	26
Criminal Prosecutions...	27
Civil Suits.....	29
Appendix A: News Article from <u>The New York Times</u> Edition of March 2, 1978.....	36
Appendix B: Excerpt From Leaflet Entitled "A Peaceful Presence: Non-Violent Direct Action to Save Lives" Published by the "Pro-Life Non-Violent Action Project" ..	39
Appendix C: List of Organizations Actively Promoting the Right to Choose.....	44

INTRODUCTION

The Purpose of the Handbook

This handbook is directed primarily to those who administer abortion clinics and their employees and patients. It provides advice on how to cope with all forms of protest the clinic might encounter, ranging from lawful, orderly demonstrations outside the clinic to serious and illegal acts of violence.

Administrators and employees of abortion clinics are not the only people who might find this handbook useful. The handbook is an attempt to set forth the rights of all the parties concerned with this issue. While the American Civil Liberties Union strongly supports the right to abortion -- and publishes this handbook to help preserve that right for all women -- it does not waver from its traditional defense of the rights of demonstrators to engage in peaceful protest in public places. Demonstrators against abortion who want to obey the law may also find this handbook useful.

Our purpose in preparing this handbook is to try to lessen the potential for violence against abortion clinics. If clinic personnel and patients know what to do before and during a confrontation, and if anti-abortion demonstrators know the limits of their lawful protest, rash violence will be curtailed.

The Political Context

In 1973, the U.S. Supreme Court rendered two decisions that established a constitutional right to abortion for women throughout the country. In these two cases, Roe v. Wade¹ and Doe v. Bolton,² the Court made clear that a woman's decision to terminate her pregnancy by abortion is protected by the constitutional right of personal privacy, and it set precise limits on governmental interference with that right.

Over the next five years, those decisions provoked an intense reaction from those who oppose all abortions. That reaction has taken several forms: proposals for a constitutional amendment to overturn Roe and Doe; efforts to enact state and federal legislation that would prohibit the use of public funds for abortion; public demonstrations against abortion; and, most recently, acts of violence against abortion clinics.

Since the beginning of 1977, a number of abortion clinics across the country have been burned or bombed. Many others have been vandalized. In addition, workers and patients at some clinics have been harassed and threatened. (Appendix A contains a recent account from The New York Times on the spreading wave of violence against abortion clinics.)

In fact, several organizations openly promoting disruptive conduct against abortion clinics have recently come into existence. One, calling itself "People Expressing A Concern for Everyone" ("PEACE") has taken responsibility for sit-ins at clinics in Omaha,

New York, Minneapolis, Baltimore, Anchorage, and Fairfax, Virginia, on January 6, 1978. Its avowed purpose is to disrupt the operations of the clinics it invades by taking over the facilities and "counselling" staff members and patients, and then "educating" the general public through the press coverage the demonstrators receive as a result of their sit-ins. (Appendix B contains an excerpt from a brochure recently issued by another organization advocating sit-ins at abortion clinics.)

This handbook outlines specific measures that may be taken to reduce the possibility of violence at abortion clinics. It includes suggestions for internal security within clinic facilities and for working with local law enforcement agencies. In addition, it discusses the various forms of protest a clinic might encounter, the legality of such protest, and methods of handling protests once they begin. Throughout the handbook, references to relevant court cases are provided.

I.

PREVENTING TROUBLE BEFORE IT ARISES

Disruption and violence are most likely to break out in communities where feelings are inflamed. If your community is among them, particularly if it harbors a large, active, and hostile anti-abortion movement, you should set as your first goal reducing the level of tension on both sides. Your efforts should include seeking the advice and help of the local

authorities and also, if at all feasible, approaching directly representatives of the anti-abortion movement.

Approaching the Police

The police are sworn to uphold the law. Yet most police forces undoubtedly employ members who personally oppose abortion. Their sympathies naturally lie with the right-to-life movement, and as a result they may occasionally allow their personal views to affect their professional responsibilities. If your clinic is located in a community with a police force that is at least potentially hostile (or indifferent) to your program, it is particularly important that you approach the police in advance of any trouble and make your position known to them.

In any case, you should try to establish with your local officials a reputation for reasonableness and concern for others. In approaching them, you are asking for both advice and help in preventing the occurrence of unlawful behavior, particularly violent behavior. You should seek to impress them with your sincere desire for assistance and avoid appearing as an adversary.

There are two reasons for approaching the police. First, you need immediate advice and help in order to prevent future violence. Secondly, you need the good will of the local authorities for the time when it may be necessary for them to intervene actively on your behalf.