Minnesota injunction zone limits both pro-abort escorts and pro-life counselors

by Opal Liebler

Duluth, MN— Women's Health Center (WHC) of Duluth, Minnesota, is a solitary abortion clinic serving patients coming from a large region in four northern states and parts of Canada. The clinic has been the target of protests led by a small group of pro-lifers from Hayward, Wisconsin. This group has picketed there for the past two years. Tension heightened among pro-lifer's as they saw various clinic protection laws begin to go into effect. This group knew they also were targets of these laws, but they continued to make the two-hour trip to Duluth every week to picket and sidewalk counsel. These pro-lifers had to be careful not to violate such laws as FACE and RICO and Minnesota's strict stalking laws. In the midst of these legal restrictions loomed a larger and more personal battle for them. It all started with the introduction of restraining orders and injunctions.

The pro-lifers group from Hayward continuously worked through various court procedures and tried to obey the laws, but they knew that if they had to follow the guidelines in the injunctions their cause would be defeated. Then came *Madsen*, the U.S. Supreme Court case ruling buffer zones around abortion clinics to be valid.

Soon after this ruling, a new temporary injunction was issued to the Hayward defendants. This injunction placed a 50-foot buffer zone around the entire property of the Building for Women, which houses the WHC.

This temporary injunction brought both sides to court. WHC hired local lawyers to work in making the injunction permanent. Lawyers from the American Center for Law and Justice, a national law firm, donated their services to the Hayward defendants and argued for them in court that the suggested buffer zone was unconstitutional and fought to have it completely removed.

After months of deliberation, the lawyers for WHC abruptly proposes a signed agreement between both parties, and created a sort of legal tug-of-war between pro-life activists and the WHC. Finally in August of 1994, a settlement was reached that both sides would agree on.

The Hayward defendants and the clinic staff agreed that the settlement would create a balance that would protect the rights of both sides.

The injunction that went into effect on August 29, 1994, prohibits the named defendants from:

—Engaging in noisemaking, such as shouting and yelling, that may effect the Center's patients, preventing them from receiving services.

This sordid-looking building houses the abortuary where escorts are legally limited inside the injunction zone.

—Harassing patients, staff and volunteers from entering the building.

—Blocking patients, staff, and volunteers from entering the building.

—Videotaping for harassment purposes.

—Calling the WHC.

These restrictions were originally in the temporary injunction, but the permanent injunction sets more specific guidelines for the buffer zone.

—The named defendants must remain 25 feet away from either side of the Center's entrance and from the garage entrance.

—They must maintain a 17-foot buffer zone in the alley, and they cannot block it.

The injunction is not reduced to restraining only pro-life demonstration from Hayward, but it also puts limits on the Center's staff and volunteers.

—WHC staff, paid or volunteer, and agents must remain on WHC premises except when arriving or departing.

—They may not enter the buffer zone except to sit in two chairs on either side of the entrance.

This prevents pro-abortion escorts from surrounding abortion customers as they leave their cars when parking down the street. Pro-life counselors, then, have no competition for the mothers' attention until they enter the injunction zone.

Both sides may pass through the buffer zone only when nobody else is occupying it, and only if they stay on their side of the sidewalk. If either the people of WHC or the Hayward named defendants disobey this order, they may be fined $250.00 for every day they violate it.

Brian Johnson, one of the pro-life defendants from Hayward considers the injunction to be a major victory for the pro-life forces.

"This is the first settlement that we know of since Madsen and it's a positive agreement in the midst of negative legal destruction against pro-lifers. They (WHC) compromised their rights." Johnson stated referring to the limits placed on the Center's staff and volunteers. "She was guaranteed to win."

Johnson wondered why the Center dropped the lawsuit for a permanent injunction when they probably would have won.

Tina Welsh, the executive director of WHC, told the *Duluth News Tribune* that Johnson and the other defenders were represented by the ACLJ, an organization funded by the 700 Club.

"They had national support. The Women's Health Center is a non-profit organization. We had to ask, 'How much would we win, and how much would it cost us?'"

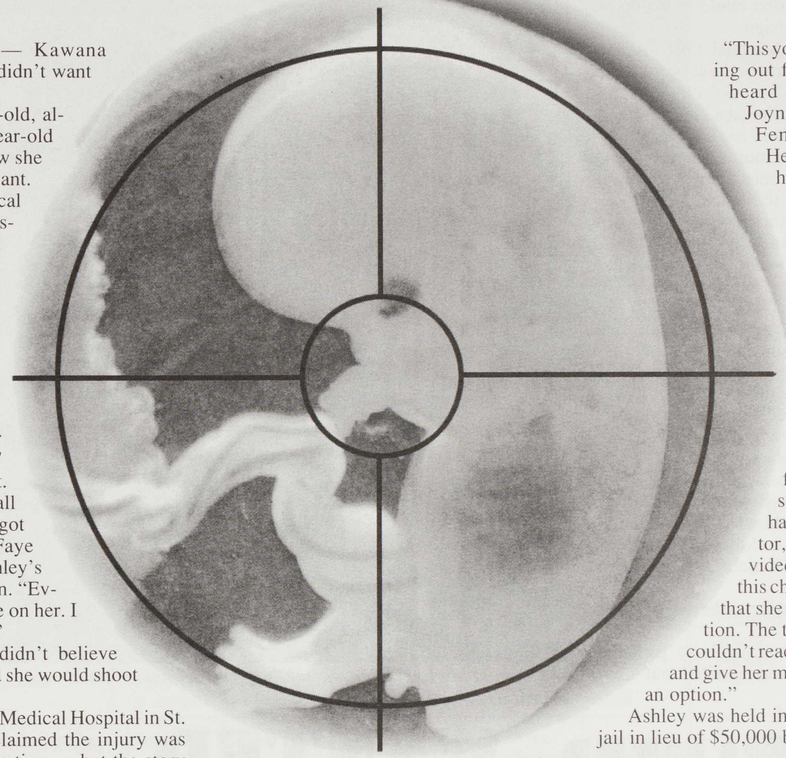
The pro-lifers believe that this permanent settlement will greatly reduce confrontation and misinterpretation of various laws.

"Without clinic staff escorting girls, we will have many more opportunities to talk to the patients. We will probably see more babies saved, too." says Leslie Liebler, one of the named defendants. She, along with Johnson, gave God all the glory for the injunction.

Johnson proclaimed, "Don't be scared! God is on the throne, and He will have the victory!" ■

Woman tries abortion by firearm

by Paul deParrie



Clearwater, FL — Kawana Michele Ashley didn't want to be pregnant.

She was 19-years-old, already had a three-year-old child at home and now she was six-months pregnant. So she went to the local abortuary in St. Petersburg.

They were no help. She didn't have enough money and the clinics don't do charity.

In desperation to be rid of the child, Ashley fired a .22-caliber pistol into her abdomen on March 27 in an attempt to kill it.

"She was holding all that stuff in and it just got to her," Sharrona Faye Wright, a friend of Ashley's tried vainly to explain. "Everything was pressure on her. I think she just lost it."

Wright said she didn't believe Ashley when she said she would shoot herself.

When at Bayfront Medical Hospital in St. Petersburg, Ashley claimed the injury was due to a drive-by shooting — but the story did not hold up.

Meanwhile, the injured little Brittany Ashley — for so she was called — was born prematurely by Cesarean section. She weighed 2 pounds and 2 ounces. Brittany died about two weeks later, on April 11, from complications caused by her underdeveloped kidneys.

The surprise came when Ashley was arrested in early September and charged with third degree murder and manslaughter. Prosecutors said that they delayed filing the charges because of the complexity of the case.

Under Florida law, any unborn child able to survive outside the womb is considered a person. This is the basis for the manslaughter count. Third-degree murder is causing a death resulting from an illegal act — the illegal abortion.

The immediate response of the pro-abortion spokesmen was that Ashley's story was a "tragic example of a failed system" and cited lack of government funds for abortions as the cause. None addressed the failure of the pro-abortion community to provide free or low-cost abortions in such cases.

"This young woman was crying out for help and nobody heard her," said Brenda Joyner, director of the Feminist Women's Health Center in Tallahassee.

"Yeah, no one including all of the 'caring for poor women' abortionists," responded one local pro-lifer.

Rai Rojas, president of Florida Right to Life said the death could have been prevented.

"We could have found her a home," said Rojas. "We could have found her a doctor, we could have provided a family to adopt this child. The lament is not that she couldn't get an abortion. The true lament is that we couldn't reach out to this poor girl and give her more than just death as an option."

Ashley was held in the Pinellas County jail in lieu of $50,000 bond.■

Well Woman Care is the abortuary where it is believed that Kawana Ashley was turned away due to lack of funds.