



Written by [Bob Adelman](#) on June 6, 2023

Pro-life Activist Sues Colorado Over “Sidewalk Counseling” Prohibitions

Colorado’s ban on free speech near abortion clinics dates back to 1993, and Wendy Faustin has been fighting against those restrictions for just as long. Now, with the Supreme Court ruling in *Dobbs* (*Dobbs v. Jackson Women’s Health Organization*) last year overturning *Roe v. Wade*, [Faustin thinks she has a fair chance of throwing out that ban.](#)

In essence, the ban’s “bubble” or “buffer zone” prohibits Faustin — who believes that abortion is murder and has been protesting the crime for decades — from getting closer than within eight feet of a woman entering an abortion clinic.



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With the help of First Liberty Institute (FLI), Faustin has some legal assistance — and some encouragement. Such encouragement comes from the new Supreme Court, which may be much more amenable to her claim that Colorado’s “eight-foot rule” is unconstitutional.

When the rule was implemented, the high court was ruled by liberals who found that Colorado’s law prohibiting such speech near abortuaries was constitutional. The law read:

No person shall knowingly approach another person within eight feet of such person, unless such other person consents, for the purpose of passing a leaflet or handbill to, displaying a sign to, or engaging in oral protest, education, or counseling with such other person in the public way or sidewalk area within a radius of one hundred feet from any entrance door to a health-care facility.

Of course “health-care facility” is a misnomer of the most grievous sort: it’s a euphemism for a facility that murders children in their mothers’ wombs. And the law was designed to “protect” those mothers from hearing anything other than the lie that they have a “right” to kill their unborn children if they want to.

Colorado’s law was challenged in 2000 and made it to the Supreme Court, which created a “right” not found in the Constitution in order to keep people such as Faustin from telling expectant mothers the truth. Then-Justice John Paul Stevens [wrote that Colorado](#) had a “compelling interest” in keeping the truth from those mothers: the right “to be let alone”:

The state [of Colorado] has a compelling interest in creating this legislation. Its interest is to protect citizens entering or exiting a medical facility from unwanted communication.

The law does not prevent patients from being communicated with entirely but better allows them to better avoid situations in [which] they wish to not listen to the message of speakers.



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Even though speakers have a right to persuade, that cannot extend to unwilling listeners because people also have a right “to be let alone.”

Now, however, the Supreme Court no longer suffers such fools, and Faustin and the FLI see the opportunity to right the grievous wrong decided in 2000 and give pro-life advocates the opportunity to engage willing expectant mothers in calm, reasoned conversation without being required to shout at them.

As Roger Byron, a lawyer for FLI, explained: “The government may not target life-affirming speech simply because it disagrees with the message. That is unlawful viewpoint discrimination. It should not be a crime to lovingly and compassionately approach another person to tell them about alternatives to abortion.”

Under the current administration, controlled by far-left Democrats, Colorado seeks to make itself an “abortion destination” rather than a haven for the yet unborn.

The [lawsuit](#) filed on June 1 declares that “these restrictions are unconstitutional under [both] the First and Fourteenth Amendments,” and seeks to persuade the U.S. District Court in Colorado that under those guarantees Faustin has the right “to persuade women, one by one, not to make that choice [abortion] in the most effective place ... outside the entrances to abortion facilities.”

Faustin is not confrontational or offensive when speaking with a pregnant mother: “When Ms. Faustin speaks to women entering a clinic, she is peaceful, gentle and kind. Indeed, she believes that speaking to these women in a loud or confrontational way hampers the effectiveness of her message. She merely wishes to provide the women seeking abortions with more information about the nature of their unborn children, the procedure, and other available alternatives and resources.”

To be clear: the state government of Colorado has been so infiltrated with socialists, communists, and atheists that Faustin isn’t likely to receive a favorable hearing. That doesn’t matter. What does matter is that the court of final ruling, the Supreme Court, is now a much more friendly and favorable place for the unborn than it was 23 years ago.

That’s where this lawsuit is headed.



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