



Richard Thompson  
President and Chief Counsel  
Admitted in Michigan

January 14, 2010

Gregg Cunningham  
Center for Bio-Ethical Reform, Inc.  
P.O. Box 219  
Lake Forest, California 92609

**Re: *Center for Bio-Ethical Reform, Inc. et al. v. Los Angeles County Sheriff's Department, et al.***

Dear Gregg:

Congratulations on yet another great legal victory for the pro-life cause. As always, it was a pleasure representing CBR in this case.

The unanimous ruling issued in your favor by the U.S. Court of Appeals for the Ninth Circuit, the most liberal court in the United States, should send a clear message to law enforcement officers, government officials, and abortion supporters across the country that they should not tread on CBR. As a result of this precedent-setting ruling, the offenders in this case—the Los Angeles County Sheriff's Department, several of its deputies, and a middle school official in the Los Angeles County School District—paid \$260,000 in costs and fees for infringing your constitutional right to demonstrate with graphic abortion images on the public streets in California. If the Constitution is not sufficient to deter would-be offenders from interfering with your First Amendment activities, then perhaps the incredible cost of doing so will.

In its unanimous decision *reversing* the district court's adverse ruling, the Ninth Circuit held that the order from the deputies and the school official that your vehicles displaying graphic images leave the area around the Dodson Middle School violated your First Amendment rights. In reaching this conclusion, the Ninth Circuit had this to say about the often invoked argument that CBR's abortion photos should be suppressed because they are too disturbing to minors: "There is . . . no precedent for a 'minor' exception to the prohibition on banning speech because of listeners' reaction to its content. It would therefore be an unprecedented departure from bedrock First Amendment principles to allow the government to restrict speech based on listener reaction simply because the listeners are children."

In addition to prevailing on the freedom of speech claim, the Ninth Circuit also ruled in CBR's favor on its Fourth Amendment seizure claim. Specifically, the court held that the deputy sheriffs violated CBR's and its volunteers' right to be free from unreasonable seizures by detaining them at the scene for seventy-five minutes while the officers tried to determine which law they would cite to force CBR to leave the area.

In the final analysis, this is a great victory for CBR, pro-life demonstrators, and the U.S. Constitution. The lesson learned from this is simple and straightforward: If government officials want to side with abortion supporters to silence your speech, they will pay dearly for doing so.

In conclusion, please know that your efforts are not only helping to shape public opinion against abortion, they are helping to shape the law in ways that protect those who publicly oppose abortion. This is critical in light of the culture of death that the current administration is creating with its unprecedented pro-abortion policies.

Keep up the fight for life!

Sincerely,

THOMAS MORE LAW CENTER



Robert J. Muise