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May 19, 2021

Louisville Metro Council
601 West Jefferson Ave
Louisville, Kentucky 40202

Re: Safety Zone Ordinance

Dear Councilmembers:

My name is Abigail Lewis. I have been a legal observer at EMW for 4.5 years. I am also a lawyer practicing in the community. In my time as a legal observer, I have documented the interactions of patients, protesters, and clinic volunteers on the Market Street sidewalk and along the property line in front of the EMW entrance, as well as in the alley and on the 2nd Street sidewalk that makes up the path from the closest parking garage to EMW. Based on my observations, I believe that the proposed Safety Zone is necessary.

One of the primary ways patients get to EMW is by having a companion drop them off in a no-parking zone directly in front of EMW. The patients then must cross the sidewalk, cross the property line, and go inside. The sidewalk is wide, so it takes more than just a couple of steps to cross.

Whenever a patient is dropped off in front of EMW when protesters are present, multiple protesters approach the car, standing between the passenger door and EMW. Some of the protesters wear yellow vests. As the clinic volunteers wear orange vests so that patients know who is with the clinic and who is a protester, vested protesters walking right up to cars often appears to result in confusion. Occasionally, out-of-town protesters have shown up in orange vests.

Protesters will often walk right up to the car, bend down, and try to talk to the patient through the window. This creates a situation where patients are blocked from opening the car door without bumping the protester. I have seen protesters stick their head and shoulders through open windows and through partially-open car doors. More commonly, protesters will stick their hands into the car to try to hand the patient a pamphlet.

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Once patients get their car doors open and get to the sidewalk, they must weave through a crowd of protesters standing between them and the property line. Many patients choose to have a clinic volunteer escort them past the protesters and over the property line. However, protesters are often positioned in such a way that there is not enough room for two people walking side-by-side to pass between them, so clinic escorts often cannot walk next to patients without brushing arms or having other physical contact with close-standing protesters. When the protesters carry wide signs, this creates even less space for the patients to navigate on their way to the clinic.

On occasions when patients hesitate in getting out of the drop-off vehicle, protesters gather next to the car door. I have seen multiple cars drive away without the patient getting out of the car after protesters approach rather than the patient attempting to open the car door and weave through the crowd of protesters. Sometimes, protesters will stand in front of the cars along with beside them, making it difficult for the driver to move the car.

In addition to gathering at the edge of the sidewalk near the drop off zone, protesters will often stand as close as they can to the property line in front of EMW. Some protesters bring folding chairs with them and sit directly in front of the property line. When protesters hold large signs that are wider than they are while standing or sitting along the property line, this creates an even greater challenge for patients to find a path to cross the property line and enter the clinic. Protesters stationed along the property line interfere not only with access for patients who are dropped off in front of EMW, but also for patients who park and walk to the entrance. Often, patients will end up walking through the landscaping adjacent to the entrance to avoid the crowd of protesters standing in front of them on the sidewalk. As with the drop off situation, protesters standing along the property line at the entrance makes it very difficult for patients to be able to walk next to clinic volunteers all the way to the entrance without experiencing physical contact with close-standing protesters.

While patients will often keep a blank expression on their faces and ignore the protesters, sometimes patients will show that they are distressed when they see the protesters gathered in front of EMW. Rather than give visibly upset patients more space, protesters seem to take a patient showing discomfort as a reason for protesters to be more aggressive in trying to get a patient's attention or interfere with a patient's path to the entrance.

Most of the time when there has been a police presence in the front of EMW, police cruisers park in a large parking lot that is on the opposite side of Market Street from EMW. The parking lot is not directly across the street from EMW; EMW is close to 2nd Street, and the parking lot is close to 1st Street. On the occasions when police officers do park directly across the street or on 2nd Street, the officers usually stay in their cruisers. Police officers are rarely close enough to see the physical interactions between the protesters, clinic volunteers, and patients and the difficulty patients often have in finding a direct path to the entrance while dodging protesters. When police officers are out of their cars and on the sidewalk, protesters will keep more distance between themselves and patients than they normally do.

Louisville Metro Council

May 19, 2021

Page 3 of 3

Saturdays are when the most protesters are present. Along with local protesters who come throughout the week, church groups from out of town will gather on the sidewalk. These planned gatherings are often advertised as “rallies” on social media. They usually take place between 7:30 and 9:30, when the majority of patients arrive.

If there was a narrow space directly in front of EMW where protesters could not stand, protesters would not be able to physically interfere with the patients’ path to the door by standing in front of car doors or standing or sitting directly in front of the property line with wide signs. Patients would still be able to clearly hear the protesters, and patients would still be able to see pamphlets offered by the protesters and have the option of choosing to take the pamphlets. Reasonable restrictions in front of health care facilities such as the one proposed in the Safety Zone Ordinance have been upheld by courts across the country and do not violate the First Amendment rights of protesters. Passing the Safety Zone Ordinance is in Louisville’s best interest.

Sincerely,

A handwritten signature in black ink, appearing to read 'Abigail V. Lewis', with a stylized flourish at the end.

Abigail V. Lewis