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Maryland Settles With Pro-Life Girls Shackled, Strip Searched

State | Steven Ertelt | Mar 7, 2012 | 7:42PM | Annapolis, MD

The Maryland Board of Public Works, which includes Governor Martin O'Malley as one of its three members, announced today that it will grant a \$385,000 settlement with nine individuals who were illegally arrested and jailed by Maryland State Police.

The pro-life advocates, including college-aged girls, who were shackled and strip searched after peacefully protesting abortion in Maryland in 2008, have settled the lawsuit they filed against the state.

Maryland state troopers handcuffed and arrested 18 pro-life advocates for sharing a peaceful pro-life message along a Bel Air, Maryland public street in August 2008. Among those arrested were three young women who were later shackled, strip-searched, and detained overnight by other police.

In January 2011, the Fourth Circuit U.S. Court of Appeals rejected an appeal taken by defendant police officers in a suit brought by Defend Life, a Maryland pro-life group that sponsored the event featuring pro-life signs held along a busy street. The court granted a motion to dismiss the appeal filed by Thomas More Society's special counsel.

Defend Life filed the lawsuit last year complaining that Maryland State Police, assisted by Harford County and Bel Air city officials, committed lawless arrests and jailing of protesters. Now, they are agreeing to settle.

This settlement must still be approved by the individual plaintiffs. After transfer of funds has been accomplished, a news conference with more details will be held in front of the Maryland State Police headquarters in Baltimore.

The out-of-court settlement by the Maryland Police results from an annual week-long event held every year since 2001 by Defend Life, a regional pro-life organization, during which a few dozen pro-life activists stand along streets and highways in 15 cities exercising their First Amendment rights of free speech. While 18 were arrested, only nine individuals in addition to the organization, Defend Life, filed suit.

Under the terms of the settlement, the Maryland State Police cannot restrict speech, including speech employing images of aborted human babies, based on reactions of viewers or motorists to that speech. Also, the Maryland State Police must agree to implement a training program within 120 days of settlement that will train its officials and employees on First and Fourth Amendment rights in a manner that is consistent with the District Court's opinion. The program must be reviewed by plaintiff's counsel before implementation.

Upon learning of the approval by the Maryland Board of Public Works, Jack Ames, director and founder of Defend Life, told LifeNews, "Thanks be to God! The good news is that the First Amendment still lives in Maryland. Our Founding Fathers who so wisely enshrined the right of free speech into our Constitution would be extremely pleased."

During the initial event, the pro-life people were arrested without warning by Harford County State Troopers during their multi-city protest featuring abortions signs. At least a dozen police officers arrived in more than seven marked vehicles.

They had started their peaceful pro-life event along a public road in Harford County but relocated to the town of Bel Air after being told by officers to leave the county for not having a county permit to engage in free speech activities. The officers then arrested them in Bel Air without explanation.

Once in custody, three young women among the group arrested—two of whom were teenagers—were subjected to two rounds of strip searches. Only after the strip searches and a night spent in jail were they told why they were arrested.

The first search took place in the police station parking lot in front of other males. A female officer pulled out the young ladies' shirt collars to inspect their breasts before reaching down their pants to feel around their waistlines.

The Harford County Detention Center administered the second strip search after the pro-life participants were transferred there. A female officer took the women one by one into a bathroom with a partially open door and ordered them to lift up their shirts and brassieres. Officials cast the pro-life participants in leg irons, denied them permission to call parents until after midnight.

A week after their release, the state dropped the charges ultimately filed against them: loitering, disorderly conduct, and failure to obey a lawful order. None of the participants were ever charged with any sort of permit violation.

The town of Bel Air also agreed to a settlement.

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