

(June 1, 2021 – Missoula, Montana) A peaceful Missoula, Montana, pro-life advocate has been vindicated following erroneous and unconstitutional charges made by a city law enforcement officer. The charges against Marilyn Hatch were dismissed after Thomas More Society attorneys sent a demand letter to the Senior Deputy City Attorney of Missoula pointing out that the ordinance the charges were based upon is unconstitutional.

"All people have the right to peacefully give their opinions about the dignity of unborn human life outside abortion facilities. The City of Missoula's decision to criminally charge Mrs. Hatch for engaging in speech protected by the First Amendment was itself unconstitutional," declared Thomas More Society Senior Counsel Matt Heffron.

"We have to be vigilant in fighting for these rights, each and every time they are violated," he said. "That's what the Thomas More Society is here for."

Hatch regularly participated in prayer and peaceful counseling outside of the Blue Mountain abortion clinic in Missoula, offering information about life-affirming alternatives to abortion bound women. A City of Missoula police officer cited her for obstructing access to the clinic, but the Thomas More Society intervened on her behalf, insisting that the city dismiss the charges or face a lawsuit. In response, the city moved to dismiss the charges on May 26, 2021.

"This was a bad idea by the City of Missoula from the start," explained Heffron. "It was a wise decision on their part to dismiss this case. If they had persisted in the charges against Mrs. Hatch, they would have lost."

An April 20, 2021 letter from Heffron to the city attorney pointed out that, on the day in question, the police officer cited Hatch for obstruction even though she was outside the city's stated boundaries. The letter also detailed the unconstitutionality of the city ordinance, citing U.S. Supreme Court decisions in *McCullen v. Coakley* and *Hill v. Colorado*, which respectively dealt with the particulars of "buffer zones" and content-based speech outside of abortion businesses, neither of which is an acceptable excuse to violate First Amendment rights.

"The government didn't even apply the cited statute correctly, according to the plain words of the statute," stated Heffron. "They also applied the statute as if it created a buffer zone, which would be unconstitutional. And the statute itself, as written, is unconstitutional. The statute simply has never been constitutionally challenged...yet. When it is finally challenged, it will be stricken down. This would have been a mess of a case for the City of Missoula. I am glad the city did the right thing."

Read the April 20, 2021, letter sent to by the Thomas More Society to the Missoula City Attorney of Missoula, Montana, [here](https://thomasmoresociety.org/wp-content/uploads/2021/05/Nugent-4-21-21.pdf) [https://thomasmoresociety.org/wp-content/uploads/2021/05/Nugent-4-21-21.pdf].

Read the May 26, 2021, Motion to Dismiss without Prejudice filed in the Municipal Court of the City of Missoula, County of Missoula, State of Montana, in the case *City of Missoula v. Marilyn R. Hatch*, [here](https://thomasmoresociety.org/wp-content/uploads/2021/05/2021-05-26-Motion-to-Dismiss-without-Prejudice.pdf) [https://thomasmoresociety.org/wp-content/uploads/2021/05/2021-05-26-Motion-to-Dismiss-without-Prejudice.pdf].

About the Thomas More Society

The Thomas More Society is a national not-for-profit law firm dedicated to restoring respect in law for life, family, and religious liberty. Headquartered in Chicago, Omaha, Rancho Santa Fe, California, and Fairfield, NJ, the Thomas More Society fosters support for these causes by providing high quality pro bono legal services from local trial courts all the way up to the United States Supreme Court. For more information, visit thomasmoresociety.org.