by Cathy Ramey

Paul Hill preaching the Gospel over a fence surrounding The Ladies Center mill and exhorting women not to kill their babies.

Holmes and others who responded to the scene watched as Paul Hill walked away after discarding the shotgun. His hands were held up in the air, palms open, fingers splayed, in an apparent effort to assure others that the threat was over. *The Defender* had done its work.

Pressed down to the ground and cuffed by police, Hill made what was considered to be his own confession and declaration of the event, "No babies will be killed at this clinic today."

Paul Hill was officially in custody and on his way through the American justice system, a system that recognizes a right to kill on some occasions.

Justifiable homicide

All through proceedings that followed his arrest Paul Hill remained silent for the media but firm in his presentation before the judge. The defense he wanted —the only possible reason that a rational man would fire into an occupied vehicle in front of witnesses in the bright light of a hot July morning—was one that is recognized in all 50 of the United States. Paul Hill believed no other remedy was available; that it was necessary to render harm to an abortionist in order to save the lives of innocent human beings about to be killed that very day.

According to testimony, abortionist Britton's left arm was nearly severed by the blast of Hill's shotgun. Justification for rendering a man and his arm inoperative would only make sense when viewed alongside information about the thousands of smaller arm, legs, heads, torsos, and lives that Britton had severed. There were 25 children scheduled to die the day Britton was killed.

Prosecutor Murray drew out the last 30 seconds of John Barrett's life, painting a picture of a man trapped in an enclosed area, whose end was imminent; a man who was helpless to defend himself and change the course of events.

Hill asked that the court give him opportunity to share with the jury about the final moments in the lives of yet-to-be-birthed children. In his defense, if allowed, he would talk about the final 30 seconds of those aborted, seen on ultrasound, drawing back into the womb in a futile attempt to avoid a powerful, tearing suction tube or the small curved end of a deadly sharp curette.

The court said "No" and then repeated itself again and again through the representation of Circuit Court Judge Frank Bell.

Hill could offer another defense; insanity, black rage, too much sugar (the Twinkie defense), Urban-Survival syndrome, parental abuse, etc., but he could not argue a defense that implied an effort to save real children. To offer such a defense would threaten nearly twenty-two years of life under *Roe v. Wade*.

Contrary to the perception held by most Americans, that a man is entitled to explain why he has done a deed, Paul Hill was told he could not discuss abortion and its victims before a jury of his peers.

With no option to speak "the truth, the whole truth, and nothing but the truth" before the court, Paul Hill rejected other defenses. Britton was not killed in order to uphold an international treaty against genocide. His accomplice, James Barrett did not die because Hill was the receptacle of multiple personalities, etc., etc. Britton and Barrett died only because there was no other way that Hill believed he could prevent the deaths of a number of completely innocent people.

Defending himself

Another issue that tortured the American system of jurisprudence was that Paul Hill was unwilling to tolerate the second-rate representation available to him through the public defender's office. In the entire office there was not one lawyer who would violate his symbiotic relationship with the Bench to argue convincingly for the only defense Hill had. In the absence of such counsel, Hill could only opt to be his own attorney.

As the date for trial was advancing upon him, Paul Hill took every opportunity to tell the court that he was in need of competent counsel. Such counsel, he contended, was available to him in the persons of two Kentucky lawyers who stood ready to champion a defense if allowed to do so by the court. Vincent Heuser and Michael Hirsh had traveled to Pensacola in the hope that a last minute change of heart might cause Judge Bell to relent and allow Hill legal representation of his own choosing.

Hirsh's interest in the trial was especially compelling. In 1992, even before the first shooting of an abortionist, he began final work on a law thesis aimed at providing a defense for just such a user-of-force like Paul Hill. His theoretical motion revolved around arguing for a defense of justifiable homicide for a fictional client who had protected unborn children in a manner that ended the life of an abortionist. The particular state in which the case was argued, and therefore, the laws that were cited to apply, was the state of Florida.

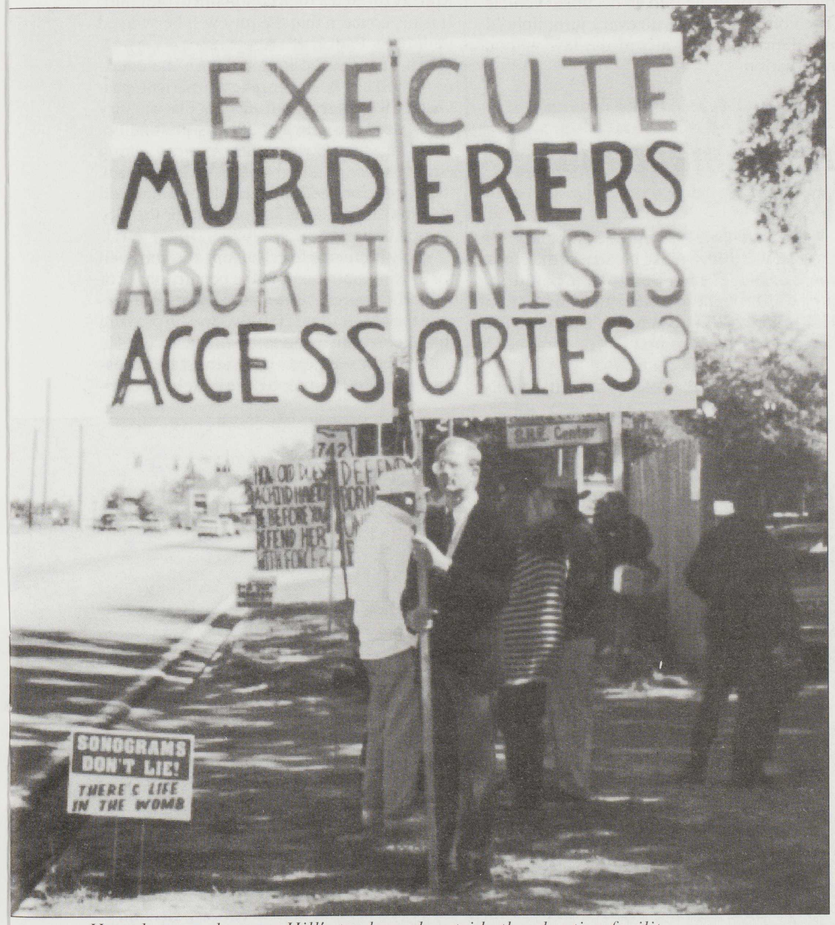
Judge Bell was aware of Hirsh's research, but denied the petition to allow Heuser and Hirsh to enter as counsel of record. In his estimation, it was necessary to assure that Paul Hill had representation familiar with laws in the state of Florida, he said, choosing to ignore Hirsh's exploration into the very issue at bar and Hill's preference.

The jury

For Hill and others who watched the trial of Michael Griffin (charged with killing the first abortionist, David Gunn) the selection of jurors would prove to be unexceptional. But for curious American spectators, the process was an enigma.

A "jury of his peers," it might be assumed in Paul Hill's case, would include others like him, church-goers, believers in biblical truths. Instead the questions posed to the prospective pool were aimed at eliminating any with religious convictions.

"Do you attend church regularly?" they were asked, and "Are you involved in church activities other than church services?"



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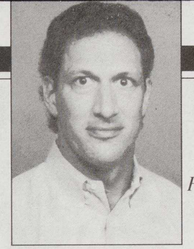
Huge banners became Hill's trademark outside the abortion facility.



Hirsh

ACLJ lawyer loses job, starts new organization

Virginia Beach, VA — Michael Hirsh, director of Operation Rescue in Atlanta during the long-term rescue seige by thousands in 1988 and now a practicing attorney, has a new job.

Hirsh, until recently, was employed by the American Center for Law and Justice. ACLJ is a 501C-3 legal foundation established to protect Christians engaged in First Amendment (free speech) activities, and was founded by Jay Sekulow and heavily backed by Pat Robertson.

In a controversial split, Executive Director Keith Fournier announced that Hirsh was being severed from the group. Hirsh was the lawyer of record for Paul Hill's September 1994 noise ordinance violation trial. After the shooting of abortionist John Britton and his bodyguard James Barrett, Hirsh offered to attempt a justifiable homicide defense for Hill with the understanding that it would not be an ACLJ case.

Michael Hirsh is the author of a *Regent University Law Review* article which argues that Florida law does allow for the justifiable homicide defense for one, like Hill, who has used lethal force to protect unborn children. The *Law Review* article was scheduled for distribution when permission for its use was suddenly rescinded because, according to speculation, of pressure from within the ACLJ.

ACLJ announced Hirsh's dismissal explaining that there were serious philosophical differences between him and the organization. The termination was said to have occurred with "a generous severance package." However, according to Hirsh he has not been made aware of any such benefit. "Putting food on the table is still a problem," he responded.

At present Hirsh is engaged in private practice where he expects to remain. However, in addition to operating his own office, he has announced plans to form a new not-for-profit legal foundation with another attorney.

Michael Hirsh and Vincent Heuser, Jr. are co-founders of the group called Liberty and Justice which is expected to offer representation to address a broader spectrum of Christian legal needs than a 501c-3. The foundation will be dependent upon donations, and will possibly be involved in any serious appeal effort on Paul Hill's behalf.