Hogan

Oregon assisted-suicide law ruled unconstitutional

Eugene, OR — The "Oregon Death with Dignity Act" unfairly discriminates against the terminally ill and fails to safeguard them from poor medical judgment, U.S. District Judge Michael Hogan ruled on August 3. Less than nine months after voters approved it, a federal judge declared unconstitutional what would have been the first law in the world allowing doctors to prescribe lethal overdoses to dying patients.

"There is no set of facts under which it would be rational to conclude that a state may sanction providing people the means to commit suicide," Hogan wrote.

Charles Hinkle, a lawyer who represented the sponsors of the ballot measure, promised an immediate appeal.

"This is an absolutely unprecedented example of a federal judge substituting his judgment on medical procedures over those of the state of Oregon," said Hinkle.

But James Bopp Jr., a lawyer representing the National Right to Life Coalition, which opposed the measure, said, "This vindicates the rights of all people to be protected from suicide because of depression or undue influence."

The Oregon measure required at least two doctors to diagnose a terminal illness and rule a patient mentally competent. It required the patient to make the request in writing and have it signed by two witnesses. The measure also required a 48-hour waiting period before the medication was given to the patient.

Hogan, who heard arguments in the case three months ago, ruled that the law violates the equal protection clause of the Constitution's 14th Amendment.

Opponents, including National Right to Life, successfully argued it unconstitutionally discriminated against the terminally ill.

But the state contended the measure placed the burden of the decision solely on the patient, and that the state had no active role.

The state had tried to compare the assisted-suicide measure with laws allowing the sale of alcohol, tobacco and guns, arguing that citizens have a right to risk death.

Hogan disagreed, saying "the majority has not accepted this situation for themselves, and there is no rational basis for imposing it on the terminally ill."

"Certain fundamental rights may not be dispensed with by a majority vote," Hogan added. "Where terminally ill persons are provided the means of hastening death, there is a potential for exposing members of society to life-threatening mistakes and abuses." ■

German government declines prosecution of Nazi doctor

Munich, GERMANY — There is no evidence to support allegations by a Jewish group that a prominent German doctor was involved in the murder of handicapped children during World War II, Bavaria's government said on August 3.

The Anti-Defamation League of B'nai B'rith on July 14 published a full-page ad in The New York Times accusing Bavaria of shielding Dr. Hans-Joachim Sewering, 78, who practices in the Bavarian town of Dachau.

The league published the letter after Foreign Minister Klaus Kinkel reported that Bavaria did not plan to prosecute Sewering, league director Abraham Foxman said.

In a letter to the league, Bavarian Justice Minister Hermann Leeb said prosecutors pursued evidence presented to them but found no grounds to arrest Sewering.

Sewering, a member of the Nazi party from 1934 and later of the SS, was a doctor at the Schoenbrunn Sanatorium during the war. Handicapped children were shipped from Schoenbrunn to the Eglfling-Haar "healing center," where 900 died in euthanasia experiments during the war.

Michael Franzblau, a Greenbrae, California doctor, said Sewering's signature was on a 1943 transfer order sending an epileptic child, Babette Froewis, to Eglfling. She was killed under Hitler's program of eliminating people with genetic defects.

Four nuns from Schoenbrunn claimed in 1992 that Sewering authorized transfers to Eglfling-Haar knowing that it was a death ticket. Sewering denied their accusations.

Prosecutors' interviews with the two surviving nuns and other investigation "did not provide sufficient evidence of criminal action by Dr. Sewering," Leeb said in the letter. He gave no further details. ■

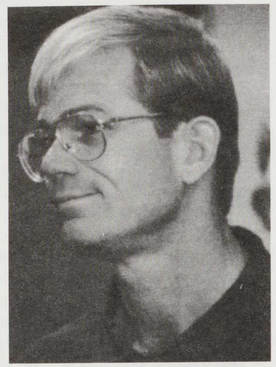
WalMart pulls PP propaganda

Focus on the Family's *HeartLink* newsletter reports that the merchandising giant, WalMart, has pulled Planned Parenthood brochures from their computer databases in their pharmacies. The computers, called Health Touch, are available to customers and supply information on a variety of medical issues through a user-friendly format.

The electronic brochures covered "family planning" from a PP perspective and warned of "bogus abortion clinics" in reference to crisis pregnancy centers.

After several CPC volunteers complained, the company removed the offending material.

Cardinal Health, Inc., distributor of the computers, has pulled the anti-CPC materials from all of their computers but still retains much of PP's information in their databases. ■



Hill

FL high court overturns Paul Hill's noise violation

Pensacola, FL — A state appeals court overturned Paul Hill's conviction for violating a city noise ordinance at an abortion clinic nearly six weeks before he killed an abortionist and his accomplice at the same facility.

Hill, 40, of Pensacola, was arrested July 17, 1994, on the misdemeanor charge while he demonstrated outside The Ladies Center, one of two local abortion clinics, shouting at women as they entered the building.

The ordinance was used to violate Hill's free speech rights, a three-judge panel ruled in a 2-1 decision.

Although they overturned Hill's conviction, the judges allowed the ordinance to stand, finding it unconstitutional only as applied to Hill's case.

Hill was arrested in June outside The Ladies Center clinic but he returned last July 29 and killed abortionist John Bayard Britton and James Barrett, whose wife, June, was wounded in the attack.

Hill served his 45 days in the noise case while awaiting trial on the murder charges. He was convicted of murder and sentenced to death. The murder case is on automatic appeal to the Florida Supreme Court. ■

Pensacola votes to keep "buffer zone"

Pensacola, FL — The city council voted to keep buffer zones around abortion clinics where two abortionists and an accomplice have been killed, setting the stage for another legal challenge.

The council's 7-1 vote retains the zones it put in place six months ago barring protesters within eight feet of the two clinics property line—including sidewalks.

Sidewalk counselors Michael and Vicky Conroy, whose lawsuit challenging the zones was put on hold pending the vote, said they would renew it.

"We're just coming up to bat," Mrs. Conroy said.

The couple contend the buffers violate their First Amendment rights of free speech and assembly.

But the U.S. Supreme Court upheld a 36-foot buffer zone around a Melbourne clinic last year. Proponents contend the zones are helping keep the peace at clinics wracked by anti-abortion violence.

Abortionist David Gunn was fatally shot outside Pensacola Medical Services as he arrived at the clinic in March 1993. Last July, abortionist John Bayard Britton and an armed accomplice, James Barrett, died in hail of shotgun fire outside the Ladies Center. Barrett's wife, June, was wounded.

Michael Griffin was sentenced to life in prison for killing Gunn, and former minister Paul Hill received the death penalty for the 1994 slayings.

Only clinic staffers, patients, volunteers and police are allowed inside the zones. ■

Abortuary owner indicted

Newark, NJ — On August 4, Alan Weiselberg, owner of a string of at least five abortuaries according to activist Tom Lawson, was indicted under federal law for health insurance fraud, including the setting of medical procedures by a non-physician.

Weiselberg has been charged with a total of 12 counts which ranged from his illegally collecting payments from the State of New Jersey, Medicaid and other insurance providers, to ordering medical staff to reuse disposable medical instruments used in abortion procedures, to submitting false and misleading documents to regulatory agencies. ■

Maraldo

PP's Maraldo quits; internal strife cited

New York, NY — When Pamela J. Maraldo was hired, Planned Parenthood was looking for its place in the changing health care scene, said Allan Rosenfield, a member of the organization's board of directors and a former chairman.

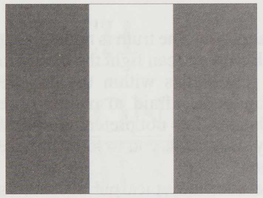
"Right now, its greatest challenges are what is going on in Congress and the country with its agenda, which is not very sympathetic to women and their reproductive rights," Rosenfield said.

Pamela J. Maraldo took charge at Planned Parenthood two years ago expecting the organization would play a powerful role in the pro-choice Clinton administration's reform of health care.

The other side was hoping that the group could devote less energy to the abortion rights battle.

But Maraldo resigned in July amid concerns that the abortion battle is again joined and, with the Christian Coalition leading the charge, women's reproductive rights are once more in jeopardy.

Her resignation followed a special board meeting to consider the future of the organization. A memo from the organization said Maraldo resigned of her own volition but *The New York Times* said she resigned after failing to muster a vote of confidence. ■



French court acquits rescuers, but pardon is denied by legislature

Paris, FRANCE — After weeks of on-again-off-again pardons, French lawmakers agreed to drop a bid to grant amnesty to anti-abortion protesters convicted of interfering with clinics.

A conference committee of the Senate and National Assembly agreed to strike the amendment from an amnesty bill for past minor offenders that is traditionally passed after presidential elections.

Critics of the amendment said the amnesty would encourage more protests, which have been on the increase in recent months.

During the controversy, a legal and political row broke out after the Paris court acquitted nine activists, including a doctor, who had blocked access to a hospital abortion ward.

The judge ruled that they were covered by a law authorizing action to safeguard life in the face of danger because a fetus was "a future human being, already alive."

The unprecedented verdict contradicted a 20-year-old law legalizing abortion and went against a trend of heavier punishment for anti-abortion activists.

Polls indicate a majority still support the 20-year-old abortion rights law, though opposition also remains strong. In addition, a poll showed that most French people disapprove of anti-abortion activists, even though the activists' cause was boosted last week by a Paris court's controversial ruling.

The Sunday newspaper *Le Journal du Dimanche* said it would carry a survey by the pollster IFOP showing that 86 percent of people were against anti-abortion activists and only 13 percent were in favor.

Anti-abortion groups have stepped up rescues in recent months, chaining themselves inside clinics to stop abortions. Courts have usually given anti-abortion protesters suspended sentences and fines. One court acquitted nine protesters early this month, prompting the government to appeal the case.

The French legislature changed its mind about the amnesty bill several times before finally excluding the rescuers from the blanket pardon offered other minor offenders. ■

Pro-abort case revived in MI

Detroit, MI — In 1991, pro-life activist Lynn Mills received the names of two women scheduled for an abortion at the Women's Advisory Center abortuary. The names were obtained by a man who frequently collects information about abortion clinics by rummaging through their trash.

Mills and Sister Lois Mitoraj decided to try to intercept the two by making a sign asking them — by name — to reconsider and holding the signs up for them to see as they entered the clinic.

This was too much for the local ACLU and the two women were solicited for a lawsuit against the pro-life pair.

In November of 1993, the case was dismissed as groundless by Wayne County Circuit Judge John Kirwan.

An appeal by the ACLU has recently resurrected the lawsuit. On July 7, the Michigan State Court of Appeals ruled that the plaintiffs had properly stated a claim under the theory that "disclosure of embarrassing facts" constitutes a wrongful action. ■