When principle confronts power

by Dan Smith

As a lawyer, I am intrigued by how much we dislike confrontation. Entertainers now deliver us nonconfrontational heroes like Forrest Gump who quips, "Life is like a box of chocolates. You just don't know what you'll get." Persons of principle, the power elitists tell us, just do not confront anymore.

The power elitists especially do not like it when pro-life persons are confrontational. I recall an editorial which Terry Bibo wrote this past summer in the *Peoria Journal Star*. Ms. Bibo wrote critically about a letter which John Stambaugh, a pro-life activist, had written to Pioneer Square businesses urging them to relocate away from the facility where preborn babies are killed in Peoria and threatening to boycott their businesses. Ms. Bibo abhorred such confrontations which might even "kill businesses." What is more, she charged that such efforts are hypocritically unprincipled as she quoted a Proverb saying that the Lord hates dissension among brothers. She urged *Journal Star* readers to "pray about" that.

It would be sweet if life was a box of chocolates and principle walked hand in hand with power. But what happens when power collides with principle? What should we do?

Christians are called to imitate the highest Man of Principle, Jesus Christ. Was He nonconfrontational? Just perusing the strong words ("vipers", "blind fools", "whited tombs", etc.) that He had to say about certain powerful men of his time convinces us that Christ was confrontational.

As a Christian lawyer, moreover, I find most instructive our Savior's personal confrontation at His trial before Pilate, as told in St. John's Gospel. What happened when Principle confronted power then? Jesus first educated Pilate, saying, "I came into this world to bear witness to the truth." But power was scornful of the truth, sneering, "Truth! What is truth?" Pilate sought Christ's acknowledgment of his power, but Christ put Pilate's power in its proper perspective, stating, "You would have no power at all against Me unless it was given from above." Ultimately, Pilate had Christ crucified.

When principle confronts power, something has to yield. Principle cannot bend the truth, nor refuse to proclaim it. Persuasion is the means by which principle directs power toward the truth. Power therefore must either submit to the truth or attempt to crush it. If it does not submit, power attempts to crush principle by the force of persecution.

Accepting persecution is not a pleasant thought. That is why we dislike confrontation, even on behalf of principle. Christ's promise to us concerning this persecution makes it worth the price. "Blessed are they which are persecuted for righteousness sake: for theirs shall be the kingdom of heaven." Matthew 5:10. If we are faithful to principle, Christ promises us ultimately the peace of heaven. Persecution paves the road to that promised peace.

All of us have known persons of principle. As a lawyer, I appreciate most those who confront power on behalf of principle. My brother Jerry is for me the closest example of such a man. With attorney Harry Williams, I defended Jerry in his last confrontation with power before his death. The prosecutor charged Jerry with trespass for entering the Pioneer Square abortion center to persuade a professed Christian grandfather not to have his teenage daughter kill her preborn child, his grandchild. Jerry had previously spent a total of 21 days in jail after he refused to leave the same abortion center on one previous occasion. He knew that he would face persecution again for going back there. Still, principle cannot bend to the truth or refuse to proclaim it. Jerry had no opportunity to speak to the grandfather before he went into the abortion center, so Jerry followed him inside and spoke to him there.

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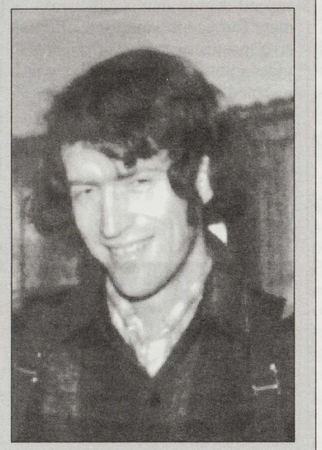

I recently reread Jerry's final statement to the judge before he was sentenced. In eighteen double spaced pages, he eloquently explained why we must confront abortion around us. He closed with a reference to the 18th chapter of the Gospel according to St. Matthew. There, Christ warned us not to despise even the smallest among us because their angels behold the face of God in heaven. Further, Christ told us that it is not the Father's will that even one of the little ones should perish. Finally, He enjoined us to go and reprove our brother in private if he sins. "If he listens to you, you have won your brother."

In his statement to the court, Jerry told how he had previously received a late night call from a friend of a young mother who had scheduled an abortion the next morning. Jerry called the young mother's parents and informed them of their daughter's plan. The parents found their daughter that night and persuaded her to cancel the appointment with death. The mother gave birth to her child who now lives happily with her. "Words have that power, your Honor," Jerry told the judge. The judge sentenced him to twenty days in jail.

Mothers who have experienced remorse after aborting their preborn children's lives convince us that no matter how difficult a birth may be, such difficulties pale by comparison with the torment of knowing that one has willfully killed his or her own child. While mothers almost always overcome the pain of childbirth and parents find strength which they did not know they had to raise their children, few parents can face this torment. Mentally and spiritually, they are at war with themselves.

When we assist mothers and fathers to choose life for their children, we safeguard the Innocents from perishing, we win over their parents, our brothers and sisters, to God's peace, and we find that peace ourselves. To obtain these rewards, Christ calls us to confront the power of our age which despises the smallest among us. We know that persecution awaits those who confront power on behalf of principle. We endure that persecution for the sake of the children, our brother and sisters, and ourselves. May we all be together to share God's peace. ■

Dan Smith is the outgoing president of Central Illinois Right to Life, Inc.

Picketersmarch past the home of abortionist Raymond Robinson in Upper Arlington, Ohio.

Picketing "bubble zone" overturned

by Bob Skougard

Cincinnati, OH—An United States Court of Appeals in Cincinnati has struck down a bubble zone ordinance that had prohibited pro-life picketers from walking in front of an Upper Arlington, Ohio abortionist's home.

The decision, with one member of the three-judge panel dissenting, reverses a lower court injunction which allowed pro-life advocates to picket in the abortionist's neighborhood but prohibted them from walking in a zone extending from two houses on either side of the aboritonist's residence.

According to the attorney for the picketers, Thomas W. Condit, the decision, issued January 12, is a victory for the pro-life movement and is in line with a recent Supreme Court decision *Madsen v. Women's Health Center; Inc.*, which declared a 300-foot bubble zone around residences of abortion workers to be excessive.

"It supports a very faithful and narrow reading of the 1988 Supreme Court decision which defined residential picketing rights," he said. That decision, *Frisby v. Schultz*, which sought to balance free speech rights and residential privacy rights, held that "only focused picketing taking place solely in front of a particular residence is prohibited."

The Upper Arlington case originated from picketing activities in 1991 and 1992 in the Columbus, Ohio, suburb in which pro-life advocates had been handcuffed and detained in police vehicles on one occasion and on another were warned that their picketing was in violation of a city ordinance and they would be cited or arrested if they didn't stop.

The pro-life group, primarily residents of Dayton, Ohio, where the abortionist kills unborn children, filed suit on October 29, 1992, seeking an injunction against the ordinance as well as damages for the violation of their constitutional rights to free speech and assembly.

A preliminary injunction issued by the Federal District Court of the Southern District of Ohio enjoined the city from enforcing the ordinance and allowed the pro-life group to picket as long as the picketers continued moving and did not stop in front of any residence.

However, a later modified injunction from the Federal District Court prevented picketers from walking in a zone in front of the abortionist's home and the two homes on either side of the abortionist's home. The pro-life picketers contended, among other things, that the modified injunction would allow the city to arrest and prosecute individuals for doing little more than walking down a city sidewalk.

Both parties to the suit appealed this later injunction.

The January 12th Appeals Court decision instructed the lower court to enter a permanent injunction barring enforcement of the current ordinance.

The decision could now be subject to further review by the full panel of judges on the Sixth Circuit bench or appealed to the U.S. Supreme Court. If neither of those options are sought by the City of Upper Arlington, the trial by the pro-life picketers seeking damages for violation of constitutional cases will resume.

Among the points made in the ruling:

"The City enacted this ordinance long after the decision in *Frisby* was issued and should have been well aware of the pitfalls in attempting to enforce an ordinance worded this broadly. Common sense would dictate that the City build on what could be learned from *Frisby* and not adopt wording so questionable that a federal district judge, a divided Seventh Circuit Court of Appeals, and four Supreme Court Justices found it to be overbroad.

"Finally, and most important, the videotape and the testimony in this case indicate how the City reads *Frisby* in enforcing this ordinance. The videotape demonstrates that the City's police view the ordinance violated when they can discern one residence as being the target of picketing. In our view, that is a misreading of *Fisby*. ■