Pittsburgh Judge declines to sentence Rescuers

Pittsburgh, PA—A judge in Pittsburgh declined to impose any sentence on three rescuers who were found guilty of "failure to disperse" for rescuing children at the Allegheny Reproductive Center abortuary in February of this year.

Common Pleas Judge Terrence O'Brien told the rescuers that it was clear to him that they were guided by their conscience. He said, "So many people come through this court with no regard for human life, it's refreshing to see people who have a regard for human life."

The jury in this case told the judge that "if he was going to fine them, they would rule them all innocent."

Even though Judge O'Brien recently sentenced six rescuers to pay fines and court costs, in this particular case, Judge O'Brien said, "Jail is completely out of the question. These people don't need to be rehabilitated. This was a minor intrusion in my opinion." He even ordered the county to pay the cost of prosecuting them!

The judge criticized the district attorney's office for pursuing the case to trial, saying that there was no evidence that anyone was kept from entering or leaving the abortion clinic.

A total of 15 people were arrested at this rescue. Six rescuers were found guilty at this jury trial; three asked for immediate sentencing and were not given a sentence and the other three rescuers will be sentenced on December 17.

At a separate trial, the remaining nine rescuers were found not guilty!

Judy Dick was one of the rescuers found not guilty. She said, "We're grateful that we were allowed to defend ourselves and the babies, and that we received an appropriate sentence, rather than the ridiculous sentences received by defenders of life under other judges in the past...sometimes the system actually does work."

Helen Cindrich, executive director for People Concerned For The Unborn Child said, "Finally, a judge and a jury who listened to the defendants and recognized their actions as attempts to save human life." ■

Contact: Judy Dick, Pittsburgh, PA
(412) 731-3125

Tips for Christian Defense in the Courtroom

by Chad Brown

With the frequency and numbers of those involved in rescue on the decline, it appears to be up to a smaller number of Christians to continue the battle in the streets for the unborn. For those with the freedom and determination to continue on in this battle despite its toll, there are a number of tips that will help keep you alive, some of which I will briefly mention below.

Defend Yourself

When you rescue in your own city, plan to defend yourself in court rather than being represented by a lawyer. Utilize your local pro-life lawyers who want to volunteer their time for their technical and procedural knowledge, rather than to represent you in the courtroom. There are a number of reasons this is beneficial.

First, if the local pro-life attorneys are volunteering their time for rescue cases, it is doubtful that they can devote the time to your case that it should be given. If they were to do so, they would all starve, or we would all go broke paying for them.

Second, it is a unique witness to judges and juries for us as Christians to speak out in a public forum giving an accounting for our actions. Once you try it, you may not ever want to be represented by a lawyer again. Incidentally, we need to remember that one of the main reasons for being taken before rulers is to personally be a witness to them.

Third, when our courts make unjust rulings such as *Roe v. Wade*, they need to be burdened by We, the People until they repent. If our court system were to be deluged with individual cases of indignant citizens who regularly break evil and unjust laws, it would be much more likely to reverse such rulings sooner and avoid making them in the future. You will usually need to request a separate trial, thereby forcing the court to conduct many trials for the same rescue.

Always appeal losses. Why be sentenced only weeks or months after a rescue, when appeals can prolong your freedom to continue in the battle for months and years? Depending on the jurisdiction, usually it is necessary to file a notice of appeal, which gives you time to prepare an appeal brief, explaining any errors made in your case which merit review by a higher court. This is another area where a lawyer can be useful. There are always errors; it is usually just a matter of being knowledgeable enough to know the faults which have developed in the criminal justice system over the years.

Forma Pauperis: Justice Is Not Supposed To Be For Sale

One of the first motions to file after being arraigned is called a "Motion to Proceed in *Forma Pauperis*." This motion claims pauper status for the defendant, and asks the court not to allow the defendant to be charged fees for items that will be necessary to conduct a defense (most notably, items such as transcripts needed for appeals). A declaration of impecuniosity (affidavit of poverty) must accompany this motion. Readers interested in seeing an example are invited to write the author requesting one. It is important to note that one need not be destitute to be able to attain "pauper" status with the court. The general requirements are not that you give a detailed accounting of your personal finances, but that your expenditures nearly equal your receipts, and that you own no unencumbered real estate.

Beware, the court may try to get you to fill out a form, but it is not likely that your state statutes require this. Usually a simple declaration on your part is all that is required by law. As a side note, if you are not able to declare "pauper" status, you might consider arranging your financial affairs in such a way as to be able to do so in the future. Removing assets from your personal name (usually via trusts) can be a very wise move for those involved in volatile political arenas such as this one.

If you are able to proceed "in *forma pauperis*," the burden of the litigation expense shifts almost totally to the prosecution, where it should be since they are attempting to punish the righteous.

Discovery

You may want to do discovery on your opponents. Usually this requires a motion for discovery shortly after charges are brought against you. It is often possible, through discovery, to bring to light facts that the abortionist and the abortion mill will not want disclosed. It is also possible to get a case dismissed in the event that the plaintiffs do not answer your discovery questions. This is an area where a lawyer could be a great deal of assistance. ■

For more information on this subject, or any other topic mentioned in this article, please contact the author, Chad Brown at P.O. Box 121, Rayville, MO 64084.

Lawmen: Sworn To Protect and Serve—Even the Unborn

by Virginia M. Evers

Man's inhumanity to man has been graphically demonstrated by many law enforcement officers during Operation Rescue protests in several major cities. Probably officers who are willing to deliberately inflict pain on pro-lifers are in the minority. One can only hope that in spite of the grim news reports the silent majority of lawmen disapproves of the killing of unborn babies.

On the other hand we have remarkably courageous lawmen who stand publicly and firmly behind their convictions, whatever the consequences.

In Toronto, Canada, Officer David Packer refused to take action against pro-lifers demonstrating at Dr. Morgantaler's abortuary. He was summarily suspended. When later reinstated as a flunky he resigned.

In Las Vegas, Nevada, police officer Chet Gallagher was arrested by fellow officers while participating in a rescue in his uniform. He was fired. At a later date he took part in an Atlanta rescue where he was arrested and jailed. At this writing he is utilizing his time in Atlanta's Fulton County Jail laying ground work for a pro-life police officers' organization.

In Nassau County, New York, District Attorney Denis Dillon made national news in May of 1988 when he refused to prosecute 375 pro-life activists arrested during an Operation Rescue. On March 24th of this year Dillon addressed a group of 300 pro-life advocates in front of two abortion clinics. He was there as "Help the Levittown Infants" honorary chairman. Surrounded by 150 pro-abortionists loudly hurling insults in an attempt to drown him out, he stood his ground.

The late Edward Allen, former police chief of Santa Ana for 17 years, was jailed for entering an abortuary in Orange County in spite of his 78 years and failing health. He spent the endless hours in his tiny cell reading his Bible and writing poetry. During Allen's trial for criminal trespass Judge Kathleen O'Leary ordered Allen to remove a "Precious Feet" pin from his lapel. He refused and was prevented from attending the first two days of his own trial. Allen commented, "I've spent most of my life protecting lives and property. That was my profession, and that's what I'm still doing. Only now I don't get paid; I get arrested."

A more current Patrick Henry among pro-life lawmen is the Nuecos County Sheriff, James T. Hickey of Corpus Christi, Texas. The Hickey controversy dominated headlines in the Corpus Christi *Caller Times* for weeks. It all started when the Sheriff announced that he "could not and would not participate in the enforcement of the laws that protect local abortionists." His reply to reported inquiries by the media on how he would respond if called upon by the local police department to assist in the arrest of rescue workers was steadfast: "I would feel like I was a party to the killing of babies if I assisted those people (abortion seekers) in getting into the building."

Corpus Christi Police Chief Henry Garrett distanced himself from the conflict by declaring his neutrality on the issue. To that Hickey's retort was, "How can you say that you are neutral when what you are doing is helping big people kill little people?"

The fire storm of controversy became explosive in January during Corpus Christi's rally commemorating Roe vs. Wade. Hickey took the stage to thunderous applause and unveiled a copy of a 17" x 24" colored poster which he had made entitled "This Is Abortion." He announced that he planned to display it in his department. It depicted the dismembered body of an unborn baby boy with his head torn from his body and included a mock-up of a newspaper article headlined "Legal Abortion Kills Baby Boy." A few days later Hickey pinned up seven of the posters throughout the sheriff's department. The A.C.L.U. and local pro-abortion leaders threatened a lawsuit. (If there is nothing wrong with abortion why are pro-abortionists so paranoid about people seeing pictures of them?) Days later they were removed when he was sure that all his employees had seen them "so they would know what abortion really is."

On March 22nd of this year a turn-away crowd of over 2000 pro-lifers paid tribute to Sheriff Hickey at a banquet in his honor. The clergy committee alone was made up of 75 clergymen of many denominations. There was a 38-member youth committee.

When I spoke with Sheriff Hickey recently he assured me that the demands for his resignation and threatened lawsuits had subsided. It was pro-life business-as-usual for him and his wife, Jan (they are parents of four). They would be participating in an Operation Rescue that weekend; she actively and he with a prayer support group. On that Sunday he would preside over a barbecue for all the rescuers.

Fourteen-year-old Carolyn Bodine in her award-winning essay stated "Sheriff Hickey is obviously gifted with the kind of courage that is given to man by God."

The implacable convictions of James T. Hickey can be summed up in his own words, "Our society's saying it's OK to kill children. Nobody has a responsibility to enforce an unjust law. My first duty is to God—His law comes first." ■

Please see related story, "Dillon asks for Policeman's 'Conscience Clause'" on page 18.