Tale of Two Judges, Part I:

Omaha Rescuers Win Appeals Court Bid for Necessity Defense

by Paul deParrie

Omaha, NE—Just weeks after an acquittal of 17 rescuers by a six-woman jury, Omaha rescuers were handed a second victory by Appeals Court Judge Robert Burkhard. The guilty verdict of 19 rescuers in Omaha's first rescue was struck down on the basis of the necessity defense—the defense which allows one to violate a minor ordinance in order to accomplish a greater good.

Burkhard's 17-page ruling, issued on July 16, was explicit in its description of the rescuers' acts as "necessary as emergency measures to avoid the imminent death and maiming of unborn children."

The judge noted that the ruling does not challenge or contradict *Roe v Wade*, the U.S. Supreme Court's abortion decision. "The *Roe* decision bars the state from protecting the fetus..." he explained. "But *Roe* does not prohibit private individuals from treating the fetus as a human being."

Burkhard also said, "The evidence in these cases establishes, as a matter of law, justification for the defendants' actions...Commentators and case law uniformly agree that saving a human life out of necessity justifies the violation of property rights. Human life is much more precious than property."

Michael Levy, the attorney for the Women's Medical Center where the rescue took place, claimed that some could interpret Burkhard's ruling as justifying even violence, such as bombings, at the clinics. Burkhard rejected Levy's assessment. "This is limited to this particular fact situation," he said.

Larry Donlan of Rescue the Heartland said, "We've pledged ourselves to non-violence."

And as if to punctuate his words, the group was involved in yet another peaceful rescue two days later the ruling came down. Thirty-two rescuers were arrested at the Women's Medical Center abortuary on July 17. ■

(Copies of the ruling are available for $5 from Rescue the Heartland, P.O. Box 55204, Omaha, NE 68155.)

Judge Burkhard reversed 19 rescuers' convictions.

Chad and David

Continued from page 12

developers with the film of David. Thinking they might become upset, he explained that the pictures were of an aborted baby. They took his name and number with the film. He left the film planning to pick it up the following day.

Later that evening, when returning from a pro-life event, he came upon swarms of police—including the SWAT team and a Coroner's van—around his home. The photo developers had called police and reported that Chad was evidently killing and mutilating little babies. Detective John Hill took Chad aside to question him. Hill found it difficult to believe that legal abortions were performed at the stage so obvious in the photo. But after about 15 minutes, he was convinced that Chad's story was true and asked him to come down the following day to swear out a statement.

David's murder, though, provided the evidence for many people to confront the horror of abortion first hand. Through a videotape produced by Friends of David, many more shared the experience. When Nueces County Sheriff James Hickey saw the photos and the video he decided to openly support rescuers—and refuse to arrest them. Many lives have been touched by David.

On January 20, 1990 Chad completed the circle of his responsibility—he buried his adopted son, David, after a memorial service attended by over 100 pro-lifers. But his little body still speaks to God's people asking, "Another baby is dying; where is the Church?"

(Those interested in obtaining the videotape, A Song for David, contact: Friends of David, 1 West Loop South, Suite 811, Houston, TX 77027. Phone: (713) 961-LIFE. ■

Project Rescue In Maryland

by Kip Gannett

On July 7, the rescue communities in Maryland and Virginia joined together in a minuteman rescue at Planned Parenthood in Baltimore, Maryland. Rescuers and counselors were able to gain access into this notorious killing center at approximately 8:30 am and proceeded to block the hallways leading to the mill's many operating and examining rooms. Seven rescuers locked themselves together using bike locks and ankle shackles.

During the hours that the mill was scheduled to be open, by the grace of God, counselors were allowed to remain in the waiting room and share the truth with the mothers. No abortions were performed during this time and four women are known to be reconsidering their decision to abort.

Forty-four rescuers were arrested in the afternoon and released on their own recognizance or on unsecured bonds. Over one 100 supporters picketed and prayed outside the mill during the rescue.

The success of this rescue was partially attributable to the fact that the police and the pro-abortion forces mistakenly believed that the rescue had taken place the week before. On June 29, Project Rescue had held a pre-rescue rally at which the always effervescent Pat Mahoney encouraged pro-lifers to engage in an effort the next day.

On June 30, Project Rescue held a prayer vigil while blocking the doors of Hillcrest Women's Abortuary in Baltimore County, Maryland. The vigil was attended by approximately 125 pro-lifers, 125 pro-deathers and 100 police officers including constant surveillance by two police helicopters. One hundred police officers were also stationed in front of PP in Baltimore during this effort. Two women decided not to follow through with their appointments during the vigil and, at least one women received counseling at the local CPC. ■

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Advocates for Life

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Vol. 1, No. 6 P.O. Box 13656, Portland, Oregon 97213 • (503) 257-7023 September,1990

Salem Rally Marks Ban Abortion Initiative Victory

by Paul deParrie

Salem, OR—A warm July 7 afternoon marked a victory celebration for the Pro-Life Coalition on the Capitol steps the day after they had turned in over 120,000 signatures on a petition to ban convenience abortions by constitutional amendment. Additional good news was that the Oregon Right-to-Life parental notification initiative seemed to be assured a place on the November ballot as well.

About 350 pro-life supporters opened the rally with singing led by pastor Gary Pierce of People's Church in Salem.

OCA political director, T.J. Bailey, acting as master of ceremonies, told the cheering audience, "This is the beginning of the end for senseless butchery in the state of Oregon."

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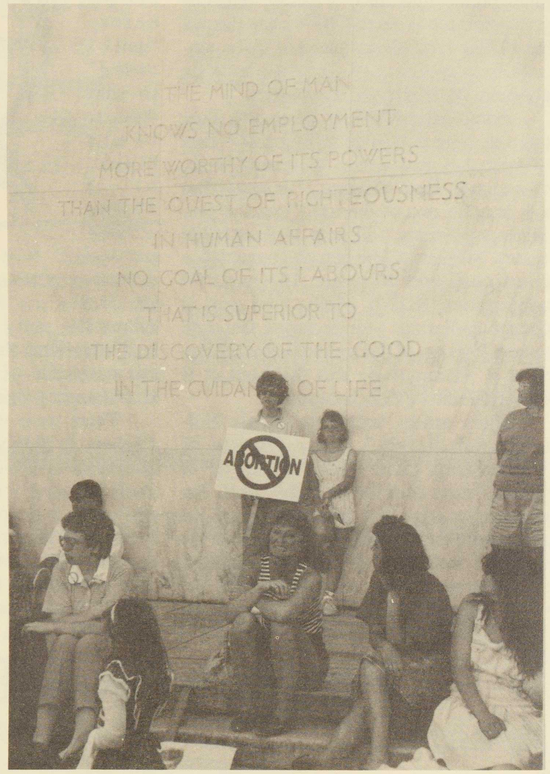
Representatives of Advocates for Life Ministries (AFLM), Kids for Life, Concerned Women of America (CWA) and other coalition members exhorted the crowd to be active in saving babies. The AFLM speaker urged that everyone participate in pro-life work that says loudly, "No more dead babies!" The CWA baby-blanket memorial quilt was displayed and the crowd passed by it as Pastor Pierce again led in song.

Independent gubernatorial candidate, Al Mobley, warned that now was not the time to relax and "hope things get done" but rather to redouble efforts to return sanity to the state's government.

Spirits were high as it was noted that the previous night's KATU tele-poll showed that 55% of the callers supported the OCA-backed ban abortion initiative.

Toward the end of the rally, half a dozen counter demonstrators came to the steps and quietly sat with their signs. Several pro-life participants joined them and engaged them in friendly dialogue. There was no rowdiness or condom-throwing from the pro-aborts as there was at the last Capitol steps rally for the ban abortion initiative. ■



Woman holds "Ban Abortion" sign beneath Capitol Building inscription.

Human Rights PAC Forms In Oregon

Salem, OR—Lon Mabon, president of Oregon Citizens Alliance, and member of the Oregon Pro-Life Coalition that sponsored the successful initiative to ban convenience abortions in the state, announced the formation of a new political action committee (PAC) to promote Measure 8 before the election in November. At the August 3 press conference, Mabon issued a release as a challenge to pro-abortion groups to debate the facts rather than the emotions of the abortion issue.

Comparing pro-abort rhetoric to "similar head-in-the-sand devices as slaveholders used to preserve slavery, and the Nazis in their 'final solution' holocaust," Mabon introduced the Oregon Human Rights Coalition PAC as specifically to expose the false pro-abort position.

The release included information that refuted the commonly quoted figures of 5-10,000 women per year dying from illegal abortions. The Centers for Disease Control, it reports, lists fewer than 100 deaths per year from all abortion—legal and illegal-in the years prior to *Roe v Wade*.

Oregon Human Rights Coalition hopes to raise and spend $500,000 in the campaign to stop convenience abortions in Oregon. Contributions can be sent to Oregon Human Rights Coalition PAC, 9150 SW Pioneer Ct., Suite W, Wilsonville, OR 97070. ■