Commentary:

The Armstrong Amendment: One year later

by Anne Marie Booth

One of the more frightening aspects of an amendment that defends the defenders of the defenseless is the fact that a person like myself can become an "expert" in its application.

For those of you unfamiliar with the Armstrong Amendment to Section 104 of the Housing and Community Development Act of 1974 (and there are many of you), this amendment, signed into law last December, states that:

"No funds authorized to be appropriated...may be obligated or expended to any municipality that fails to adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within the jurisdiction of said municipality against any individuals engaged in non-violent civil rights demonstrations."

The pattern that seems to be emerging in the response of HUD to the half dozen or so Armstrong Amendment complaints filed thus far is a pattern of ineffectiveness.

In effect, if policemen or corrections officers brutalize rescuers (or other civil rights demonstrators) their municipalities will lose HUD Community Development Block Grant funds. in effect being the operative words, of course.

Pro-lifers see the Armstrong Amendment as a small but potentially effective method of dealing with the increasing incidences of brutality being inflicted on those who participate in rescue efforts. Law enforcement officials who are not swayed by such trivial issues as morality and, rightfully, feel themselves immune from criminal or civil liability may be moved by the threat of budget cuts that would directly result from their improper behavior. The technical term for this is "hitting them in the pocketbook."

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My personal involvement with the Armstrong Amendment began on January 27, 1990. At the Women's Medical Center in Howell, New Jersey, most of 41 people arrested were systematically brutalized by local police and members of the Monmouth County Sheriff's Department.

At the time of the rescue I was working on the "Pittsburgh nightmare" case. This case involves 17 college age women who suffered a variety of physical and sexual abuses at the Allegheny County jail and was the impetus for the Armstrong Amendment. One of my tasks was to prepare a package of information to be sent to Nat Hentoff of the Village voice. (Hentoff, one of the few true liberals in this country, is pro-life and anti-brutality and has written columns on both issues.)

I attached a postscript to the cover letter I wrote for the package and included my phone number. Four days later I got a call from Mr. Hentoff. "This is probably the first direct violation of the Armstrong Amendment since its passage," he observed. I agreed.

We were both wrong. Earlier in January rescuers in Boston, Massachusetts were treated so severely that at least one woman required hospitalization as a result. However, we in Howell were the first group in the country to file an Armstrong Amendment complaint. This was done at the beginning of June by an attorney by the name of Terence Gallagher.

One might think that HUD would relish the chance to send a strong message to municipalities around the nation by immediately withdrawing the $2.7 million in CDBG funds earmarked for Monmouth County. Six months, one press conference, one trip to Washington D.C., numerous phone calls and countless grey hairs later and the response from none other than Jack Kemp is:

"On February 8, 1990, the County (Monmouth) signed its CDBG submissions, including the certification on excessive force...(A) grantee is not required to have and enforce a policy until the date that it so certifies...I think the Department's implementation of the Armstrong Amendment is responsible and appropriate."

Two prominent government officials disagree with HUD's interpretation of the amendment; especially in light of the fact that Monmouth County submitted their certification forms in early January only to have them returned because, among other things, they lacked a certification on excessive force! One of the officials is Congressman Robert Walker who co-sponsored the amendment. He suggests that the county's actions are an "admission of guilt" on their part and calls the interpretation "questionable."

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The other official is the former chairman of the U.S. Commission on Civil Rights, William Allen. His response to HUD's interpretation speaks for itself: "I can neither comprehend nor accept this unhappy result, for it makes a mockery of our Government's guarantees. The reality, however, is that one can count on little reassurance from those in a position to decide these matters."

Their complaints have been duly noted and virtually ignored by HUD.

Other complaints from Richmond, Virginia and Portland, Oregon have been rejected for the same reason. A second incident in Portland happened after the municipality had certified to an excessive force policy. HUD's response? They asked the city of Portland to respond to the allegations made by the rescuers, allegations backed up with a videotape of a man's arm being broken at the hands of the police. The city categorically denied any wrongdoing on the part of their policemen. Surprised?

Rescue groups in St. Paul, Minnesota and Boston are awaiting response from HUD on their complaints.

This continual non-action on the part of HUD in regards to the Armstrong Amendment is definitely sending out a message to police and corrections officers. That message is: Don't worry. Be brutal. ■

Rescuers stop the killing for hours

Reprinted from The Bridgeport Post, 12-29-90

Bridgeport, CT—Seventeen abortion protesters from several states shackled themselves together in the lobby of a downtown women's health center December 28 for a demonstration that took authorities five hours to unravel.

The last of the three men and 14 women, who refused to give their names, were carried by police from the Summit Women's Center at 211 Middle Street, to waiting vans, at 1:30 p.m.

The incident began around 8:30 a.m. when the protesters rushed in just after the doors were opened and linked themselves together with high-grade locks, police said.

Bob Cooley of New Hartford said the protesters represented Connecticut Pro-Life Action Network, "a loose association of pro-lifers based in Connecticut."

Those carried out by police were from Connecticut as well as New York, Massachusetts, Rhode Island and Vermont, he said.

Cooley, who said he was a spokesman for the group, said the event commemorated the Biblical "Slaughter of the Innocents" in which King Herod is supposed to have killed all first-born male infants in Bethlehem to find the infant Jesus.

Bridgeport police carry away nameless rescuer.

"They were in a tangled mess. They were fastened head to ankles, feet to feet, hands to hands" with U-shaped high grade steel locks that were impervious to bolt cutters, said police officer Reynaldo Muniz.

"We came here because this is one of the largest killing centers in the state," he said, referring to the center which, besides conducting abortions, also provides counseling and adoption referral services.

John Kissane of Williamantic, who was carrying an anti-abortion sign, said the shackling operation was called a "rescue."

"A rescue is a protest where you put your body between an abortionist and a baby," he said.

"We weren't that disrupted at all," said Center Director Susan Shelburne. "We did consulting and procedures all day. Some people chose to reschedule because of the situation, however."

Police officer Reynaldo Muniz said he was first on the scene and made all 17 arrests."They were in a tangled mess. They were fastened head to ankles, feet to feet, hands to hands" with U-shaped high grade steel locks that were impervious to bolt cutters, he said.

The fire department's Rescue Squad Five was first called in to try to break the locks. The job was finally done after several hours by a locksmith using special tools, he said.

Those arrested identified themselves as either "Baby John Doe" or "Baby Jane Doe" and carried no identification, said Muniz.

Their charges were: criminal trespassing, refusing to be fingerprinted and reckless endangerment.

State law says all those arrested have to be held until they provide identification. ■