

# Lifeline

*A Legal Network  
in Support of Life*

A PUBLICATION OF THE LIFE LEGAL DEFENSE FOUNDATION

## IN THIS ISSUE

### Parents' Right To Know Makes Bid For Ballot

**Coming to the June 2006 ballot: the Parents' Right to Know initiative, a proposed amendment to the state constitution requiring doctors to give 48-hours' notice to a parent or guardian before performing an abortion on a minor.**

Proponents need to gather 598,000 valid signatures from registered California voters by mid-April 2005 in order to qualify the initiative for the ballot. If they do so, California will have the chance to join the thirty states that have parental involvement laws. Based on the experience of these other states, California's own Legislative Analyst's Office estimated that the reduction in teen abortions could be up to 25 per cent. Better still, the reduction in the number of teen abortions is accompanied by a similarly striking reduction in teen pregnancies.

Once upon a time, in 1987, the California legislature passed a parental consent law, but it was immediately challenged by abortion proponents and providers who managed to keep it from taking effect. After an extremely prolonged journey through state trial and appellate courts, it was ultimately found unconstitutional by the California Supreme Court in 1997, based in part on trial court "findings" that, e.g., having an abortion not only wasn't harmful but actually could be beneficial to a minor. Since that time, pro-life and pro-family advocates have realized that any change in the law would have to come through

*... Parents' Right to Know  
initiative provides for  
civil rather than criminal  
penalties against  
non-compliant doctors.*

the initiative process, by a constitutional amendment that would be beyond the reach of the state courts to tamper with.

The Parents' Right to Know initiative is the product of years of work and collaboration among individuals knowledgeable in various fields, including parental involvement laws, California constitutional law, and the actual workings of the abortion industry. One of these individuals is Teresa Stanton Collett, a law professor at the University of St. Thomas in Minneapolis and expert in parental consent laws. Professor Collett helped draft language

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## GENERAL RECAP & UPDATE

**Schiavo v. Schindler (Florida)**— Michael Schiavo seeks court permission to kill his 37-year-old wife, Terri, by withdrawing food. Terri's parents oppose the motion; several doctors have expressed the opinion that her condition could improve with appropriate treatment, which Michael has refused to allow. After trial court judge ordered her feeding tube removed, Governor Bush and Florida legislature passed "Terri's Law"—which has resulted in a temporary delay of Terri's starvation. Michael Schiavo continues to push hard for the right to starve Terri. Represented by the ACLU, he appealed to the Florida Supreme Court who ruled "Terri's Law" unconstitutional.

In the meantime, the Schindlers filed a motion, based on the Pope's recent

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statement concerning euthanasia and care of the medically dependent, arguing that Terri, a Catholic, would want to follow Church teaching and would not choose death by starvation. The trial court denied the motion, and its order was then appealed. On December 29, the court of appeal affirmed the lower court's denial without even taking arguments from Michael. For updates, see [www.terrisfight.org](http://www.terrisfight.org).

**Estavillo v. Romo and West (Yolo County, Calif.)**— Fetal homicide suit for injury and constitutional violations includes two issues: 1) wrongful death statute is unconstitutional because it denies equal protection to babies killed in utero; and 2) interference with the right to privacy and reproductive rights includes interference with the right to carry a pregnancy to term, not just to have an abortion. **Victory!**: case settled.

**Mason et al. v. Wolf (Denver)**— Picketers and leafletters arrested at University of Denver. Civil suit filed. Summary judgment denied. Trial set for February 7, 2005.

**Pedigo v. Hershey (California)**— Amniocentesis detrimentally used on pre-born child with improper consent. Civil suit filed; on appeal from granting of demur on a technicality. Appellate hearing set for December 20 to overturn dismissal.

**O'Toole v. Foothill/De Anza Community College District (Cupertino, Calif.)**— Pro-lifers arrested and signs confiscated on public college campuses after they displayed signs disapproved of by the administration. Charges not filed. Civil action filed against college district. Case resolved with monetary settlement and expungement of arrest record.

**Cano v. Bolton (Georgia)**— Sandra Cano and Norma McCorvey have filed to re-open their *Roe v. Wade* cases. Norma McCorvey, who is now pro-life and regrets her role in the original case, is hoping to overturn the high court's decision saying new information the court did not have shows how abortion hurts women physically and emotionally. In October, the Fifth Circuit Court of Appeals denied McCorvey's Rule 60 motion asking the United States Supreme Court to reverse the

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Attorney Barbara Weller

## A Visit With Terri Schiavo

**This past Christmas Eve day, 2004, I went to visit Terri Schiavo with her parents, Bob and Mary Schindler, her sister, her niece, and Attorney David Gibbs III. The visit took place at the Woodside Hospice for about forty-five minutes just before noon.**

When I knew I was going to visit Terri with her parents, I had no idea what to expect. I was prepared for the possibility that the Schindlers love their daughter and sister so much that they might imagine behaviors by Terri that aren't actually evident to others. The media and Mr. Schiavo clearly give the impression that Terri is in a coma or comatose state and engages only in non-purposeful and reflexive movements and responses. I am a mother and a grandmother, as well as one of the Schindlers' attorneys, and I could understand how parents might imagine behavior and purposeful activity that is not really there. I was prepared to be as objective as I could be during this visit and not to be disappointed at anything I saw or experienced.

I was truly surprised at what I saw from the moment we entered the little room where Terri is confined. The room is a little wider than the width of two single beds and about as long as the average bedroom, with plenty of room for us to stand at the foot of her bed. Terri is on the first floor and there is a lovely view to the outside grounds of the facility. The room is entered by a short hallway, however, and there is no way for Terri to see out into the hallway or for anyone in the hallway to observe Terri.

From the moment we entered the room, my impression was that Terri was very purposeful and interactive and she seemed very curious about the presence of obvious strangers in her room. Terri was not in bed, but was in her chair, which has a lounge chair appearance and elevates her head at about a thirty-degree angle. She was dressed and washed, her hair combed, and she was covered with a holiday blanket.

*From the moment we entered the room, my impression was that Terri was very purposeful and interactive and she seemed very curious about the presence of obvious strangers in her room.*

There were no tubes of any kind attached to her body. She was completely free of any restraints that would have indicated any type of artificial life support. Not even her feeding tube was attached and functioning when we entered, as she is not fed twenty-four hours a day.

The thing that surprised me the most about Terri as I took my turn to greet her by the side of her chair was how beautiful she is. I would have expected to see someone with a sallow and gray complexion and a sick looking countenance. Instead, I saw a very pretty woman with a peaches and cream complexion and a lovely smile, which she even politely extended to me as I introduced myself to her. I was amazed that someone who had not been outside for so many years and who received such minimal health care could look so beautiful. She appeared to have an inner light radiating from her face. I was truly taken aback by her beauty, particularly

(TERRI CONT'D ON PAGE 11)

Dana Cody

## Roe No More

**Last *Lifeline* [Summer 2004, Vol. XIII, No. 2], we informed you about Proposition 71, euphemistically named “The California Stem Cell Research and Cures Act,” which went on to victory in the November 2004 election. This means that starting January 2005, by constitutional amendment, California bureaucracy has expanded to include “The California Institute for Regenerative Medicine,” whose workforce will engage in stem cell research, adult and embryonic, which includes research using the technique called “human somatic cell nuclear transfer,” the procedure by which cells are derived for human cloning. California’s fetal farming will be funded by the California taxpayer whether it offends the conscience or not.**



2004 also marks LLDF’s fifteenth anniversary. Over the past fifteen years our mission has broadened, in that while we still defend the unborn and those who speak on their behalf, LLDF now must defend chronically ill, disabled and elderly patients from forced death. These vulnerable patients are now considered non-persons, unworthy of the right to life, just like the unborn. Consequently, they are routinely and actively killed by starvation and dehydration, leaving one to wonder, in light of Prop 71’s passage, cures for who?, underscoring the fact that while Proposition 71 promises cures, at least one of the scientific community’s goals in implementing this Act will be cloning.

While the passage of Prop 71’s approval by the voters is disturbing, there are consequences resulting from the 2004 election which are welcome to those of us who value the sanctity of human life. With the recent unfortunate news of Justice Rehnquist’s illness, and rumors that possibly two or three other justices will be leaving the High Court, the reelection of President Bush most likely means the appointment of a pro-life majority in the United States Supreme Court. This could mean that *Roe v. Wade* may not be the law of the land in the foreseeable future.

Just as *Roe* dehumanized and created a victim class of the unborn, making a commodity of

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human life and sending us down the slippery slope that led to abortion on demand, forced death and now embryonic stem cell research, *Roe No More* will be the catalyst to reverse this trend. LLDF anticipates that day with delight. In the meantime, we will not stop our defense of the defenseless, or cease legal maneuvers to undercut the pro-death machine. And we hope that *Roe No More* means LLDF will not need to mark another fifteen years with its thirtieth anniversary!

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case based on a change in circumstances following the decision. That new information consists of 5,347 pages of affidavits submitted by women who have had abortions and who now regret their decision. They cite a host of emotional and medical problems associated with the abortions. Because the appeals court denied McCorvey’s motion, the only option left is to take the case to the Supreme Court—which handed down the landmark abortion decision. A petition for writ of certiorari is due by January 17. Alan Parker, president of the Justice Foundation and lead counsel in the case will file the petition and the Supreme Court will determine whether or not it will hear the case. LLDF will be filing a *amicus curiae* brief in support of the petition.

### **McCullough v. Arthur (Long Beach, Calif.)—**

Pro-lifers arrested for leafleting and holding signs on public sidewalk adjacent to public high school. The school’s principal contends the speech was “offensive to minors.” Videotape of the incident was unlawfully seized by the police but later returned. A civil action was filed against police and the principal, and a preliminary injunction was granted. The ninth circuit affirmed the order on appeal. The case is now back in the district court with a trial date of July 5, 2005.

### **O’Toole v. San Diego Community College District—**

Pro-lifer arrested and held for carrying sign on public college campus; he was released two days later, without having been cited. Claim filed and rejected. Civil suit filed. Depositions in progress.

### **Milton et al. v. Serrata (San Francisco)—**

Pro-lifers arrested or threatened with arrest for holding signs on public university campus. No criminal charges filed. Civil action filed. Summary judgment motion granted against plaintiffs based on qualified immunity of police.

### **People v. Cain (New York)—**

Pro-lifer arrested under N.Y. F.A.C.E. law for tossing caustic substance (blessed holy water) at building. **Victory!** charges dismissed.

### **People v. Rudnick (Wisconsin)—**

Pro-lifer handing out literature at high school arrested for disorderly conduct. Motion hearing December 13; decision pending.

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**People v. White (Washington, D.C.)—**

Pro-lifer arrested for display of human remains. Pro-life defendant maintains unborn child is fully human; according to federal law child is not fully human. This is the conflict the prosecution must resolve. Government has ordered an autopsy on baby. Trial set for March 2, 2005.

**People v. Mason (Golden, Colo.)—**

Pro-lifers picketing in front of a college falsely charged with obstructing a police officer and trespass. **Victory!**: charges dismissed.

**McCullough v. Kelly (Santa Monica, Calif.)—**

Pro-lifer arrested and held in jail overnight for holding signs on public sidewalk outside public high school. Civil suit filed. Case settled with monetary settlement and expungement of arrest record.

**Ford v. North Orange County Community College District (Calif.)—**

Pro-lifers subjected to unconstitutional restrictions on speech on public community college campuses, including being told that the “free speech area” was a flooded, partially fenced off area with virtually no student traffic. Failure to leave the campus led to arrests. No charges filed. Civil action filed against the District. Demurrer overruled and discovery is underway.

**Moreno v. Los Gatos (Calif.)—**

Pro-lifers arrested for picketing and distributing literature on public sidewalk outside high school. Police told them they had to stay 1,000 feet from the school. No charges filed. Civil action filed. Motion for preliminary injunction taken under submission pending outcome of mediation.

**People v. Enyart (Redlands, Calif.)—**

Pro-lifers arrested on sidewalk outside high school for distributing literature and talking to students, after police officer deems this “causing a disturbance.” No criminal charges filed. Claim filed against city.

**People v. Mason (Las Vegas, Nev.)—**

After a day of sidewalk counseling at an abortion mill and being told by police they were not violating the law pro-lifers were charged with trespass as they were leaving. Trial set for January 2005.

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## ASK THE ATTORNEY

### D. Colette Wilson

**California attorney D. Colette Wilson has been involved with Life Legal Defense Foundation since its founding fifteen years ago. She has contributed countless hours of pro bono work representing pro-life activists, beginning with Operation Rescue cases in the late '80s and early '90s. She is also one of several lawyers who worked on the case of the *National Organization for Women (N.O.W.) v. Joseph Scheidler*, in which pro-abortion forces tried to apply racketeering laws to pro-life activists. The case went to the U.S. Supreme Court, winning an 8-to-1 victory in 2003.**



Colette, Tim, Paul and Vida Wilson

A 1976 graduate of the University of California, Los Angeles, she attended Loyola of Los Angeles Law School at night while working full-time as a legal secretary, then later as a law clerk. She graduated in December of 1985, passed the bar exam on her first attempt in February of 1986 and was admitted to practice in June of 1986. As a pro-life attorney, Mrs. Wilson helped instigate a successful class action against Family Planning Associates, the biggest abortion business in California, for failing to protect hundreds of its clients' private medical records (records with names were found discarded without having been shredded; injured clients shared a \$1 million settlement in the class action). Most recently she has helped LLDF defend the First Amendment rights of pro-life college students who wish to speak on campuses. She and her husband of thirteen years, Tim Wilson, are the parents of a son, Paul, 6, and a daughter, Vida, 4, each adopted at birth from teenage mothers.

**You have been active as an attorney with Life Legal Defense Foundation since it was founded fifteen years ago, you served jail time after taking part in non-violent pro-life demonstrations, you have been a sidewalk counselor outside abortion clinics, and you and your husband have adopted two children. What inspired you to be a pro-life attorney and activist?**

What got me to be willing to go to jail to save babies from abortion was having read and pondered books by Christians who really paid a price to serve God, such as Corrie Ten Boom—she and her family were taken to Nazi concentration camps for helping Jews escape from Holland during World War II—and Richard Wurmbrand, a Romanian pastor and convert from Judaism—who suffered severe persecution under the Nazis and again later by Communists. He wrote the book “Tortured for Christ.”

When I became involved with Operation Rescue, there was one thing that made a huge, huge difference for me. There was a rally during the Holy Week rescues of 1989. It was Good Friday (and rescue demonstrations outside abortion clinics were scheduled for the following day). There was a little baby, dead, who had been aborted by saline solution, so her body was intact—she was pretty big, sixteen or twenty weeks—and she was in a little coffin. All of us walked by and looked at her. The sight of her and looking at her just really got to me. I've really felt a sense of responsibility to that little



girl. Where was I when that was done to her? Adults are bigger. Adults are supposed to make the world safe for little kids. Where was I? Next day, when we were scheduled to be outside the clinics, it was raining really hard. The person directing us to sit shoulder-to-shoulder told me to sit right there and pointed—right at a puddle. I really hesitated. I did not want to sit for hours in a cold, dirty puddle and get cold and wet. Then I thought about that little girl. So I sat in the puddle. That was when my life crossed the line to where it is now. Now I am trying to live my life for the babies, for that little girl.

#### **When did you decide to use your legal skills in the pro-life arena?**

After taking part in a three-day series of Los Angeles-area rescues and being arrested and jailed with 750 others on Holy Saturday, we were all taken to arraignment on Monday morning. I noticed that for all of us who were willing to get arrested to save babies, there was just one attorney to represent all these people. I thought, “I am an attorney; I could go back and block clinic doors—or I could use my legal skills. I ought to do that.” At the time I was working for a solo-practice real estate attorney—I like to work in the background—doing research and writing. I loved that job but I quit to be available to attend the various court dates for people who were arrested after demonstrating and being removed for trespass or for resisting arrest by going limp. I went back to being a legal secretary and worked for a temp agency. That gave me the flexibility to represent people who needed an attorney. At the end of that year, 1989, I was asked to take a trial for a group of about ten demonstrators who were charged with trespass and the more serious matter of resisting arrest. It was a jury trial.

#### **Was this trial a personal turning point?**

My future husband happened to be in that group! [The couple realized later that they had both been in the Holy Saturday rescue mentioned above, but they had not yet met.] I noted [argued] that the La Mesa police had used pain compliance techniques severe enough that it caused some of the rescuers to pass out. I argued that my clients were therefore not guilty

of resisting arrest, since a person does not have a duty to submit to an illegal arrest, such as one where police use excessive force. The jury did not buy it. Also, the judge enjoined everyone from using certain words in the courtroom, such as baby, rescue, abortion—on the grounds that they were too inflammatory. Other words, such as Nazi and murderer, were also banned.

Using the words amounted to contempt of court and there were fines for the use of each word. But I used baby, rescue, and abortion. These people were not blocking a donut shop, they were trying to save lives.

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*We became friends as a result of that and married in July of 1991 and went to Wichita, Kansas on our honeymoon to take part in a rescue. It was a real cool honeymoon—we were arrested three times together; it was really romantic.*

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One witness for the defense used the word baby and also showed a plastic model of an unborn baby as a visual. For my use of four banned words, I was fined \$1550, which I refused to pay, so that translated to thirty-one days in jail at a rate of \$50 per day. The witness was held in contempt and jailed for 5 days.

There were also some outbursts among spectators, one of whom was held in contempt and jailed for 15 days. It was a case in which, in the end, the clients, the lawyer, a witness, and even a spectator all went to jail. [Laughs.] During this case, the judge took me aside in

chambers and lectured me about contempt.

He asked, “Don’t you realize that I have the power to report you to the state bar and have you disbarred?” I thought to myself, well, it’s only by God’s grace that I was able to become a lawyer, so my license to practice is really God’s. I told him, “Your Honor, I have to answer to a higher judge.” I kept thinking, [when] He asks me, “Did you really do your best to defend these clients?” would I answer, “I couldn’t because they wouldn’t let me use these words”? So—despite the threat of losing my license—I used the words.

[Mrs. Wilson served three weeks of the thirty-one day sentence, which was reduced to time served after a colleague intervened with the judge on her behalf.]

#### **How did your courtship proceed?**

Of course I visited all of my clients in jail, but Tim Wilson, I felt kind of sorry for him because he was in the downtown San Diego jail. It was overcrowded, the lights and TV were on all the time, it was noisy.

If I visited, we could sit in the lawyers’ counsel room where it was quiet. One time we talked seven hours without anyone ever coming in to say time was up; I finally had to go! We became friends as a result of that and married in July of 1991 and went to Wichita, Kansas on our honeymoon to take part in a rescue. It was a real cool honeymoon—we were arrested three times together; it was really romantic.

#### **Why was your husband interested in pro-life activity?**

Tim (a carpenter) worked as a very young man, aged 18 or 19, as a janitor for a janitorial company that had an abortion clinic among its clients.

Sometimes he literally saw tiny little arms and legs that he had to clean up and put down the garbage disposal. He had nightmares. [Later, during rescue demonstrations] I saw him literally being tortured by police who wanted him to move away from a clinic and he would not move. He knew that the longer he stayed, the longer it would be until another baby died. He knew.

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**People v. Logsdon (Cincinnati, Ohio)**— Clinic owner removes pro-lifer's sign from fence and refuses to return it to its owner. When sign owner enters property and retrieves his sign, clinic owner calls police. Pro-lifer convicted of trespass. Case on appeal.

**Franklin et al. v. Planned Parenthood of Los Angeles (Los Angeles)**— Law suit against PP for illegal employment practices and violations of non-profit tax-exemption laws.

**Michael Logsdon v. Haines et al. (Cincinnati, Ohio)**— Pro-lifer sues police and clinic for trespass of private property (taking his signs) under Ohio law.

**Krug v. Billings Montana (Billings, Mont.)**— Pro-life sidewalk counselors were arrested on separate occasions; all criminal charges were dismissed. False arrest suit pending.

DUPLICATES

Please help us conserve! If you are receiving duplicate newsletters, let us know.

LIFELINE MISSION STATEMENT

The mission of Life Legal Defense Foundation is to give innocent and helpless human beings of any age, and particularly unborn children, a trained and committed defense against the threat of death, and to support their advocates in the courtrooms of our nation.

LIFELINE EDITORIAL POLICY

The purpose of LLDF is set forth in our mission statement above. To that end, Lifeline welcomes all ideas, opinions, research and comments, and all religious and political points of view, so long as not seen to be clearly divisive, and so long as fundamentally based upon the twin pillars of truth and charity.

ON THE WEB

[www.lldf.org](http://www.lldf.org)

Wesley J. Smith

Now They Want to Euthanize Children

In the Netherlands, 31 percent of pediatricians have killed infants. A fifth of these killings were done without the “consent” of parents. Going Dutch has never been so horrible.



First, Dutch euthanasia advocates said that patient killing will be limited to the competent, terminally ill who ask for it. Then, when doctors began euthanizing patients who clearly were not terminally ill, sweat not, they soothed: medicalized killing will be limited to competent people with incurable illnesses or disabilities. Then, when doctors began killing patients who were depressed but not physically ill, not to worry, they told us: only competent depressed people whose desire to commit suicide is “rational” will have their deaths facilitated. Then, when doctors began killing incompetent people, such as those with Alzheimer’s, it’s all under control, they crooned: non-voluntary killing will be limited to patients who would have asked for it if they were competent.

And now they want to euthanize children.

In the Netherlands, Groningen University Hospital has decided its doctors will euthanize children under the age of 12, if doctors believe their suffering is intolerable or if they have an incurable illness. But what does that mean? In many cases, as occurs now with adults, it will become an excuse not to provide proper pain control for children who are dying of potentially agonizing maladies such as cancer, and doing away with them instead. As for those deemed “incurable”—this term is merely a euphemism for killing babies and children who are seriously disabled.

For anyone paying attention to the continuing collapse of medical ethics in the Netherlands, this isn’t at all shocking. Dutch doctors have been surreptitiously engaging in eugenic euthanasia of disabled babies for years, although it technically is illegal, since infants can’t consent to be killed. Indeed, a disturbing 1997 study published in

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the British medical journal, the *Lancet*, revealed how deeply pediatric euthanasia has already metastasized into Dutch neo natal medical practice: According to the report, doctors were killing approximately 8 percent of all infants who died each year in the Netherlands. That amounts to approximately 80-90 per year. Of these, one-third would have lived more than a month. At least 10-15 of these killings involved infants who did not require life-sustaining treatment to stay alive. The study found that a shocking 45 percent of neo-natologists and 31 percent of pediatricians who responded to questionnaires had killed infants.

It took the Dutch almost 30 years for their medical practices to fall to the point that Dutch doctors are able to engage in the kind of euthanasia activities that got some German doctors hanged after Nuremberg. For those who object to this assertion by claiming that German

doctors killed disabled babies during World War II without consent of parents, so too do many Dutch doctors: Approximately 21 percent of the infant euthanasia deaths occurred without request or consent of parents. Moreover, since when did parents attain the moral right to have their children killed?

Euthanasia consciousness is catching. The Netherlands' neighbor Belgium decided to jump off the same cliff as the Dutch only two years ago. But already, they have caught up with the Dutch in their freefall into the moral abyss. The very first Belgian euthanasia of a person with multiple sclerosis violated the law; and just as occurs routinely in the Netherlands, the doctor involved faced no consequences. Now Belgium is set to legalize neo-pediatric euthanasia. Two Belgian legislators justify their plan to permit children to ask for their own mercy killing on the basis that young people "have as much right to choose" euthanasia as anyone else. Yet, these same children who are supposedly mature enough to decide to die would be ineligible to obtain a driver's license.

Why does accepting euthanasia as a remedy for suffering in very limited circumstances

inevitably lead to never-ending expansion of the killing license? Blame the radically altered mindset that results when killing is redefined from a moral wrong into a beneficent and legal act. If killing is right for, say the adult cancer patient, why shouldn't it be just as right for the disabled quadriplegic, the suicidal mother whose children have been killed in an accident, or the infant born with profound mental retardation? At that point, laws and regulations erected to protect the vulnerable against abuse come to be seen as obstructions that must be surmounted. From there, it is only a hop, skip, and a jump to deciding that killing is the preferable option.

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[Wesley J. Smith is a senior fellow at the Discovery Institute ([www.discovery.org](http://www.discovery.org)), an attorney for the International Task Force on Euthanasia and Assisted Suicide ([www.internationaltaskforce.org](http://www.internationaltaskforce.org)), and a special consultant to the Center for Bioethics and Culture ([www.theCBC.org](http://www.theCBC.org)). He is the author most recently of *Consumer's Guide to a Brave New World*. ([www.encounterbooks.com](http://www.encounterbooks.com)). This article was originally published in *The Weekly Standard* Sept. 13, 2004 (<http://www.weeklystandard.com/Content/Public/Articles/000/000/004/616jszlg.asp>) and is here reprinted by kind permission of the author.]

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### Why did you later become a sidewalk counselor?

In 1994, I took a seminar from Life Dynamics on how to prosecute an abortion malpractice case because as a lawyer I thought it was something I should know how to do. I came away with two conclusions: You had to have a big war chest because those cases can run to \$100,000 in costs alone; and the lawyer needs to be really aggressive, like a shark. That is not me. I am a background person. So I thought that if I could stand outside a clinic, perhaps I would be in a place to observe something if an injury did take place and I could get help from another attorney for an injured woman. About the same time I felt compelled to get involved because of the passage of F.A.C.E. legislation (which outlaws blocking of abortion clinic entrances). I took a really good look at the law. Rescues had involved blocking but sidewalk counseling involved no crowds, no hoopla. In fact, sidewalk counseling works better when there are fewer people. You want to be inviting, to have a one-on-one conversation. The F.A.C.E. prohibitions didn't affect me as a sidewalk counselor. I also thought that as a lawyer I could be an example. If a lawyer could do that, then others might see that it was legal, that it was O.K. I began to train other sidewalk counselors, and tapped into Life Legal Defense Foundation resources to check points of law that I was teaching.

### Weren't you involved in litigation with the notorious abortionist, Edward Allred?

Yes! My husband used to go through the dumpsters of the various Family Planning Associates abortion clinics, to see what "helpful" information we could glean from their office trash—maybe evidence of Medical fraud, who knows? He always found a lot of unshredded patient documents with women's names and addresses and often copies of drivers' licenses. I saw the potential for a class-action lawsuit. In May 1999 we wrote letters to 10,000 former patients, urging them to call the clinics and the doctors'

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### WANTED

LLDF is receiving calls from people whose loved ones are being denied necessary medical treatment. We need local attorneys to assist us in these matters. LLDF is currently compiling model briefs, petitions and other forms for use in these cases.

Please consider making a tax-deductible contribution today. Your generosity allows LLDF to fulfill its mission to provide a trained and committed voice in the courtroom so that pro-lifers can continue their life-saving work.

If you have stock that gives you more tax trouble than earnings, please consider donating it to LLDF. You can deduct the full value of the stock at the time of donation (no need to determine the basis). Thus, what may be a burden to you can be turned directly into support for the defenders of the defenders of life.

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### EDUCATION

LLDF, on an ongoing basis, provides referrals to attorneys for assistance in ensuring care for medically dependent relatives and for adoption and guardianship matters; obtains legal assistance for women injured by abortion; advises employees in regards to free speech rights in the workplace; instructs pro-lifers in how to defend themselves in court; advises attorneys and citizens on working with legislative bodies re proposed legislation; advises numerous sidewalk counselors, picketers, and prayer supporters of their free speech rights and rights to peaceful assembly when speaking out for the unborn in their communities; provides spokespersons for television, radio, and print media, and speakers for training workshops and debates.

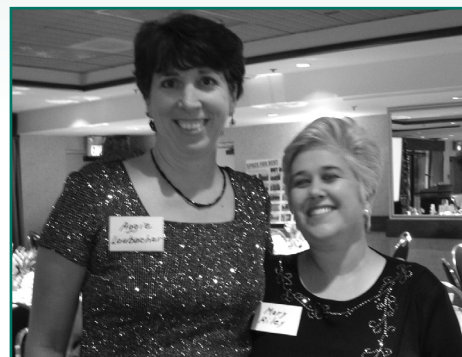


## SPEAKING UP FOR TERRI:

Anthony Wynne

### THE 2004 LLDF ANNUAL ATTORNEY BANQUET

**Historic Jack London Square in Oakland was recently the site of the LLDF Annual Attorney Banquet. On Saturday, November 6, 2004, approximately 130 guests gathered at the Waterfront Plaza Hotel for an evening of camaraderie, good food, and moving speakers.**



**(R) Jeff White and Cindy White, (M) Attorney Patricia Fields-Anderson and speaker Kate Adamson, (L) Event planners Aggie Laubacher and Mary Riley**

The evening began with a live auction conducted by *The Survivors* founder Jeff White. Jeff performed like a pro, getting top dollar from generous bidders for each of the donated items. Following the auction, the formal program began with Lt. Col. Ron Maxson, Army (Ret.) giving the invocation and leading the guests in a pledge of allegiance to the flag. Then, in addition to her annual "Year in Review" report, LLDF Executive Director Dana Cody gave a brief history of LLDF, recognizing that 2004 marks the fifteenth anniversary of the organization. LLDF President John Streett kept a full program moving along with his characteristic wit and spontaneity.

In her remarks, Dana observed that the LLDF office has been receiving an increasing number of telephone calls from people seeking advice relative to Terri Schiavo-type forced death cases. Dana pointed out that these calls give LLDF an opportunity to save lives without setting foot in a courtroom. As an example, she introduced Marilyn King who had come from Arizona to tell her story and to express her appreciation to LLDF.

Marilyn began by relating some of her experiences in caring for her mother, particularly as they relate to the attitudes of modern hospital management toward critically ill patients. Her mother, herself a role model of care giving, suffered from Parkinson's disease. As the disease advanced, Marilyn sought treatment for her mother but received little assistance from the hospitals.

In three hospitals in succession, Marilyn received no help, but advice bordering on compulsion to let her mother die. She was intimidated and threatened (with calls to the police and to Adult Protective Services) because she asked for treatment for her mother, and refused to allow her to die.

Knowledge is power. After receiving coaching and advice from Dana, Marilyn returned to the hospital. "I adopted a whole new mindset. I was calling the shots," she said. With courage born of confidence, she fired her mother's doctors and obtained new ones who were willing to work with her to see that her mother received the treatment she needed.

Well-known author and pro-life and anti-euthanasia advocate Wesley J. Smith introduced the evening's featured speaker, Patricia Fields Anderson. Pat has been the attorney for Terri Schiavo's parents, Bob and Mary Schindler, for three and a half years. Mr. Smith also announced that Pat had been named LLDF Attorney of the Year. Pat's modest response: "It's not very often that you get an award for being stubborn."

Pat described the case of Terri Schiavo as one of "manifest injustice" in which "a death sentence [has been] imposed on an innocent person who did not have a lawyer." Pat, with LLDF's

assistance, has been able to block all attempts by Terri's husband to end her life. Michael Schiavo has been successful, however, in denying Terri not only rehabilitation, but also any stimulation whatsoever which might improve her condition. Pat's husband Tom was removed from the approved list of Terri's visitors after Michael learned that, over the course of several weeks, Tom had been playing music for her and had taught her how to say "yeah" and "no". "Terri is," said Pat, "on a no-stimulation program." Nevertheless, nearly fifteen years after her



collapse, Terri is still alive. Pat credits LLDF with keeping Terri alive by making it possible for Pat to speak on Terri's behalf.

The keynote speaker of the evening is also able to speak for Terri—in a way that few others can. Kate Adamson was thirty-three years old when she suddenly suffered a severe stroke. She was paralyzed immediately and completely. Rushed to a hospital and lying in a bed, she could hear and understand what people around her were saying. She could not respond or communicate in any way. At first, she could not even blink her eyes. Her recollection sounds like many people's worst nightmare: "I was totally trapped in

my body. It was as if I were a ghost at my own funeral." Kate listened to her doctors carry on detailed conversations about her condition, including their suggestions that she simply be allowed to die. And she would have died, had not heaven and earth been moved to keep her alive. As Kate tells it, "God moved Heaven, and Steven moved earth," referring to her husband, Steven Klugman. On the earthly side, Kate gives full credit to Steven: "I could not have had a better advocate."

Kate also acknowledges the importance of one result of Steven's determined and tireless advocacy: the opportunity to receive rehabilitation. With that rehabilitation, Kate was able to recover from a condition much like the condition in which Terri Schiavo has been for almost fifteen years. Has Terri heard and understood the debate which has raged around her over whether she should be "allowed to die," as Kate did? If she were ever given the opportunity to receive rehabilitation, perhaps she could tell us.

### L

[The speeches at the 2004 banquet were video-recorded and are available in DVD format from S.O.N. Services, P.O. Box 1354, Brentwood, CA 94513, (925) 516-0154. Please enclose payment of \$25.00.]

### (ATTORNEY CONT'D FROM PAGE 7)

homes to complain about this violation of their privacy and also suggesting they take legal action. Over 200 women sued FPA as a result, and FPA promptly sued Tim and me for stirring up this hornet's nest. With a lot of help from LLDF, Tim and I were able to get FPA to drop the case against us after a year. As for the patients' case against Family Planning Associates, it also ended successfully, although only after four arduous years in court. I had no idea, back when Tim and I were in the planning stages of our vision to use FPA's trash against them in a lawsuit, that it would end up being such a roller coaster ride for the law firm that would eventually sue on behalf of the women whose records were left in the dumpsters. Now, looking back, I have nothing but the highest admiration for Jack Schuler, who rode that case like a bucking bronco and was never thrown. Those FPA lawyers definitely milked that case for all it was worth, costing Edward Allred a huge heap of money for the defense. But on the other side of that fight was Jack Schuler, from June 1999 until September 2003 when he finally reached a settlement and got all 200 of his clients to agree to it. The case ultimately settled for \$1 million, with each woman getting several thousand dollars.

Between 1999 and 2003, FPA closed four abortion clinics, Cypress, Inglewood, North Hollywood, and Ventura. Plus they moved the La Mesa clinic to much smaller quarters near downtown San Diego. And on top of that, I found out that they recently closed the infamous San Vicente Hospital location, apparently because Allred "just didn't want to deal with it anymore."

I would credit the costliness of this litigation as at least part of the reason why they are down by four, overall, from what was in 1999 a chain of twenty abortion mills. Praise God!

### Was the adoption of your children related to your pro-life work?

Our being able to adopt Paul and Vida was not linked to any women I counseled in the course of my sidewalk counseling. However, because of being so active in pro-life work, Tim and I

came more easily to mind when the pro-life counselors who recommended us as adoptive parents were asked for a recommendation of someone who could be ready to adopt a baby ready to be born. Both Paul's and Vida's birth mothers went to great lengths to hide their pregnancies from their friends and families in order to avoid being pressured to have abortions, so it is true that both our children were rescued from certain death. These birth moms really sacrificed of themselves to carry their babies to term. They also both felt they had to keep their pregnancies secret in order to avoid serious harassment from their families for doing what in their culture was unthinkable: placing their babies for adoption.

### How do you balance pro bono work and family responsibilities?

We do our best to live frugally on one income. My husband watches our kids while I work from home, and he's very supportive of my pro-life legal work, whether paying or not. We have a flexible, kind of crazy, schedule.

### Do you have advice for other attorneys interested in pro-life work?

I made a commitment to do 450 hours of pro-bono work after attending a week of seminars put on by the Alliance Defense Fund in July 2002. The seminars were very worthwhile, and they were free in exchange for making a commitment to do 450 hours of pro-bono work benefiting the Kingdom of God within a three-year time period. I fulfilled my 450 hours in less than two years, most of it on LLDF projects. I would encourage every Christian attorney to take advantage of the free seminars from A.D.F. and also to make that 450-hour commitment. It's a sacrifice, yes, but, to use a biblical reference: "The harvest is plentiful, but the laborers are few." (Luke 10:2) We lawyers are uniquely qualified to push back against the rising tide of evil in our culture in a way that others can't, so we should do what we can to help out when the opportunity presents itself.

### L

(RIGHT TO KNOW CONT'D FROM PAGE 1)

ensuring the initiative is in compliance with federal constitutional requirements. For example, under the federal constitution as interpreted by the U.S. Supreme Court, parental involvement laws must provide for a judicial bypass, i.e., a procedure by which a minor can seek a court order waiving the requirement of the law, based on evidence of her maturity or best interests. The law must also protect the minor's privacy, not unduly delay the abortion procedure, and provide for medical emergencies. Failure to comply with federal constitutional strictures in any of these areas will result in a law being struck down.

Also of concern in drafting the initiative were political realities: how will Planned Parenthood twist the initiative to scare people into voting against it? Will they try to scare people into thinking that doctors will flee California or that minors will end up in jail? Although a substantial majority of the general public favors requiring parental notice for minors to obtain abortions, that majority can become a minority if the particular proposal is vulnerable to attack as unfair, expensive, or unduly punitive.

In order to head off these sorts of attacks, the Parents' Right to Know initiative provides for civil rather than criminal penalties against non-compliant doctors. Doctors who intentionally or negligently fail to comply with the law can be sued by any injured party, including the parents of the minor or the minor herself. In this way, no doctor can feel safe to ignore the law because he happens to do business in a liberal jurisdiction where the prosecutors are unlikely to pursue these types of cases; he's just as apt to be sued in San Francisco as in Fresno. The statutory penalties and mandatory attorney fees provide a substantial incentive for doctors to obey the law.

Although careful to make the initiative both legally sound and politically viable, the proponents also gave thoughtful consideration to ensuring the law is effective. For example, the initiative provides for a 48-hour reflection period after delivery or presumed delivery of notice before the abortion can be performed. (Notice may be delivered either in person or

by both registered and regular first-class mail, the latter combination to ensure both certainty and speed of delivery.) This reflection period ensures that parents have a realistic opportunity to consult with their daughter and explore her options before she makes an irrevocable decision. The 48-hour period may be waived by a parent (another concession to political realities.)

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The Parents' Right to Know initiative also provides for penalties for fraud and protections against coercion. The fraud penalties evolved out of the same concerns that motivated the federal Child Custody Protection Act, namely that unrelated adults have been known to assist minors in evading laws requiring parental notice or consent. Such adults include the mother of the minor's boyfriend, the boyfriend himself, or a teacher or counselor. Under the provisions of the Parents' Right to Know initiative, any person who knowingly provides false information to a physician or physician's agent for the purpose of inducing the physician to believe that the law has been complied with or need not be complied with (i.e., that the minor is in fact not an unemancipated minor) is guilty of a misdemeanor.

The most obvious way for a minor to attempt to evade the law would be by providing a fraudulent parental waiver. For this reason, the initiative requires that the waiver either be personally delivered by the parent or guardian

or be notarized. Moreover, the waiver forms will include a printed warning about the criminal penalty for fraud. The combination of these provisions ensures that the minor cannot sign her own waiver form, that the person who does so will have to present him or herself either in the clinic or to a notary, and that he or she will be aware of the criminal liability for misrepresentation.

Parents' Right to Know also specifies that the minor herself must consent to the abortion. Thus, the mere fact that a parent arrives at the clinic with the minor and authorizes the abortion does not absolve the doctor of the necessity of obtaining the consent of the minor herself. It also provides a remedy for minors who may be coerced to consent to an abortion, by her parents or others. We at LLDF are well aware of the unfortunate frequency of minors being pressured to have abortions. By specifically providing for recourse to the juvenile court in this situation, the initiative will help overcome the reluctance of some judges to get involved and provide assistance to minors at risk.

The initiative concludes with a provision preventing it from being construed to "grant, secure, or deny" any other right relating to abortion. Thus, no court will be able to hold that by approving this initiative, the people of California intended to create or recognize a right to abortion in the state constitution.

**Enclosed in this issue of *Lifeline* is a copy of the Parents' Right to Know initiative. If you are a registered California voter, we urge you to read the directions carefully, sign the initiative promptly and return it to the address printed on the petition.** For more information, go to [www.ParentsRight2Know.org](http://www.ParentsRight2Know.org). If you would like more petitions to circulate, please email [Janet@ParentsRight2Know.org](mailto:Janet@ParentsRight2Know.org) or call the office at (866) 828-8355.

**L**

**[As of January 3rd, 255,644 signatures had been gathered—Ed.]**

(TERRI CONT'D FROM PAGE 2)

under the adverse circumstances in which she has found herself for so many years.

Terri's parents, sister, and niece went immediately to greet Terri when we entered the room and stood in turn directly beside her head, stroking her face, kissing her and talking quietly with her. When she heard their voices, and particularly her mother's voice, Terri instantly turned her head towards them and smiled. Terri established eye contact with her family, particularly with her mother, who spent the most time with her during our visit. It was obvious that she recognized the voices in the room with the exception of one. Although her mother was talking to her at the time, she obviously had heard a new voice and exhibited a curious demeanor. Attorney Gibbs was having a conversation near the door with Terri's sister. His voice is very deep and resonant and Terri obviously picked it up. Her eyes widened as if to say, "What's that new sound I hear?" She scanned the room with her eyes, even turning her head in his direction, until she found Attorney Gibbs and the location of the new voice and her eyes rested momentarily in his direction. She then returned to interacting with her mother.

When her mother was close to her, Terri's whole face lit up. She smiled. She looked directly at her mother and she made all sorts of happy sounds. When her mother talked to her, Terri was quiet and obviously listening. When she stopped, Terri started vocalizing. The vocalizations seemed to be a pattern, not merely random or reflexive at all. There is definitely a pattern of Terri having a conversation with her mother as best she can manage. Initially, she used the vocalization of "uh uh" but without seeming to mean it as a way of saying "no", just as a repeated speech pattern. She then began to make purposeful grunts in response to her mother's conversation. She made the same sorts of sound with her father and sister, but not to the same extent or as delightedly as with her mother. She made no verbal response to her niece or to Attorney Gibbs and myself, but she did appear to pay attention to our words to her.

The whole experience was rather moving. Terri definitely has a personality. Her whole demeanor

definitely changes when her mother speaks with her. She lights up and appears to be delighted at the interaction. She has an entirely different reaction to her father who jokes with her and has several standing jokes that he uses when he enters and exits her presence. She appears to merely "tolerate" her father, as a child does when she says "stop" but really means, "this is

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fun." When her father greets her, he always does the same thing. He says, "here comes the hug" and hugs her. He then says, "you know what's coming next—the kiss." Her father has a scratchy mustache and both times when he went through this little joke routine with her, she laughed in a way she did not do with anyone else. When her father is ready to plant the kiss on her cheek, she immediately makes a face her family calls the "lemon face." She puckers her lips, screws up her whole face, and turns away from him, as if making ready for the scratchy assault on her cheek that she knows is coming. She did the exact same thing both times that her father initiated this little routine joke between the two of them.

The interactions with her family and our appearance in her room appeared to require some effort and exertion from Terri. From time to time, she would close her eyes as if to rest.

This happened primarily when no one was paying particular attention to her, but we were talking among ourselves. After a few minutes or when one of the visitors approached her and started to talk directly to her again, Terri would open her eyes and begin her grunting sounds again in response to their conversations. Although I approached her, leaned close and stroked her arms and spoke to her, she did not verbally respond to me.

Terri's hands are curled up around little soft cylinders that help her not to injure herself. I understand that these contractures are likely very painful, although there was a time when Terri was receiving simple motion therapy when her hands and arms relaxed and were no longer as constricted. When the therapy was discontinued by order of her guardian and the court, the contractures returned. These contractures would apparently be avoidable if Terri were given the simple range of motion therapy she previously received. It is very sad to observe firsthand these conditions that make her life more difficult, but that would be correctable with little effort.

When we were preparing to leave, the interactions with Terri changed. First, she went through the joke routine with her father and the "lemon face." When her niece said goodbye to her, Terri did not react. Nor did she react to me or to Attorney Gibbs when we said our goodbyes to her. When her sister went to her to say goodbye, Terri's verbalizations changed dramatically. Instead of the happy grunting and "uh uh" sounds she had been making throughout the visit, her verbalizations at these goodbyes changed to a very low and different sound that appeared to come from deep in her throat and was almost like a growl. She first made the sound when her sister said goodbye and then, amazingly to me, she made exactly the same sound when her mother said goodbye to her. It seemed Terri was visibly upset that they were leaving. She almost appeared to be trying to cling to them, although this impression came only from her changed facial expression and sounds, since her hands cannot move. It appeared like she did not

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want to be alone and knew they were leaving. It was definitely apparent in the short time I was there that her emotions changed—it was apparent when she was happy and enjoying herself, when she was amused, when she was resting from her exertion to communicate, and when she was sad at her guests leaving. It was readily apparent and surprising that her mood changed so often in a short minute visit.

I was pleasantly surprised to observe Terri's purposeful and varied behaviors with the various members of her family and with Attorney Gibbs and myself. I never imagined Terri would be so active, curious, and purposeful. She watched people intently, obviously was attempting to communicate with each one in various ways and with various facial expressions and sounds. She was definitely not in a coma, not even close. This visit certainly shed more light for me on why the Schindlers are fighting so hard to protect her, to get her medical care and rehabilitative assistance, and to spend all they have to protect her life.

I realize that Terri has good days and bad days. There are obviously days when she does not interact with her family, as they had previously told us. There are also apparently days when Terri is even more interactive and responsive to them than she was on the day I visited. Since this visit I am more convinced than ever that the Schindlers are not just parents who refuse to let go of their daughter. There really is a lot going on with their daughter and potentially, it seemed obvious to me, Terri could improve even more with appropriate care and twenty-four-hour-a-day love that can only come from a dedicated family. As I watched her, my foremost thought was that on the next day, Christmas, Terri should not have been confined to her small room in a hospice center, nice as that room was, but that she should have been gathered around the Christmas dinner table enjoying the holiday with her family.

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