A PUBLICATION OF THE LIFE LEGAL DEFENSE FOUNDATION

SPRING 2011

# LifeLine

A Legal Network in Support of Life

## ReCAP

**Morr-Fitz, Inc. v. Blagojevich (Illinois)**

Challenge to state administrative rule requiring pharmacists to dispense abortifacient drugs without regard to their conscientious objections. LLDF assisted with an amicus brief at the Illinois Supreme Court after the case had been dismissed for lack of ripeness. In 2008, the Illinois Supreme Court held the pharmacists' claims were ripe for adjudication and remanded the case for trial on the merits. ***Victory!*** On April 6, the trial court ruled that the plaintiffs cannot be forced to dispense emergency contraceptives contrary to their moral objections. The court also held the rule unconstitutional on its face, meaning the state could not enforce it against any pharmacist, but this part of the ruling is stayed pending the expected appeal by the State Attorney General.

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VOLUME XX, NO.1

## In This Issue



LEGISLATURE

*Dana Cody*

# Real Change?

**Upon the Republican Party winning a majority in the U.S. House of Representatives, Marco Antonio Rubio, the junior U.S. Senator from Florida (and what some are calling the rising star of the Tea Party), said "We make a great mistake if we believe that tonight these results are somehow an embrace of the Republican Party. What they are is a second chance, a second chance for Republicans to be what they said they were going to be not so long ago."**

Not so long ago the Republican Party was without question the party of life. It was the party that protected the traditional family. It was the party that opposed reckless government spending, government debt, and spiraling deficits. It was the party that opposed tax increases that drained the family budget.

The Tea Party platform calls for reduced government spending,[1] lower taxes,[2] and reducing the national debt and the federal deficit.[3] It sounds like Reaganomics. Not so long ago the Republican Party platform and the Tea Party platform would have been interchangeable.

If you blend this fiscal platform with Rep. Chris Smith's (R-N.J.) observation that the 112th Congress is "the arguably most pro-life House ever,"[4] and Speaker of the House John Boehner's (R-Oh.) statement that "he wants to be the most 'pro-life speaker in history,'" a second chance looks like a welcome change from the 111th Congress.

Marco Rubio, Senator; Florida

Senator Rubio was spot-on. A Republican majority in the House of Representatives is not an embrace of the Republican Party. It is the voters' refusal to put the pro-tax, pro-big government, pro-death party back in control



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# ASK THE ATTORNEY: Terry O'Malley

Attorney Terry O'Malley of Colorado leads the defense for a current case involving an experienced sidewalk counselor who maintains a regular presence outside abortion clinics. The case, which hinges on First Amendment free speech principles, is Mr. O'Malley's second *pro bono* case for Life Legal Defense Foundation. A graduate of the University of Kansas School of Law and Colorado State University, he has practiced criminal defense law for 18 years. He is one of three attorneys at O'Malley Law Office, P.C. The firm serves clients charged with criminal offenses in the Denver metropolitan area and throughout Colorado. Its website is www.omalleylawoffice.com.

**Please explain the current case you are handling for Life Legal Defense Foundation client Jo Scott, a grandmother of 11 who has been a sidewalk counselor outside abortion clinics for 30 years, the past 14 outside Planned Parenthood in Denver.**

Because an eight-foot fence surrounds the facility, Jo often uses a tall ladder to look over the parking lot and offer help to women entering the abortion clinic. She and her husband are present five days a week. Last April, Jo was accused by a clinic customer of assault and harassment. Acting as her own attorney, she filed for discovery of a video recording of the alleged incident. The video showed her walking alongside the woman on the public sidewalk with her hands in her pockets. Jo defended herself at the first court hearing, which ended with a restraining order requiring her to stay 100 feet from all healthcare facility entrances, making it hard for her even to visit her own doctor. Realizing she needed professional legal help, Jo contacted me directly and we discussed the case. Jo indicated that she had been in touch with Life Legal Defense Foundation, who could help share the burden in her case. I spoke with LLDF and was encouraged by their offer of assistance both financially and with legal arguments. She contacted Life Legal, whose staff contacted me. Jo has saved hundreds of babies over the years and it is an honor to represent her. I clarified her protection order and got her more protection. The case was set for trial, so we made efforts to prepare motions to be filed based on constitutional issues that Jo may not have been able to identify herself. Jo did quite well for a layperson defending herself but we wanted to have her in a stronger position for an appeal should it be needed. Both U.S. and Colorado constitutional issues are involved, since both offer protections for people who want to speak to other people in a public forum such as a sidewalk. The law tries to strike a balance between medical care, as they call it — I call it killing your children — and freedom of speech. The restraining order overreaches into protected constitutional rights, saying you can't talk to people on the sidewalk if it bothers or annoys them. This particular subsection of law has not been tested in Colorado courts, so this case would be a case of first impression on that issue in Colorado. It will be really interesting to see what happens if we lose at trial. We will raise free speech issues at the trial court and plan to be in good shape to raise the same issues on appeal using trial strategies that Jo would not have been aware of, had she been handling her own case.

**Does this case have broader implications than Jo's ability to protest abortion?**

This is a free speech type of case so I think it will have some appeal to the courts. If the courts saw it strictly as a pro-life case, we probably would lose because the courts are not disposed to favor pro-life causes. This case has implications for all types of speech, not just pro-life speech.

**Are there any other interesting points about this case?**

Planned Parenthood has a private-firm lawyer whom they hire to come to all the hearings — and this isn't even a Planned Parenthood case. They are paying several hundred dollars an hour for him just to come and observe — motions, hearings, subpoenas — whatever we do.

**What inspires your pro-life work?**

I am inspired by Biblical principles — how can you read the Bible and not be pro-life? — and compassion for the innocent and the weak. I became a Christian while attending Colorado State University, after paying attention to the work of Inter-Varsity, a non-denominational Christian evangelical organization. I worked for them for four years as a campus staff worker.

**Can the pro-life community improve the chances of success in legal challenges?**

It is important for pro-life protesters to educate themselves on the state of the law, maybe by working with an attorney. I promise you Planned Parenthood staff are trained and knowledgeable about the state of the law. Trained pro-life protesters would be less likely to make simple mistakes that could result in restricting

(O'MALLEY CONT. ON PAGE 11)

# "Sarah Blustain Broke My Heart"

**For almost two decades, attorney Harold Cassidy of Red Bank, New Jersey has litigated on behalf of post-abortive women. He was instrumental in the drafting and passage of South Dakota's informed consent law, which requires abortionists to inform women that an abortion "terminates the life of a whole, separate, unique human being." Last year, he agreed to be interviewed by Sarah Blustain of *Mother Jones* Magazine. After publication of the article he wrote this response:**

**"Sarah Blustain broke my heart. In her article published in the January-February edition of *Mother Jones* under the title 'In the Name of the Mother' (Pp. 42–45; 64–66), Sarah got the most important facts completely wrong."**

Before I address what Sarah did wrong, let me first discuss what she did right and why I am responding to her at this belated date.

Harold Cassidy

Sarah never hid from me—and she doesn't attempt to hide it from *Mother Jones* readers—that she disagrees with me on many aspects of the abortion issue. She is pro-abortion and I am not. Yet, she wrote of an adversary with civility and respect. She is, in some ways, a model of decorum who brings to the debate a civility not normally witnessed in discussions of these matters. More than one commentator observed this very fact about Sarah's article in *Mother Jones*. As a result, she has made her own contribution to this national debate; that matters of such importance and passionate disagreement can be the subject of civilized discourse.

She was able to achieve that tone in large measure because she is a gifted writer. She is charming and disarming. She has the talent to engage the reader. With such a great gift comes great responsibility. With such power to persuade, comes the power to influence. Such a gift must be used to advance justice, never injustice. So with it comes the duty to faithfulness to the true facts. So I count it no indiscretion on my part to point to her errors.

I originally did not plan to take the time to write this response. When an editor of *Mother Jones,* Michael Mechanic, wrote an editorial quoting some of Sarah's most egregious and offensive mistakes of fact, I was moved to respond, but resisted.

However, this week, a funeral service was held for Dr. Bernard Nathanson and he was laid to rest. Dr. Nathanson was one of my experts in a Federal suit referenced by Sarah in her article. Her misstatement of facts concerning that suit went to the very heart of Dr. Nathanson's testimony and his contributions to that case. I owe it to him to correct the misstatements about the facts concerning that case and explain his role in it. In "In the Name of the Mother," Sarah Blustain reported that:

> "In 2005, with Cassidy's guidance, South Dakota passed one of the nations's most restrictive counseling laws. Its language—lifted directly from Cassidy's legal writings—compels providers to tell women they are taking the life of a 'whole, separate, unique, living human being.'" (P. 44).

Actually, the law required the physician to inform the mother that "an abortion terminates the life of a 'whole, separate, unique, living human being.'" It is the physician, not the mother, who terminates the life of the human being.

*As a result, she has made her own contribution to this national debate; that matters of such importance and passionate disagreement can be the subject of civilized discourse.*

Sarah immediately, thereafter, goes on to state that:

> "The law, which Planned Parenthood is challenging in federal court, has inspired imitators in Missouri and North Dakota, with looser interpretations introduced in Indiana and Kansas. These bills are not backed by mainstream scientific findings." (P.44).

This statement, quoted by Mike Mechanic, is not only false, but it is the complete opposite of the true facts. The lawsuit to which she refers is *Planned Parenthood of Missouri, North Dakota and South Dakota, et al. v. Governor Rounds, Alpha Center, et al.* In that case, I represented four Intervenors, and all of the scientific evidence was on our side of the case.

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All of it. Planned Parenthood provided no scientific evidence to refute what we submitted. That case was the subject of a reported opinion written by an en banc panel (all eleven judges) of the United States Court of Appeals for the Eighth Circuit. In that court opinion reported at 530 F.3d 724 (8th Circuit 2008) (en banc), the United States Court of Appeals held that South Dakota's requirement that the abortion doctor disclose to the pregnant mother that the procedure he proposed to perform, that the "abortion will terminate the life of a whole, separate, unique, living human being," was a statement of scientific fact—not a "statement of ideology," as claimed by Planned Parenthood—and that it was a true statement of scientific fact based upon the record before the Court. On remand, the District Court, who had originally ruled in favor of Planned Parenthood, entered a judgment compelling Planned Parenthood to make that precise disclosure, in writing, to women considering an abortion. That issue has been resolved in that case.

Dr. Bernard Nathanson

On our side of the case we had Dr. Bruce Carlson, the preeminent human embryologist from University of Michigan, whose human embryology texts are used in medical schools around the country and in other parts of the world. We had our expert molecular biologist, Dr. David Mark, the brilliant scientist who discovered drugs that treat cancer, distributed and used around the world. We had our expert neonatologist, Dr. Ola Saugstad, from Oslo, Norway, the most recent recipient of the YIPPO award given to only one neonatologist in the world only once every five years. We had as our obstetrician, Dr. T. Murphy Goodwin, the head of Obstetrics and Gynecology at University of Southern California School of Medicine. We had one of the leading human geneticists who did research in Paris on genetic diseases. We had other experts as well. And we had the testimony of Dr. Bernard Nathanson, which I shall review shortly.

These experts explained the science that unequivocally demonstrates that the human embryo is a complete human being, discussing scientific literature and research about the mechanisms that regulate gene expression and other matters not widely known by lay persons.

On the other side of the case, Planned Parenthood offered no scientific testimony to refute any of our evidence. Instead they essentially admitted that the human embryo is a complete, separate, unique member of the species *Homo sapiens*. But their attorneys argued that the term "human being" was inappropriate because it had a connotation that incorporated a value judgment about the value of the life of the member of the species. However, and sadly for Planned Parenthood, but happily for justice, when I questioned them under oath in depositions, Planned Parenthood's State Director, its Medical Director, two of the physicians who perform abortions at Planned Parenthood, and two of their main experts all admitted that the term "human being" was a proper term to use to refer to a "member of the species Homo sapiens," especially when speaking to a lay person. Two of them said it was the only term they would use. Thus, even though they built their entire legal argument on the claim that the disclosure was not true and accurate, the disclosure was so true and accurate that ultimately six of their most important witnesses were forced to admit the truth of it.

The only expert that Planned Parenthood produced who attempted to make a "scientific" sounding argument that the embryo was not a whole, separate, unique, living human being, was a molecular biologist who taught at Princeton, one Lee Silver. Dr. Silver and I had crossed paths on prior occasions. In the early 1990's we both served on the New Jersey Bioethics Commission. Beginning at about that time, Dr. Silver started focusing on bioethic issues and ultimately became the leading proponent of human cloning for reproductive purposes. He started writing books promoting his concepts, and shortly after 2000 he appeared as an expert witness on the other side of one of my cases. In that case, he expounded his personal philosophy that a human embryo or fetus, in his judgment, is not a human being until he or she achieves the age of "sentience." This was his personal view, not a precept of science. I deposed him for an entire day in that case.

Dr. Silver later published another of his books in which he wrote that "the problem with (Cassidy's) strategy is that it's brilliant and effective" and it "pulls the rug out from under secular opponents." (*Challenging Nature*, Lee M. Silver, Harper Collins, 2006, Pp. 117–118).

Silver submitted a report in the Federal Case involving South Dakota's Informed Consent Case, and again he expressed his philosophical view that "sentience" was necessary for a member of the species to be a "human being." I deposed him one day in that case, at Princeton University. Under oath, he stated unequivocally that his opinion in the prior case, *Acuna*, was totally wrong. He stated his view was illogical and, therefore, he changed his opinion in the South Dakota case. He stated that he no longer had any opinion and his thinking was in a state of "evolution."

His testimony was nonsense and he ultimately was forced to admit it.

As to Sarah, it was an egregious omission for her to fail to disclose that we already won that issue in that federal lawsuit. It was an egregious misstatement of fact to

claim that that disclosure is "not backed by mainstream scientific findings." We had all of the evidence. Planned Parenthood had none. Six of their most important witnesses ultimately admitted we were correct. The problem with Sarah making a serious error of this nature is that in today's world it is constantly repeated throughout the internet, starting with Mike Mechanic.

That brings me to Dr. Nathanson because, alas, Sarah's misleading denials that science supports the conclusion that the human embryo is a whole, separate, unique, living human being, in the biological sense, is reminiscent of, although perhaps not deliberately so, and a return to, misleading statements made by an earlier generation.

Dr. Bernard Nathanson provided testimony in the South Dakota Case. He was the last surviving founder of N.A.R.A.L., the organization created in the 1960's to promote legalized abortion. Dr. Nathanson testified under oath that:

> "There were a number of key tactics that we adopted in order to win the public debate in support of legalized abortion.... One tactic we used was to denigrate and suppress all scientific evidence that supported the conclusion that human embryos and fetuses are separate human beings. Those in the abortion industry understood that as a purely biological fact, that human embryos and fetuses are separate human beings. The tactic we used to suppress this information included the practice of denying what the abortion industry knew was true ... that the human embryo and fetus is, as a matter of biological fact, a human being...
>
> Scientists know that the human fetus/embryo is a separate human being. This is not a value judgment and it has nothing to do with the separate legal question of whether the law extends legal rights to this particular class of human beings."
>
> [Declaration of Dr. Bernard Nathanson, dated June 21, 2005.]

I will never forget the day, more than three years later, in September, 2008, when I went to Dr. Nathanson's residence in Manhattan with a camera crew. He was in failing health and had to use a wheel chair to get around. He agreed to film his last statement on this topic to be aired as we saw fit.

It is too reminiscent of the conduct to which Dr. Nathanson confessed, and which he later fought against with his dying breath.

He was frail. His voice was raspy, sounding like a man at the end of his life. We filmed his statement as he tried to sit erect on a couch in his parlor. He started by stating:

> "I am the last surviving founding member of N.A.R.A.L., the organization that helped bring legalized abortion to America."

He then went on, in his raspy voice, to tell how he and the others deliberately tried to mislead the courts and all of America by denying that an abortion kills a whole, unique, living human being.

It was one of his last heroic acts to help correct the course of our nation.

One of his family members, his best friend, tried to talk him out of taping his statement. His friend urged, "You are saying you were a liar."

Dr. Nathanson, quietly, in his raspy voice, said "I was." The friend then urged him not to tape the film, arguing that he will be remembered as a liar. Dr. Nathanson, his voice particularly heavy, responded:

"I have to be."

I cannot let his courage go unnoticed. This ... business of those who support abortion denying that an abortion kills a human being must come to an end. For Sarah to say there is no scientific evidence to support South Dakota's law, when she knows we won that issue in the U.S. Court of Appeals, is too egregious to ignore. It is too reminiscent of the conduct to which Dr. Nathanson confessed, and which he later fought against with his dying breath.

Ironically, an expert in a case I am about to try in New Jersey, one Laurent Delli-Bovi, a physician on the Board of Directors of Planned Parenthood of Massachusetts, recently testified in depositions that she agrees that an abortion will terminate the life of a whole, separate, unique, living human being. Apparently some in the abortion community no longer have an appetite to litigate that issue with us any longer. Instead, she adopted a new and bizarre position: although abortion kills a human being, we need not disclose that fact to women because everyone knows that is true. We went from total denial of the fact, and that no one believes it is true, to everyone knowing it is true, apparently overnight. Only, of course, Sarah Blustain doesn't think it is true. Or Mike Mechanic. And apparently those at *Mother Jones*.

Sarah's misstatement of the facts gets worse. I debated whether I should even bring up the next point because this letter is already too long. But I think I must.

Sarah wrote (P. 44) that in 2008 the American Psychological Association found "no evidence sufficient to support the claim that an observed association between abortion history and mental health was caused by abortion." She went on to leave the impression that there is no basis to conclude that an abortion places a woman at increased risk for psychological harm including depression, suicide ideation and suicide.

What she failed to disclose is that all of the studies, and those on both sides of the debate, agree that if a woman wants her

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of the legislative branch of the federal government. It is a second chance for Republicans to be what they were not so long ago. As the Washington Post queried: "The Tea Party = The Republican Party?"[5] Let's hope that the answer is yes, and that the House embraces Senator Rubio's philosophy.

It looks like the 112th Congress is on track right out of the gate.

The first order of business in the new House was to overturn the "Patient Protection and Affordable Care Act" (Obamacare), characterized by some as the biggest mistake made by the 111th Congress. It stands for everything that the Republicans were not, not so long ago—increased costs, bigger government and taxpayer-funded abortion. In the Senate, all 47 Republicans voted to fully repeal Obamacare, but the Senate vote was along party lines, and failed 51-47.[6]

The Obamacare question remains in the courts, however. The same week as the Senate vote on Obamacare, U.S. District Judge Roger Vinson for the Northern District of Florida ruled the individual mandate in Obamacare unconstitutional and, consequently, struck the entire law (appeal pending). Meanwhile, the D.C. Circuit agreed to fast-track an appeal of another challenge to Obamacare. It is probable other courts will also fast-track these cases since implementation of the law is underway, and time is of the essence in the final resolution of constitutionality.[7]

*Not so long ago the Republican Party was without question the party of life. Of all the pro-life legislative efforts the past few months have seen, the amendment removing funding for Planned Parenthood has sparked the most vocal public controversy.*

The same week as the Senate vote on Obamacare, House leadership introduced several other pieces of pro-life legislation: a government-wide permanent ban on funding abortion;[8] a proposal to remove all abortion funding from Obamacare[9] (both bills would also codify the Hyde-Weldon conscience protection provision to protect health care entities that refuse to participate in abortion); the "Title X Abortion Provider Prohibition Act," (which would prevent federal family planning money under Title X from going to any organization if they perform abortions.)[10] The last bill contained the same language as a bill rejected by the 111th Congress, H.R. 614, creating a perfect opportunity for the 112th Congress to demonstrate the change between it and its predecessor.

The pro-life proposals took on new urgency as the budget debate got underway. Consistent with the mandate to get the government's fiscal house in order, the House passed a 2011 budget February 18. The budget contained five solidly pro-life provisions that would simultaneously reduce unnecessary government spending: (1) *Removal of Abortion Funding in the District of Columbia;* (2) *Restoration of the Mexico City Policy and UNFPA* (no funding for foreign nongovernmental organizations that promote or perform elective abortion, and no funding for the United Nations Population Fund, which participates in China's coercive one child policy); (3) *Defunding Title X* (Title X is the domestic family planning program); (4) *Reduction of International Population Control and Family Planning Funding* (funding for international family planning/reproductive health was reduced from $648 million in FY10 to $440 million); (5) *Defunding Planned Parenthood* (no federal funds may be made available to Planned Parenthood, the nation's largest abortion provider).[11]

## ReCAP

(CONT'D FROM PAGE 1)

### Alabama v. Shaver et al.

Pro-lifers arrested for trespassing on a public sidewalk outside Parker High School in Birmingham, Alabama. Nine activists were jailed overnight without food or water and some were shackled. In addition, the police unlawfully seized and damaged the group's van and confiscated their video equipment. At arraignment, the prosecutor demanded that the jailed youth agree not to sue the police for violating their constitutional rights in exchange for dropping the criminal charges. When the nine activists refused the offer, the prosecutor set the matter for trial. Federal civil rights lawsuit filed against the officers and the City of Birmingham resulted in all criminal charges being dropped. ***Victory!***

### Aurora, Illinois

Multi-pronged attack on Planned Parenthood for lying its way into Aurora, the fastest-growing city in Illinois, some 40 miles west of Chicago, to open what was in 2007 the largest mega-clinic providing abortions in the U.S. Planned Parenthood deemed Aurora "ground zero" in its nationwide effort to "protect reproductive freedom." Three different lawsuits remain pending against Planned Parenthood and compliant city officials.

**Frachey v. Planned Parenthood** was brought against both the city of Aurora and PP, based on the former failing to enforce municipal zoning regulations and building permit requirements. In May, the court denied Planned Parenthood's and Aurora's motions to dismiss three of the counts and

As we have all watched during the past few weeks, the Senate rejected the House budget, initiating a series of continuing resolutions to keep the government afloat for the short-term. None of these continuing resolutions contained the pro-life amendments. It remains to be seen what the long-term budget will contain, and whether there will be any long-term success in passing pro-life legislation with the current Senate.

Of all the pro-life legislative efforts the past few months have seen, the amendment removing funding for Planned Parenthood has sparked the most vocal public controversy. This is perhaps a result of Planned Parenthood's need for damage control due to the recent exposure of their employees' willingness to aid and abet sex trafficking,[12] which was part of the momentum for defunding the business. The willingness of Planned Parenthood to comply in the sexual abuse of minors has long been no secret, as illustrated by the Ohio case, *Roe v. Planned Parenthood*[13] in which a girl and her parents sued Planned Parenthood for, among other things, failure to comply with their legal duty to provide informed consent and to report suspected abuse.

Whatever the ultimate outcome in Congress, the pressure is on. This is evidenced by the outcome of the Congressional election itself, and the priority the new Congress has put on introducing life-affirming legislation. It is time to live up to the promise of not so long ago. As we watch, with renewed hope, this change in Congress take shape, LLDF will continue its mission to give the innocent and helpless a voice in the law—looking forward to a day when defense of innocent human life will be the law of the land. **L**

[1] Gallup: Tea Party's top concerns are debt, size of government *The Hill*, July 5, 2010.

[2] Tea Party D.C. March: "Lower Taxes and Less Spending" Fiscal Times, September 12, 2010.

[3] Gallup: Tea Party's top concerns are debt, size of government *The Hill*, July 5, 2010; Tea Party D.C. March: "Lower Taxes and Less Spending" *Fiscal Times*, September 12, 2010.

[4] http://smartgirlpolitics.ning.com/profiles/blogs/focus-on-four-federal-prolife.

[5] The *Washington Post* raised the question in a July 6, 2010 article, *Tea Party = Republican Party?*

[6] Pro-life Democrats, Senators Ben Nelson of Nebraska, Bob Casey of Pennsylvania and Joe Manchin of West Virginia, did not vote for repeal. Had they done so, pro-abortion Vice President Biden would have no doubt voted to break a 50-50 tie vote against repeal, and even if both houses passed a repeal, President Obama would be likely to veto.

[7] See http://www.lifenews.com/2011/01/31/judge-declares-pro-abortion-obamacare-unconstitutional/, http://www.lifenews.com/2011/03/03/judge-issues-stay-on-obamacare-ruling-forces-admin-to-appeal/ and http://www.lifenews.com/2011/03/18/federal-appeals-court-fast-tracks-pro-life-obamacare-lawsuit/

[8] HR 3. *No Taxpayer Funding for Abortion Act*, introduced by Pro-life Caucus Co-Chairs Chris Smith (R-N.J.) and Dan Lipinski (D-Ill.).

[9] HR 358. The Protect Life Act, introduced by Representatives Lipinski (D-Ill.) and Joe Pitts (R-Pa.).

[10] HR 217 Rep. Mike Pence (R-Ind.), with 198 co-sponsors.

[11] Note that the Pence Amendment passed by a vote of 240-185-1. Video of pro-life speeches in favor of the Pence Amendment can be found on YouTube. Similar legislation had previously also been introduced in the Senate by Senator David Vitter of Louisiana.

[12] See http://www.exposeplannedparenthood.net/.

[13] *See Roe v. Planned Parenthood*, case update section.

a decision is pending on the remaining counts, so the case is proceeding. The second lawsuit, against the city of Aurora alone for suppressing First Amendment-protected protests and prayer vigils, has settled, with the city agreeing to amend its residential picketing and parade ordinances and establishing a grievance procedure so that police misconduct can be promptly addressed.

The third action is against PP for defamation against the leaders of the campaign to prevent the abortuary from opening. PP had published ads claiming that various individuals were violent and had been found guilty of violent crimes. In response to the lawsuit, Planned Parenthood prevailed on the trial judge to broadly interpret Illinois' newly effective (just days before suit was filed) anti-SLAPP law. The trial judge held that because the libels and slanders were uttered in an effort by Planned Parenthood to get its zoning and building permits approved, the fact that they were tortious, illegal and wrongful was beside the point. Planned Parenthood was totally immune from suit and free to spread whatever lies it wanted so long as it was trying to get its permits. The judge also ordered the pro-life plaintiffs to pay PP's attorney's fees, said to exceed $300,000 for less than a year's efforts. This case is on appeal.

### Blythe v. Cypress College (Calif.)

Pro-lifers arrested for trespassing on a public college campus for allegedly refusing to leave property not open to the general public. The prosecution dismissed all charges and the judge found the pro-lifers "factually innocent" and ordered that all record of the arrests be removed from their

(RECAP CONT. ON PAGE 14)

# Radical Feminism, Abortion, and the Ruination of Romance:

## The 2010 LLDF Annual Benefit

LLDF held its Annual Benefit on November 18, 2010. The venue was the Terrace Room at the Lake Merritt Hotel in Oakland, California. The Terrace Room is a 1920s art deco supper club with a panoramic view of Lake Merritt. Throughout the evening, the lake presented a backdrop of city lights sparkling over the water.

Speaker, Dorinda Bordlee

The program began with an invocation by Fr. Lawrence Goode and a pledge of allegiance to the flag led by Col. Ron Maxson, one of the founders of LLDF. LLDF board chairman John Streett then welcomed the guests and introduced other board members and staff in attendance. One of those introduced by John was Nikolas T. Nikas, Esq., a past LLDF board member. Nik is also a founder and president of his own pro-life non-profit organization, the Bioethics Defense Fund (BDF). To Nik, therefore, went the honor of introducing the keynote speaker of the evening, Dorinda C. Bordlee, Esq. Mrs. Bordlee is Vice President and Senior Counsel of BDF. Nik affectionately described Mrs. Bordlee as a "warrior princess".

When her turn came to speak, Mrs. Bordlee did not deny the accuracy of Nik's characterization of her. She recounted the story of a good friend who had had an abortion at age 18 or 19, and the devastating affect that decision had continued to have on her friend's life even many years later. Upset that anything or anyone would so hurt her friend, and armed with her law degree, Mrs. Bordlee set out to do something about it. For the past 15 years, she has dedicated her professional life to the pro-life movement.

*Mrs. Bordlee quickly captured the audience's attention (especially that of the men) when she announced that she would answer the timeless question, "What do women want?"*

The title of Mrs. Bordlee's talk was "How Roe Ruined Romance". In a lively yet serious-minded presentation, Mrs. Bordlee discussed radical feminism, observing that it has become so deeply embedded in our culture that it is actually taught in university courses under that name.

Mrs. Bordlee quickly captured the audience's attention (especially that of the men) when she announced that she would answer the timeless question, "What do women want?" "They want," said Mrs. Bordlee, "simply to love and to be loved." But radical feminism denies this simple truth and in fact denies the very nature of women. According to radical feminists, what women want is to assert themselves and to compete with men—in fact to have absolute equality with men. To them, said Mrs. Bordlee, this is nothing less than sameness with men. Since men do not have unwanted pregnancies (or any other kind), women must have abortion available in order to make them the same as (equal to) men.

Unfortunately, in 1973 the United States Supreme Court in *Roe v. Wade* enshrined abortion as a constitutional right (aka "the right to privacy"), a decision conceded even by abortion proponents to be bad constitutional law. However, in the 1992 case *Planned Parenthood v. Casey*, the Supreme Court shifted ground and adopted the radical feminists' "equality" argument:

"The ability of women to participate equally in the economic and social life of the Nation has been facilitated by their ability to control their reproductive lives."

Did the early women's rights advocates equate equality with abortion? "Absolutely not", said Mrs. Bordlee. In fact, they saw abortion as "the ultimate exploitation of women." (Alice Paul) Radical feminism replaced the ideal of "to love and be loved" with a new ideal: to use and be used.

But while our society and our court system have come largely to accept and to justify abortion based the rationale of "women's equality" propounded by radical feminism, the real reasons women choose abortion are far less noble-sounding. Mrs. Bordlee cited studies that have shown that women who had abortions almost invariably did so to accommodate the wishes of others. The most common reasons given by women for choosing abortion are lack of emotional support or pressure to abort from husband, boyfriend or parents. In many instances, such "support" as is offered amounts to, "Don't worry. I'm here for you if you need help paying for an abortion."

Mrs. Bordlee's prescribed antidote for radical feminism and its deadly consequences for the unborn is what she calls "authentic feminism" or "relational feminism". Authentic feminism recognizes that women are equal to men in human dignity, but different in identity; that women find fulfillment not by imitating men, but by being complementary to men; and that women can and should accept and embrace their feminine nature, not deny it.

In a practical level, Mrs. Bordlee cited abortion alternative policies and services that can help to compensate for the lack of support received by expectant mothers: women's right-to-know laws, pregnancy care centers (including ultrasound), and family-friendly work policies.

A return to authentic feminism would render altogether unappealing the radical feminists' rationale of "equality" that has made abortion acceptable to much of our society, and on which *Roe v. Wade*'s progeny, *Planned Parenthood v. Casey*, was decided.

It would also undoubtedly give a big boost to old-fashioned romance. L

Paul Ryan, Annie Bowman, Regina Muscarello, Paul Bailey

Dolores Meehan, Lori Hoye, Ed Hopfner, Eva Muntean

Wesley Smith with his mother, Leona Smith

Greg LaBarthe, Dorinda Bordlee, Adam LaBarthe, Jeff White, and Janis White

LLDF attorney, Mike Millen

# IVF: Enough Will Never Be Enough

Wesley J. Smith, J.D., Special Consultant to the CBC

UK scientists announced that they will ask the rarely-says-no UK Human Fertilisation and Embryology Authority (HFEA) for permission to implant *an IVF embryo that is biologically related to three parents* (two women and one man). The genetically modified embryo will be created by taking the mitochondrial DNA from a second (destroyed) embryo and replacing it for that of the first. The purpose is to prevent maternally passed genetic diseases. But health is always the justification for opening doors best kept closed. If it succeeds, the technology will not long remain limited to the few and far between. These things rarely do.

The three-parent child would not be possible without *in vitro* fertilization (IVF). IVF has unquestionably helped bring great joy to the barren and brought precious children into the world who otherwise would not exist. But that is far from the whole story. It has also *unleashed a terrible hubris around human reproduction, mutating it into a form of manufacture,* including such staples of industrialization as special orders for style, warehousing, quality control, harvesting natural resources to support the industry, and independent service contractors who facilitate productivity and efficiency.

The baby manufacturing industry also has an aggressive political lobbying arm, ever on the ready to castigate those who question the wisdom of the current *laissez faire* system as being cruelly insensitive to the pain of barren families. *No wonder cowardly American politicians have yet to muster the true grit to enact even modest regulations.*

Supporters of unregulated IVF promised us that the technology would be limited to married couples who could not otherwise have children. Those who raised concerns about the consequences and potential societal costs of removing reproduction from intimacy and placing it literally into the hands of laboratory technicians were castigated as alarmists—people whose fears were disproportionate to the very limited changes in reproduction that IVF would bring. The *syndicated columnist Ellen Goodman put it this way in a column called "Making Babies," published in the Austin American Statesman* on January 17, 1980:

> A fear of many protesting the opening of this [the first IVF] clinic is that doctors there will fertilize myriad eggs and discard the "extras" and the abnormal, as if they were no more meaningful than a dish of caviar. But this fear seems largely unwarranted.

Goodman then engaged in intentional reductionism of the question at hand, noting that an ethics committee gathered by the Kennedy Institute of Ethics at Georgetown University viewed IVF as "entirely a pro life activity." Still, Goodman noted, the committee had concerns:

> Should we, they ask, respond like a consumer society to the demands of the buyer? If we don't stop here, where do we stop? The questions are cosmic. But the issue in front of us at this moment is quote specific: one clinic.

That was like saying the specific question at the start of an invasion is the presence of the first tank that crosses the border. Goodman then advocated the very public policy approach toward IVF that allowed the sector to become a free-for-all:

> I think we should neither fund such a clinic at this time, nor prohibit it. We should, rather, monitor it, debate it, control it. We have put researchers on notice that we no longer accept every breakthrough and every advance as an unqualified good. Now we have to watch the development of this technology—willing to see it grow in the right direction and ready to say no.

*It has been 31 years since Goodman wrote those words and we haven't said no yet.* To the contrary, the IVF industry has become an aggressive promoter of a virtually anything goes, procreative license. Consider:

- The human egg has become, pound for pound, the most valuable commodity on the face of the earth, with eugenically desirable (beautiful, brilliant) women paid tens of thousands of dollars for twenty microscopic eggs. The health consequences to these women are potentially very serious, as vividly exposed in the award winning CBC documentary, *Eggsploitation*.
- Embryos are indeed discarded as medical waste, in Goodman's words, as if they are "no more meaningful than a dish of caviar."
- Embryos are eugenically selected for implantation or discarding, with embryos not only selected out for health reasons, but also for superficial cosmetic purposes such as eye and hair color.
- Bioethicists and futurists look to the technology as a method to eventually "seize control of our own evolution" by genetically engineering our progeny, say, for greater intelligence.

- Hundreds of thousands of embryos have been stored and are now, with the advent of embryonic stem cell research, seen by biotechnological researchers as mere natural resources ripe for the harvest.
- Concomitantly, to further the objectification of human life, many bioethics and scientific groups have engaged in post-modern biological redefinitionism, for example, claiming that embryos only become real embryos after implantation. Before that, they are mere "balls of cells" that are no different from the cells we lose every morning when we brush our teeth.
- "Savior siblings" are being created for the purpose of generating stem cells and tissues that can medically treat existing children.
- In a deeply bitter irony, doctors commonly implant more embryos than are needed and abort the excess, a process euphemistically called "selective reduction."
- Octomom!
- Poor women in countries like India are biologically colonized, paid by the rich to gestate their babies. If the babies don't meet desire, the children are abandoned by biological and birth parents to an orphanage.
- Surrogate birth mothers have become objectified, now known by the impersonal term "gestational carrier."
- The IVF industry's actions lead naturally to reproductive cloning, with some advocates already calling for it to be allowed once it is "safe."
- And now, we have the prospect of embryos with three biological parents, the creation of which would be a blatant form of human experimentation since no one can know the long-term physical and psychological outcomes of such biological alchemy.

Ellen Goodman and her ilk have been proven utterly wrong about the limited nature of IVF and our willingness to meaningfully regulate the sector. But it is too late to matter. *IVF, which started from small and compassionate beginnings, one clinic, has grown into a voracious and very profitable industry that refuses to say, finally, enough is enough*. Indeed, at this point, it is hard to see any reproductive desire or technology about which contemporary Ellen Goodmans won't say, "Now we have to watch the development of this technology—willing to see it grow in the right direction and ready to say no." L

[Please note that this article was originally published on the web and that it links to web sources that can not be reproduced here. If you would like to see the sources, please see http://www.cbc-network.org/2011/03/ivf-enough-will-never-be-enough/. The article was published March 16, 2011 on the web site of the Center for Bioethics and Culture, and is here reprinted by kind permission of the author. In addition to serving as special consultant to CBC, Wesley J. Smith is a senior fellow at the Discovery Institute's Center on Human Exceptionalism and a lawyer for the International Task Force on Euthanasia and Assisted Suicide. The CBC documentary, *Eggsploitation, mentioned in the article may be found at http://www.eggsploitation.com/.]*

(O'MALLEY, CONT'D FROM PAGE 2)

their rights. Pro-life activists should approach attorneys on occasion and say, "Work with us in advance of any changes in the law. Give us a smarter defense, a better chance at trial." Speaking specifically about pro-life Christians, I wish the whole Christian community offered broader support for pro-life protesters who are out there all the time in cold or hot weather, sacrificing a lot. I really respect what Jo and others are doing. I guess maybe one percent of Christians have protested before. Although I can't be there physically with them, I want to support their work and encourage others to find out how they can be supportive, too.

**Any suggestions for that?**

We need to be excellent in all we do—in protesting and in supporting protesters. We could hold annual conferences with speakers presenting updates about the state of the law, which is always changing, so that there would be no unnecessary arrests and so that protesters would be able to respond to police appropriately when challenged.

**How would you advise an attorney who is thinking about doing some *pro bono* pro-life work?**

I would say that it's neat for us to be able to see great, eternal, long-term significance in our work. There are attorneys who do a *lot* of this work and barely survive financially but most attorneys can strike a balance between regular practice and *pro bono* work. Doing some pro-life work is an opportunity to find long-term significance in your labor. L

(BLUSTAIN CONT'D FROM PAGE 5)

child, is coerced, or is ambivalent about giving up the child she is carrying, the abortion will place the pregnant mother at increased risk for depression, suicide ideation and suicide. The APA and the experts for the abortion providers in the various lawsuits, admit this fact. Sarah ignores these admissions.

The saddest part of this is that abortion doctors, such as those at Planned Parenthood in Sioux Falls, South Dakota, and the clinics for which Dr. Delli-Bovi is testifying, do not screen for coercion or so-called "wantedness." They do the abortion for all of the women including those they admit will be placed at significant risk for psychological harm. Based upon the information we have found over the years involving hundreds of thousands of women, these are probably the majority of women who have abortions. The point is that this risk to this large percentage of women is not even in dispute. In South Dakota, Planned Parenthood personnel testified that they do abortions on all the women who call them for a consultation. A clerk schedules surgery over the phone without an assessment of their circumstance, and they require the women to sign a consent and pay for the abortion before they ever see a so-called counselor. These unlicenced "counselors" testified that at least 25% of the women are tearful, cry, and even "bawl" in the "counseling" sessions, but Planned Parenthood does the procedure anyway, despite the fact they are at risk. They never disclose that those who would prefer to keep their child or who are coerced are at significant risk.

But those are the women over whom there is no dispute: the abortion industry agrees they are at risk. The dispute is over those women who are not ambivalent and who are not being coerced. The abortion providers claim that the dozens of studies that report data that indicates that abortions place a woman at increased risk for psychological harm are flawed in that they do not adequately screen for "wantedness" and "coercion." Aside from the fact that most abortion clinics themselves do not screen for "wantedness" and "coercion," thereby rendering the distinction moot, they ignore the fact that lack of coercion and so-called "wantedness" makes an abortion safe is really only a hypothesis. Worse still, there is strong evidence to the contrary. When Dr. Ferguson published his study in 2006, in which he followed women for 25 years, the APA determined that it could no longer rely upon its review of the literature done about 20 years earlier. Too many studies demonstrated the risks of harm done by abortion. Ferguson concluded that women who had abortions were far more likely to suffer from major depression and suicide ideation compared to women who carried children to term, or women who had never been pregnant. The authors of the APA report tried to discredit the Ferguson study and many others by claiming that failure to screen for coercion and wantedness made the studies flawed.

*She left a suicide note that read in part: "Now I can be with my unborn child."*

Ferguson had, in fact, screened for "wantedness" and "coercion" and published a subsequent journal article after the APA report came out. In it he demonstrated that even among women who were not among the group who "wanted" the child, or the group of "coerced" women, the risk of major depression and suicidal ideation was significantly greater among the women who had abortions.

This continued refusal to acknowledge the risks of abortion does not advance the interests of women. It defeats them. A choice is not a true choice unless it is truly voluntary and informed.

The 230 page grand jury report made public by Court Order last month in Philadelphia, concerning the criminal conduct of abortion doctor Kermit B. Gosnell, M.D. is a ringing condemnation of the state officials in Pennsylvania that failed to protect women in that state because political correctness dictated that abortion doctors should not be regulated lest it interfere with the women's right to an abortion. As a result of the failures of the Department of Health, the Board of Medical Examiners and Governor Ridge, diseases were unnecessarily widely spread among women, women were tied down and forced to have abortions they didn't want, two women were killed, and numerous late term babies were born alive and murdered by Dr. Gosnell. The idea that women do not need a measure of protection against bad practices at abortion clinics is antithetical to the rights of those women.

On Monday, March 7th, I will start a trial in which I represent the family of a 21-year-old college woman who suffered from a major depression following an abortion she didn't really want, who hung herself. She left a suicide note that read in part: "Now I can be with my unborn child."

As Dr. Nathanson tried to teach us, it is time for America to stop denying the truth about these matters. L

[Mr. Cassidy kindly granted *Lifeline* permission to reprint his rebuttal. Sarah Blustain's original article may be read on Mother Jones web site: http://motherjones.com/politics/2011/01/harold-cassidy-abortion-laws?page=1]

# Project Truth


**Every semester, volunteers from Project Truth, with the legal assistance of LLDF attorneys, travel to California college campuses to educate students about abortion and its consequences. In one instance, a college administrator challenged Project Truth member Don Blythe about the group's methods and make up. This is his response.**

I want to thank you for your professionalism in the correspondence and our subsequent activities on your campus these past two days. You have a very challenging job and I thank you for your effort to work through the difficulties of having a controversial issue addressed on the campus. I know you faced a lot of hostility and intolerance from some of your faculty and staff throughout the two days we were on the campus. We also faced a little of that from faculty, and this seems to be common in most colleges.

The overwhelming majority of the students on campus, though, were respectful during our presence among them. Even those who disagreed with us, with some exceptions, were polite in their disagreements.

This free speech activity worked the way our Forefathers hoped it would work and also fit well with our Courts establishing the college campus as a "marketplace of ideas".

It is my hope that the many students who expressed to us their appreciation of our being on the campus, came into your office and personally expressed their views. Even some of those who disagreed with our position on the issue of abortion, thanked us for our respect towards them in our dialogues and debate. This is part of our goal.

Yesterday you asked me, "Where are the women on our team?" I understand the implication of the question and would like to answer that question a little more thoroughly than I did in our brief moment yesterday, if you don't mind.

Our team is usually made up of 50/50 women and men. One of our women is seven months pregnant with her first child and was only able to be on campus one day. Two of the women on our team are women who have had abortions and have worked through the regret and mistake they made, and when we are on campuses, they are usually sitting off somewhere with one of the many students who have approached us about their hurt and regret over having had an abortion. While the students who are now regretting their past abortions are directed to one of our women, some of those students prefer to speak to the men and all of us are moved by their willingness to share their stories with us.

Many students tell us that if they had seen our photos before they had gone into the abortion center, they would not have had the abortion. Some express their anger over what they perceive as a cover-up by the abortion centers, and thank us for uncovering the reality for them. One of your students came up to us and thanked us for changing her mind with the disturbing photos at an earlier event. She said she went on to have her baby and is so glad she didn't abort. We get that a lot.

You see, this issue is a "human life" issue, not a man/woman divide.

We propose that those who think only women should be able to address the abortion issue, are coming across as sexist, and have not recognized the true nature and facts of the issue.

For example, do you have to be a woman to stand up against rape or spousal abuse? Or does one have to be cat or dolphin to hate cruelty to animals?

We remind those who say this is "only a woman's issue," to look at the history of abortion-on-demand in America.

It was seven men on a Supreme Court who legalized abortion in 1973.

It is men who perform abortions, with few exceptions.

It is the man who gets out of responsibility when the pregnancy and abortion occurs.

It is the man who most often pressures the woman to abort.

It was a man who was the abortionist for the Feminist Women's Center in Butte county, who "had a list of lawsuits as long as your arm," as one lawyer stated. This abortionist, Bruce Steir, botched an abortion, killed a woman in one of the abortion centers and was eventually convicted, lost his license, and spent one year in jail for his crime of "willful negligence."

The story actually made some news headlines.

While all of this was going on, the director of the abortion center in Butte county, a woman, was singing the abortionist's praises in the news and telling women how great and compassionate this doctor is towards women.

We men and women must stand up to the abortion industry, to speak out and protect women from the exploitation by women and men, in this cruel vice called abortion.

Should I add for emphasis the cruel practice highlighted in a Newsweek article a few years ago, which addressed the growing trend of couples determining the gender of the baby during the pregnancy and deciding whether to abort the baby if it is a girl. Do I have to be a woman to speak out against this barbaric trend?

I haven't even mentioned speaking up for the babies being killed, who have no voice. Remember, half of the 52 million abortions performed since 1973 aborted little girls/women!!

I hope this more thoroughly answers your concern.

How can we men not speak up!!

Thank you Ms. Munson for your efforts to make our visit to the Butte College a memorable one. We had a great time of engagement.

In His Steps,

**Don Blythe, Project Truth**

# ReCAP

(CONT'D FROM PAGE 7)

criminal records. Lawsuit filed against college and police department for false arrest and civil rights violations. Cypress College is in the process of changing their free speech policy and a final settlement conference is set for February 15, 2011 to implement the new policy and agree on the amount of damages to be paid for the free speech violations.

### Blythe v. Cypress College II (Calif.)

Pro-lifers arrested for the third time on the campus of Cypress College for refusing to stand in the "free speech zone" located sufficiently far away from the most traversed areas of campus to make contact with any students virtually impossible. The prosecution dismissed all charges just moments before the trial was set to begin. A third lawsuit has been filed against the college and the police department for false arrest and civil rights violations. This case has been related to the preceding case, with the goal of a single resolution for both cases.

### Bray v. Planned Parenthood Columbia Willamette, Inc. (Ohio)

Suit for damages for civil rights violations and emotional distress for unlawful levy on writ of execution against personal property of prolifers. Defendant federal marshals and Planned Parenthood have filed motions to dismiss; decision pending.

### Colantuono vs. College of Alameda (Calif.)

Pro-lifers arrested for trespassing on a public college campus. College of Alameda administrators told the police that they did not approve of the Survivors signs and literature and therefore they wanted the group removed from the campus. Three activists spent twelve hours in jail before being released. Government tort claims denied by operation of law because college failed to respond. College desires to settle case without formal civil complaint being filed. College imposed new speech policy. Plaintiffs are awaiting settlement proposal from Peralta Community College District. The District is awaiting Board approval of the newly drafted free speech policy.

### Denver vs. Scott (Colorado)

Longtime pro-life sidewalk counselor charged with "hindering" and stalking person entering abortion clinic. Planned Parenthood's security camera tapes were conveniently erased before police asked for them. Plaintiff convicted and appeal pending.

### Fairbanks v. Planned Parenthood (Ohio)

Lawsuit filed alleging that PP violated Ohio law by their failure to report the sexual abuse of minors. The suit alleges that Fairbanks was brought to PP by her father, who had been sexually assaulting her since she was thirteen. He sought an abortion for his daughter at PP to cover up the sexual abuse and resulting pregnancy. Although minor attempted to tell PP personnel of abuse, they ignored her and failed to report, allowing abuse to continue. PP's motion to dismiss some of the claims is pending.

### Guengerich, et al. vs. Baron, et al. (Calif.)

Pro-lifers arrested for causing a campus disturbance at Los Angeles City College. The alleged disturbance consisted of five individuals peacefully holding signs and handing out literature on a public college campus. After a hearing at the L.A. City Attorney's office, no charges were filed. Claim against LACC denied. Complaint for civil rights violations filed in federal court in January 2010. All parties have filed cross motions for summary judgment. A hearing on the parties' cross-motions for summary judgment was held on March 21, 2011 and trial is set for July 2011.

### Hoye v. Oakland

Federal constitutional challenge to Oakland "Mother May I" ordinance restricting speech outside abortion clinics. Following initial successful challenge, city passed amended ordinance, prompting a second challenge. City's motion to dismiss denied. Motions for summary judgment heard June 26. On August 4, federal district court judge Charles Breyer ruled Oakland's "Mother May I" ordinance constitutional. The case was appealed to the Ninth Circuit. Oral argument was held on October 8, and a decision is pending.

### Holder v. Hamilton (Louisville, Ky.)

Civil lawsuit by Obama Justice Department against pro-life sidewalk counselor alleging violation of federal Freedom of Access to Clinic Entrances law. Alleged victim is clinic escort who was blocking the sidewalk. Motion to dismiss filed.

### New Women All Women v. Gensemer, et al. (Ala.)

Abortion Clinic filed a lawsuit against Fr. Terry Gensemer and other pro-life activists in an attempt to apply an injunction that was granted against four individuals more than 15 years ago to all pro-life activists. The court dissolved the restraining order, paving the way for the activists to resume their prayer vigils outside the abortion clinic. At a later hearing, the court granted Gensemer's and the other activists' motion to dismiss the case in its entirety. ***Victory!***

### Louisiana v. Garza, et al. (La.)

Pro-lifers arrested for trespassing on a public college campus for allegedly refusing to leave property after being ordered to do so by an officer. Criminal charges are pending.

# ReCAP

### People v. Brock (Glendora, Calif.)

Pro-life activist Ronald Brock convicted of violating the city ordinance prohibiting "mobile billboard advertising." Brock travels around the United States displaying the truth about abortion on signs affixed to his motorhome. Appeal is pending.

### People v. Foti (Redwood City, Calif.)

Pro-life activist cited for signs on sidewalk protesting proposed opening of new Planned Parenthood facility. Citation dismissed after letter was sent to city attorney pointing out that the sign ordinance did not apply to protest activity.

### People v. Hoye (Oakland)

Criminal prosecution arising from municipal "Mother May I" ordinance. Pastor Walter Hoye was acquitted of charges of "intimidating" pro-abortion escorts, but was convicted of two counts of unlawfully approaching unspecified persons entering the clinic. Rev. Hoye turned down probation, requiring him to stay 100 yards away from the clinic, and instead served a 30-day sentence and paid a fine. On August 24, 2009, Judge Stuart Hing denied the Alameda County District Attorney's motion for a lifetime injunction against Rev. Walter Hoye coming within 100 yards of the clinic. The criminal conviction was appealed. ***Victory!*** The appellate court overturned the conviction. On remand to the trial court, the prosecutor did not re-file the charges and the case was dismissed.

### People v. Pollian, et al. (Dayton, Ohio)

Pro-lifers on public college campus arrested and jailed on charges ranging from disorderly conduct to trespass to felony assault on a police officer. Grand jury convened on felony charge, but refused to indict. Motion to dismiss remaining trespass charges pending.

### People v. Weimer (Jackson, Miss.)

Pro-life picketer convicted of violating local sign ordinance. Appeal briefs filed and arguments pending.

### Planned Parenthood v. Goddard (Arizona)

Arizona abortionists and abortion facilities (including Planned Parenthood) filed two separate lawsuits, one in state court, one in federal court. The suits sought to enjoin common sense laws related to informed consent for abortion, parental consent for minors, and health care rights of conscience. LLDF and allied attorneys represent intervenors defending the law.

### Roe v. Planned Parenthood (Ohio)

Civil action for damages and injunctive relief filed against PP for performing abortion on fourteen-year-old girl in violation of Ohio law. Claims on behalf of girl and parents include violation of parental notice and consent statutes, informed consent statute, and law requiring reports in cases of suspected child abuse. In December 2010 the Court ruled that the doctor for Planned Parenthood of Southwest Ohio breached her legal duty by not having an "informed consent" meeting with Jane Roe 24 hours in advance of the abortion. The judge's ruling leaves just one issue to be resolved at trial: whether PP is also liable for failure to contact Roe's parents before the abortion, as required by Ohio's parental involvement laws. Trial was set for February 2011 but has been continued.

### Turn the Hearts v. Birmingham (Ala.)

Civil action filed against city and individual police officers for arrest of pro-life activists (see above.) Plaintiffs moved for preliminary injunction. The city responded by claiming that the arrests were for violation of city ordinance requiring permits for "demonstrations" consisting of two or more people on any public sidewalk or public property. ***Victory!*** The City agreed to permanently cease enforcement of the unconstitutional ordinance and to pay damages and attorneys' fees to the pro-life activists.

### Cox, et al. v. Romano, et al. (Calif.)

Pro-lifer forcibly removed from Chaffey College campus and property unlawfully confiscated for simply walking into the campus police station and asking who made an order telling the Survivors they could only stand in one specific location on campus. When other pro-lifers tried to find out what had happened to their friend, they too were arrested and quickly ushered into a private room where the police covered the windows so no one could see what was happening inside. The police threw one pro-lifer on a table and vigorously frisked him removing everything from his pockets. The police handcuffed the other pro-lifer in a dark bathroom with his hands locked to a metal bar above his head. The two were held in jail for more than three days before being released on bail. The appellate court ruled the unlawfully seized property inadmissible, resulting in the dismissal of six charges. Defendants acquitted by jury in May 2009. Civil rights complaint filed in federal court. A hearing on the plaintiffs' motion for summary judgment was held on February 28, 2011 and a ruling is expected any time.

### Vivian Skovgard v. Pedro (Ohio)

Civil action arising from unlawful arrests for trespass of two sidewalk counselors standing in the public right-of-way. Court granted summary judgment to city. Pro-lifers have appealed to the Sixth Circuit and are re-filing state law claims against private security company in state court. L

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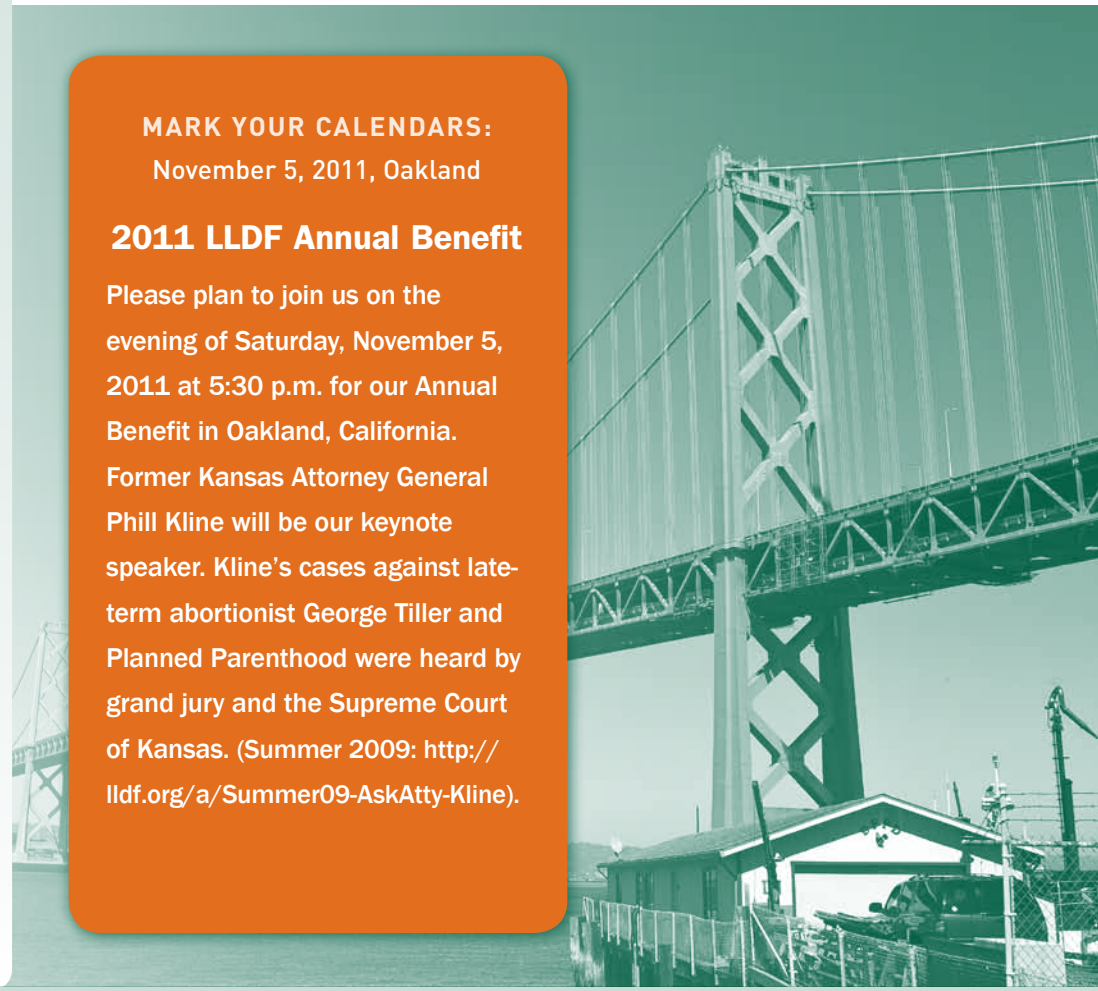

MARK YOUR CALENDARS:
November 5, 2011, Oakland

## 2011 LLDF Annual Benefit

Please plan to join us on the evening of Saturday, November 5, 2011 at 5:30 p.m. for our Annual Benefit in Oakland, California. Former Kansas Attorney General Phill Kline will be our keynote speaker. Kline's cases against late-term abortionist George Tiller and Planned Parenthood were heard by grand jury and the Supreme Court of Kansas. (Summer 2009: http://lldf.org/a/Summer09-AskAtty-Kline).