

Lifeline

*A Legal Network
in Support of Life*

A PUBLICATION OF THE LIFE LEGAL DEFENSE FOUNDATION

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LLDF Banquet, Nov. 15, 2008

GENERAL RECAP & UPDATE

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. PP's motion to dismiss four of the claims was overruled, and PP unsuccessfully appealed that decision. Plaintiffs proceeded with discovery seeking redacted records of abortion on other minors. PP objected, but court ruled that records must be produced. PP appealed that decision and Supreme Court reversed trial court. **Victory!** Petition for rehearing in the Ohio Supreme Court accepted. Oral arguments Fall 2008.

Logsdon v. Hains (Ohio)—Federal civil rights lawsuit for damages filed against two Cincinnati police officers for arresting

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Jennifer Lahl

CALIFORNIA SCHEMIN'

In an effort to get more eggs into the hands of cloning researchers, the president of the California Institute of Regenerative Medicine (CIRM), Alan Trounson, recently suggested the solution to the human egg shortage is to implement an "egg-sharing" program.

Rule number one: always BEWARE of euphemisms!



At the February 28, 2008, CIRM Standards Working Group, Trounson admitted, "The demand for oocytes may be way beyond what we can possibly deliver," and "Women are not prepared to go through those procedures without some form of compensation." Of course, Trounson's complaint is in direct response to the number of grant applications CIRM is receiving for cloning research requiring human eggs. You see, this was never really about all those "surplus" embryos.

The wrinkle in their master Proposition 71 plan, which Klein and Co. neglected to smooth out before taking to the California voters, was assuring that they could pay for human eggs. Currently in California, cloners using Prop. 71 funds cannot pay for human eggs, a snafu I imagine the architects of Prop. 71 regret overlooking to this day. The fertility industry can and does pay for human eggs. The question begs to be asked, why can the IVF industry pay for eggs but the cloning researchers can't?

It should be noted that Trounson made his earlier mark as a pioneer of in vitro

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fertilization. It's curious, to say the least, that Samuel Wood, CEO of Stemagen, who announced on January 17, 2008, that Stemagen had "become the first in the world to create, and meticulously document, a cloned human embryo using somatic cell nuclear transfer (SCNT)," is also a fertility doctor turned cloner.

My colleague, Josephine Quintavalle, was prophetic in her prediction that the IVF doctor

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sidewalk counselor at abortion clinic without probable cause. Lower court dismissed based on qualified immunity, but Sixth Circuit reversed, holding that a prudent officer would listen to witnesses on both sides, rather than only listening to clinic employee and telling pro-lifers to tell it to the jury. Case remanded for further proceedings in trial court.

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. Complaint for civil rights violation filed. Town agreed to permanent injunction and payment of attorney fees. Appeal filed re dismissal of state law causes of action. **Victory!** Ninth Circuit ruled that Plaintiffs are also entitled to statutory damages under state law. Case remanded for further proceedings in trial court.

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.

Jackson Mississippi v. Weimer (Miss.)—Pro-life picketer convicted of local sign ordinance violation. Appeal pending.

People v. Lord, et al. (Calif.)—Pro-lifers arrested for trespassing because they failed to comply with Columbia College's unconstitutional permit requirement requiring 15 day advance registration. Once the prosecution realized that the pro-lifers had a right to be on campus and exercise their free speech rights, they quickly changed the allegations against the group, instead accusing them of causing a disturbance on a college campus. **Victory!** All defendants acquitted in jury trial.

St. John Church in the Wilderness v. Scott (Colo.)—Pro-lifers who picket church with

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FROM THE EDITOR

Dana Cody

Looking at the ultrasound photo of my granddaughter this week was a reminder of why I work with Life Legal Defense Foundation. She is five months in gestation and she looks like a clone of my three-year-old grandson right down to the cut of her chin and the shape of her mouth; so much so I have difficulty picturing her as a girl.



If my daughter-in-law was abortion-minded my granddaughter's life would be destroyed and no one, not even my son, could stop her. Tragically and every day in our culture, children are aborted against their father's will. Luckily for some unborn children, as well as their parents, there are abortion opponents on the sidewalks outside abortion clinics who intervene and lives are saved. Those defenders of the defenseless that myself and others at LLDF have the privilege to serve are to be congratulated for their untiring efforts on behalf of the unborn.

These advocates for the unborn are faithfully at abortion clinics, college campuses, and other public forums every week. Having been relegated to the public forum because of the death ethic that has taken hold in our culture, the defenders of the defenseless must frequently confront bitter opposition from abortion supporters and threats of arrest by law enforcement and other government officials. However, because of your support, these advocates can be bold and self-assured in their efforts on behalf of the unborn. They know that LLDF will be there to defend their rights as they expose the truth about abortion—it is an act of violence that ends the lives of innocent children and causes mental and emotional distress to the families involved in that decision. And that is why I work with LLDF and why LLDF exists—because our work translates into lives saved. And as we often say to our supporters, we know we could not do it without you!

Summarized below are a few of the legal victories made possible this year because of your support:

First, LLDF has been able to add an attorney to our staff—Allison Aranda, whose profile is highlighted in this issue of *Lifeline*. Allison is currently involved with seven cases where the defenders of the defenseless are being prosecuted for criminal acts. We expect that most of these cases will lead to civil actions resulting in the recovery of damages, and perhaps attorney fees, resulting from the violation of the civil rights of the individuals who were unlawfully prosecuted for crimes because they lawfully exercised their right to free speech on behalf of the unborn. In fact, as we go to print, the government officials who are defendants in just such an action demurred to the complaint against them and the judge overruled the demurrer. This means the defenders will have their day in court thanks to the efforts of LLDF staff.

Because of Allison's efforts the defenders of the defenseless can continue their life-saving activities in the public forum and not even blink. Not only will lives continue to be saved but the damages that may ultimately be recovered from the prosecuting agencies will mean that your tax dollars will contribute to the support of LLDF and their clients.

Next, the Ohio Supreme Court has accepted the Petition for Rehearing filed by Roe in the Ohio case, *Roe v. Planned Parenthood*. LLDF is supporting the efforts of Ohio attorney Brian Hurley on behalf of Roe. The Petition for

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Michael Marcus

Pro-Aborts Cry Foul as South Dakota Becomes Abortion-Free

Pro-aborts are howling in rage in response to an informed consent law that has effectively put South Dakota's only abortion mill out of operation.

The U.S. Court of Appeals for the 8th Circuit ruled on June 27th that the law, which has been working its way through the courts since 2005, was constitutional and could go into effect.

Abortion specialists who are regularly flown into Planned Parenthood's Sioux Falls Clinic have finally discovered something they just can't bring themselves to do: comply with the law.

So for now, and until Planned Parenthood finds some law-abiding abortionists, no abortions are transpiring in South Dakota.

The pro-life law requires abortionists to inform every mother that she has "an existing relationship" with her baby and that "her existing constitutional rights with regards to that relationship will be terminated."

Abortionists are also required to say that "abortion increases the risk of suicide ideation and suicide."

Most important, abortionists are required to inform every mother that her baby is "a whole, separate, unique living human being."

The required information must be given no earlier than two hours before the abortion, and the mother must certify in writing that she understands what she's been told.

Pro-aborts complain that the law prescribes a script to abortion practitioners and therefore interferes with their free speech rights.

"The law is one more terrible, terrible barrier," declared Sarah Stoesz, President of Planned Parenthood Minnesota, North Dakota,

The pro-life law requires abortionists to inform every mother that she has "an existing relationship" with her baby.... [A]bortionists are required to inform every mother that her baby is "a whole, separate, unique living human being."

South Dakota in Minneapolis, and involves "unprecedented interference in the doctor-patient relationship."

But Troy Newman of Operation Rescue applauded the effects of the South Dakota law and credited New Jersey attorney Harold Cassidy and local pro-life leaders Dr. Alan and Leslee Unruh with the success.

"It didn't take the overturning of *Roe v. Wade*, and it didn't take a new president or a new Supreme Court," said Newman. "It took the courageous determination of pro-life heroes—who saw an opportunity to save lives and pressed on until their dream became victory."

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abortion ties enjoined from demonstrating on all sidewalks in the vicinity of the church, because signs upset churchgoers. LLDF filed amicus brief in support of pro per defendants appeal and, at the request of the appellate court, presented oral arguments. Decision pending.

Aurora, Illinois—Multi-pronged attack on Planned Parenthood for lying its way to open an abortion "Mega-Mill" in Aurora, the fastest-growing city in Illinois. Cecile Richards, CEO of Planned Parenthood Federation of America, recently wrote her supporters that Aurora now represents "'Ground Zero' in the national fight to protect reproductive freedom." Three different lawsuits attack Planned Parenthood and compliant city officials for defamation, fraud, violation of municipal zoning regulations, and civil rights violations. Planned Parenthood unsuccessfully attempted to remove one of the cases to federal court. Pro-lifers have also filed administrative appeals to Aurora city officials' attempt secretly to give the clinic a "final" certificate of occupancy.

North Carolina v. Survivors—Pro-lifers arrested at A-B Tech College for not complying with unconstitutional permit requirement. Appeal filed following trial court conviction.

Hoye v. Oakland—Challenge to Oakland "Bubble Zone" law. Challenge filed Dec. 19, 2007. **Victory!** On Dec. 20, court told city to amend ordinance or have it enjoined. City amended ordinance, which was immediately challenged. Hearing on city's motion to dismiss set for August 29.

Roethlisberger v. Gwinnet County Georgia—Driver of Truth Truck arrested and jailed. Charges dismissed. Civil suit pending.

Colorado v. Wiechec—Pro-lifer attacked by police officer when serving witness subpoena for lawsuit. Pro-lifer charged with Disturbing the Peace and Failure to Obey an Officer. **Victory!** Charges dismissed by City. To avoid civil lawsuit, City then agrees to substantial monetary settlement of false arrest claims.

Flagstaff, Arizona v. Shaver et al.—Three pro-lifers cited for violating a residential

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picketing ordinance while picketing an abortionist's home. Criminal charges pending. Abortionist also sought restraining order to keep pro-lifers away from her home AND work, i.e., Planned Parenthood. **Victory!** after a hearing, the court modified the TRO, dissolving the order keeping them away from the clinic. Just days later, the pro-lifers saved a baby at the Planned Parenthood clinic. Criminal charges resolved via deferred prosecution.

In re Grand Jury, Sedgwick County,

Kansas—Pro-lifers petitioned for grand jury to investigate possible criminal activity by late-term abortionist George Tiller, including illegal late-term abortions, record-keeping violations, and failure to comply with laws mandating reporting of suspected abuse. Tiller attempted to quash seating of grand jury; pro-lifers intervened to uphold right of petitioners. Kansas Supreme Court denied Tiller's petition. Grand jury was seated and subpoenaed documents, which Tiller unsuccessfully sought to have quashed. However, the grand jury was instructed on the law by pro-abortion district attorney Nola Foulston. Thus, they determined that, although there were a number of "questionable late-term abortions" that did not appear to meet the criteria of the law on its face, the laxer interpretation of the law imposed by the Kansas Supreme Court precluded prosecution. The grand jury stated that "unless and until the State Legislature is willing to amend the present statutes" to define more stringently the "health" exception for late-term abortions, it is unlikely that any grand jury or prosecutor could find a basis for indictment. As to Tiller's failure to report suspected sexual abuse of minors, Foulston conducted her own "investigation" and concluded that Tiller had not violated the laws but merely exercised the "discretion" allowed by Kansas Supreme Court law. Tiller still faces 19 misdemeanor counts of falsifying records.

Vivian Skovgard v. Pedro (Ohio)—Civil action arising from unlawful arrests for trespass of two sidewalk counselors standing in the public right-of-way.

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ASK THE ATTORNEY**An interview with LLDF's new staff attorney, Allison Aranda, Esq.**

LLDF is pleased to announce the hiring of a second, salaried attorney as of this past April 1. In addition to Executive Director Dana Cody, LLDF is proud to now have attorney Allison Aranda on full-time staff.

Allison is a 1997 graduate of Biola University in La Mirada, California (B.A. in Social Science with a minor in Biblical Studies). In May 2001, she went on to earn her J.D. from Pepperdine Law School in Malibu, graduating in the top ten percent. While in law school and again while awaiting Bar results, she worked as a law clerk for the Los Angeles and Orange Counties District Attorneys' offices. Upon passing the Bar in November 2001, she went right to work as a criminal prosecutor, first for the Orange County and later the Riverside County District Attorneys' offices. She handled both misdemeanor and felony matters, conducted over thirty jury trials, and was honored as Misdemeanor Prosecutor of the Year in 2004. From November 2006 until March 2008, Allison was on staff with the United States Justice Foundation (USJF) in Ramona, California, a public interest law firm, writing briefs and handling Constitutional and civil rights litigation—including several matters for LLDF. She is married to Miguel Aranda, whom she met while they were both students at Biola. They live with their three cats in Temecula, California, the Riverside County community where Allison grew up.

How did you come to be pro-life?

During my senior year in high school, I took an advanced-placement government class. It was a small class, and our teacher was amazing. Don't get me wrong—he was head of the teacher's union, so his politics weren't exactly conservative—but he was thought-provoking, inspirational, and fair. He encouraged us to research and defend our religious and political beliefs, not just regurgitate the rhetoric we



learned from our parents or the media. Well, my best friend and I made it our goal to educate the class about abortion. We wore graphic shirts to class and debated our friends nearly every day. For me, things were definitely black and white. There was no grey in my life. Abortion was wrong ... it was murder. How could a country legitimize the killing of innocent children?

That same year, I did my senior project on abortion. A few of my classmates scoffed at me, but, at the time, I had no idea how many people condoned abortion. Growing up in Temecula, I was sheltered from the harsh realities of a secular society. In fact, it was not until I started working some cases with pro-life protestors that I came to realize the magnitude of this debate—the numbers of babies murdered, the horrific procedures that are used to kill the children, and the devastating effect that abortion has on the women. I have been pro-life for, well, my whole life, but there is a difference between holding a belief and actively advocating for change.

What made you decide to go to law school?

That year (my senior year) changed my life. As the year came to an end, my classmates and I planned our graduation events, including a baccalaureate. The school administration told us that we were *not allowed* to have a baccalaureate service because it was against a new Supreme Court law! Setting aside the fact that the Supreme Court doesn't pass laws,

One day she told me about a new case that LLDF was seeking an attorney to handle. They have also prepared me to be ready to litigate these cases through trial, rather than simply settle for less than what justice demands. Definitely yes! I truly am an activist at heart. In fact, I often find myself wanting to join them at the events.

I knew that they were wrong. So I enlisted the help of my local State Assemblyman and fought the administration. We ended up having an entirely student-led, baccalaureate service at a local church. The tradition carries on to this day. That attack on my religious liberties opened my eyes to the injustice that takes place in our world. I was determined to fight to defend our liberty.

These experiences confirmed my desire to go to law school. I knew I wanted to be involved in shaping public policy some day. I loved

to argue, which is sort of funny, at least to my parents, as I was extremely shy when I was a child. I wouldn't even call the movie hotline to hear what was playing for fear that a live person might pick up the line. That all changed in junior high and high school. I joined an evangelism club and the debate team, and, as my parents put it, I haven't stopped talking since.

At Biola, I met a professor named Rick Larsh. Mr. Larsh taught my criminology class and was a criminal defense lawyer at the time. Mr. Larsh saw my passion for justice and mentored me throughout college. He allowed me to intern for him so that I could see just what being a lawyer was all about. That experience birthed my desire to become a prosecutor.

During my senior year in college, I lived in Washington, D.C., and attended classes and worked for Family Research Council. A year after I returned to California, I began law school at Pepperdine University. I was focused and determined. My heart's desire was to be a prosecutor or to practice constitutional and civil rights law.

How did you first become involved in handling LLDF cases?

While working for United States Justice Foundation, I met Colette Wilson, another attorney on their staff at the time. She has been a pro-life activist and attorney for twenty years and is on the board of directors for LLDF. One day she told me about a new case that LLDF was seeking an attorney to handle. It involved some individuals with a group called the Survivors, who had been arrested for exercising their free speech rights at a public community college and were being prosecuted for trespassing. I was outraged when I learned what had happened to them. After years in the prosecutor's office, I knew, based on the facts of the case, that they had not committed any crime. It was obvious that the college and the police department were abusing their authority in order to silence a message they did not agree with. Colette told me that she

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Colorado v. Joanne Cox (Colo.)—Sidewalk counselor charged with two incidents of violating Bubble Zone ordinance. Discovery reveals that, in at least one incident, the "victims" were Planned Parenthood employees posing as patients. Trial court judge recused himself because he had represented abortionists Warren Hern and his wife worked for Planned Parenthood. Charges in one incident dismissed. The other charge goes to trial August 20.

Blythe v. Cypress College (Calif.)—Pro-lifers arrested for trespassing on a public college campus for 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 criminal records. Lawsuit filed against college and police department for false arrest and civil rights violations. All parties are engaged in discovery and a hearing is set for September 2, 2008; no trial date has been set.

Loebker v. John Doe (Ohio)—Long-time picketer's signs were intentionally run over by angry motorist. Suit for damages.

Condit v. John Doe (Ohio)—Pro-abortion driver attempt to run over picketer. Lawsuit filed.

In Re Rivera (Calif.)—County assumes conservatorship and immediately begins dehydration and starvation. After 8 days, LLDF intervenes and court orders food and water and establishes family member as temporary guardian.

People v. Blythe et al. (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. Trial on charges of causing a disturbance on campus set for September.

White vs. Laguna Beach (Calif)—Pro-lifer arrested for blocking a public sidewalk in Laguna Beach. **Victory!** When the criminal case went to trial, a police officer

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Sex-Selective Abortion Comes to America



By now, nearly everyone knows that tens of millions of unborn baby girls around the world have been aborted solely because of their sex. Ultrasound technology makes it possible to separate the boys from the girls at eighteen weeks or so, and widespread abortion makes it possible to eliminate the less desirable sex, which in most cultures means girls. Up to 200 million girls may have been killed in this way, mostly in Asian and Muslim countries.

As America's population of Asians and Muslims continues to grow, we asked in a recent *Weekly Briefing*, could the same thing happen here?

According to a recent study published by the National Academies of Science, it already has.

Looking at data from the 2000 U.S. Census, researchers noticed a strange phenomenon. The U.S.-born children of Chinese, Korean, and Asian Indian parents tended to be male. The researchers, Douglas Almond and Lena Edlund, called this "son-biased sex ratios."

Taking their study a step further, they considered the effect of birth order. First-born children of Asians showed normal sex ratios at birth, roughly 106 girls for every 100 boys. If the first child was a son, the sex ratio of the second-born children was also normal.

But what happened if the first child was a girl? The second child tended to be a boy. Almond and Edlund found that "This male bias is particularly evident for third children: If there was no previous son, sons outnumbered daughters by 50%." That means that, for every 150 boys, there were only 100 hundred surviving girls. The rest had been eliminated.

The authors quite rightly interpret this "deviation in favor of sons" the only way they possibly could, namely, as "evidence of sex selection, most likely at the prenatal stage." In other words, as early as a decade ago, Asian-American communities in the U.S. were already practicing sex-selective abortion.

Similar sex imbalances have also been documented among Canada's Asian immigrant communities. The *Toronto Globe & Mail*

reported that Figures from the 2001 census supplied by Statistics Canada suggest a slight skew in the usual gender ratio among people with South Asian backgrounds.... According to the 2001 census data, the proportion of girls under fifteen in the South Asian communities of Mississauga and Brampton is two percentage

I think that the answer lies elsewhere, in a straightforward ban of sex-selective abortion itself. Yet, at present, it remains legal in the U.S. to abort a child for any and all reasons, including the fact that she happens to be a little girl.

points below the ratio for the rest of the population in those municipalities.

Sex-selective abortion is rightly seen by many as the ultimate form of discrimination against women. Overwhelming numbers of Americans oppose the practice. According to 2006 Zogby/USA Today poll, 86% would like to see it banned.

Yet, at present, it remains legal in the U.S. to abort a child for any and all reasons, including the fact that she happens to be a little girl.

What is to be done?

Some have suggested that the use of ultrasounds to detect the sex of unborn children could be banned. This is a nonstarter. The Chinese

government has such a ban in place, and it has proven completely ineffective.

Besides, ultrasound technology has been a boon for life. Sonograms have saved the lives of countless mothers and babies in high-risk pregnancies. Employed in crisis pregnancy situations, sonograms have convinced untold numbers of women that they are carrying babies (not blobs of tissue). For most couples, learning the sex of their unborn child before she was born (as my wife and I did) underlines the personhood of the unborn. It does not provide a pretext for an abortion.

I think that the answer lies elsewhere, in a straightforward ban of sex-selective abortion itself.

Former Senator Jesse Helms, each year that he was in the U.S. Senate, introduced legislation to ban sex-selective abortion. The language was simple, yet powerful: It shall be illegal to perform an abortion for the sole purpose of sex selection.

The evil that Helms sought to preempt has now become a reality.

Where is the pro-life champion in the Senate who will carry on Helm's battle? Where is the legislator who will seek to protect unborn baby girls from the ugliest form of misogyny imaginable, a misogyny that kills? **L**

[Steven W. Mosher is the President of the pro-life Population Research Institute (PRI [pop.org]), dedicated to ending human-rights abuses committed in the name of "family planning," and to ending counter-productive social and economic paradigms premised on the myth of "overpopulation." This article was originally published as PRI Weekly Briefing: April 15, 2008. The weekly briefing is available by free email subscription: <http://www.pop.org/subscribe-weekly.cfm>]

Michael Marcus

Pro-Lifers Seek to Restrain Illegal Use of Public Funds at University of California

The current campaign on behalf of Sarah’s Law—Proposition 4, a revised pro-life parental involvement initiative on the California ballot in November—may have removed one of the unfair advantages enjoyed by the pro-abortion side in previous parental notification battles.

Dr. John Smith of The University of California, Davis, has written a pointed and well-documented letter, dated July 8th, 2008, to James E. Holst, General Counsel of the Regents of the University, complaining of the illegal involvement of the Bixby Center for Reproductive Health Research and Policy at UCSF in previous campaigns against parental involvement laws.

Case law cited by Dr. Smith demonstrates that the use of public funds to take sides in a campaign for or against any proposition is manifestly improper. *Mines v. Del Valle* (1927) 201 Cal.273; *Stanson v. Mott* (1976) 17 Cal.3d 206.

Facts cited by Dr. Smith demonstrate further that the Bixby Center has twice issued a pamphlet opposing enactment of parental notification propositions—once in 2005 (Proposition 73) and once in 2006 (Proposition 85).

The pamphlet issued by the Bixby Center—in slightly different editions—uses one-sided arguments and outright falsifications of data to defend California’s unconscionable status quo of secret abortions on minors.

So Dr. Smith requests an investigation into the misuse of public funds by the Bixby Center—as well as action to restrain the publication in the context of the current campaign.

While most people have probably never heard of the Bixby Center, the influence of its publications should not be underestimated.

Case law cited by Dr. Smith demonstrates that the use of public funds to take sides in a campaign for or against any proposition is manifestly improper. [T]he Bixby Center has twice issued a pamphlet opposing enactment of parental notification propositions....

Functionaries in the mass media rely on such ill-conceived publications to lend a veneer of objectivity to their irrational biases on campaigns.

If there’s any justice in the world—and if the case law cited by Dr. Smith is brought to bear—this influence could be restrained in 2008, and the campaign of lies against Proposition 4 could suffer as a result.

Considering the counter-campaigns against Propositions 73 and 85, any change—and especially the change sought by Dr. Smith—is bound to be an improvement.

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brought photos that proved Mr. White was not blocking any sidewalk and that other members of the public were free to traverse the walkway undeterred. The court found Mr. White not guilty. A civil lawsuit for false arrest and civil rights violations has been filed against the City and the officer who made the unlawful arrest.

Morr-Fitz vs. Blagojevich et al. (Illinois)—Pro-life Pharmacist challenge Illinois code which requires pharmacies and pharmacy owners to dispense Plan B and other forms of emergency contraceptives regardless of conscience or religious beliefs. Case at Illinois State Supreme Court.

LaPlata County v. Wright (Colorado)—Pro-lifer charged with alleged assault and trespass during first amendment activity at Planned Parenthood Durango.

Carrollton v. Horsley (Georgia)—Pro-lifer with graphic aborted baby sign charged with indecent or obscene or immoral display in public. Trial pending.

White v. City of San Bernardino, et al. (Calif.)—Pro-lifer arrested in front of his four year old son, while others were threatened with arrest for writing “Happy Mother’s Day” in chalk on the sidewalk outside the Family Planning Associates abortion clinic in San Bernardino. San Bernardino police officers ordered everyone at the event to stop writing in chalk or face arrest for vandalism. When the writing stopped, the police continued to harass the group by ordering them to hold their signs in the air and threatened that if anyone let their sign touch the ground they would be subject to arrest for “unlawfully posting a sign on public property.” Any pro-lifer who refused to comply was issued a citation and ordered to appear in court. San Bernardino Fire Department showed up to wash the offensive “Happy Mother’s Day” message off the sidewalk. While speaking with a firefighter, a pro-lifer was arrested for interfering with that firefighter while he was performing his duties. The court dismissed the charge of unlawfully posting a sign because no law had in fact been broken. The prosecution dismissed the remaining charge of interfering with a firefighter and

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acknowledged that the pro-lifers did nothing wrong. A civil lawsuit against the clinic's security guard, the police department, and the fire department was filed on May 5, 2008. **Victory!** Case settled with monetary damages and attorney fees, and city is seeking input from attorney re appropriate preventative measures against further police misconduct.

Conrad v. City of San Bernardino, et al.

(Calif.)—Pro-lifers arrested by abortion clinic security guard for trespassing in the public parking lot behind the clinic. All criminal charges were dismissed because the pro-lifers had a right to be on public property and were not interfering with the business. A civil lawsuit for false arrest and civil rights violations has been filed.

People v. Conrad, Conrad, & Cox (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. Two of the boys were held in jail for more than three days before being released on bail. All three now face charges of causing a disturbance on campus, resisting arrest, and eavesdropping. The trial is currently stayed pending appeal of the lower court's denial of the defendants' motion to suppress evidence.

Bel Air v. Ames et al. (Maryland)—18 pro-lifers participating in the Maryland Face the Truth Tour were arrested while peacefully protesting on public party without warning. **Victory!** Charges dismissed.

Heilig v. Bowen (Calif.)—Abortion advocates, represented by Planned Parenthood

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would help me with the civil aspect of the case, if I would do the criminal part. I presented the case to my boss at USJF and insisted that we help the Survivors. He saw my heart and passion for pro-life work and agreed to take on the case. A couple months later, I met Jeff White and Cheryl Conrad (founder and director of Survivors) at a Mothers' Day event at an abortion clinic and became even more convinced that working with pro-life activists was God's new purpose for my life. I have been working on similar cases ever since.

You interned with the DA's office while in law school and then spent your first five years as a lawyer working as a prosecutor. How did that background prepare you for representing pro-life activists in court?

As a prosecutor, I never could have imagined working as a criminal defense attorney. I was ruthless, always willing to take on the toughest cases and fight for justice. I put a lot of hard work into my cases and did over thirty jury trials in my last three years as a prosecutor.

When I left the prosecutor's office to work for a nonprofit public interest firm, I didn't expect that my trial experience would be used all that often. I thought that civil litigation involved a lot of paperwork and more strategy than courtroom battles. Then I was introduced to the world of pro-life activism. I could not believe that the law, the same law I had worked so hard to uphold, was being used to imprison innocent young people, simply for speaking the truth about abortion.

My years as a prosecutor taught me the intricate details of the criminal justice system. I learned the *Penal Code* and the *Evidence Code* inside and out. This knowledge and these skills help me negotiate with prosecutors as I now work to defend pro-life activists. They have also prepared me to be ready to litigate these cases through trial, rather than simply settle for less than what justice demands. Many lawyers rarely see the inside of a courtroom and are intimidated by the idea of going to trial, but just the opposite is true for me. I never want my clients to feel that they have to

falsely admit criminal wrongdoing or make a plea deal just because I'm not willing to fight for what is right. My years as a prosecutor have trained me to fight this battle with courage and to do whatever it takes to seek justice.

Then I was introduced to the world of pro-life activism. I could not believe that the law, the same law I had worked so hard to uphold, was being used to imprison innocent young people, simply for speaking the truth about abortion.

How many cases are you now handling as a staff attorney for LLDF?

I am currently handling three criminal cases involving arrests of pro-life protesters at three different college campuses. I am also handling nine civil cases. Additionally, I am monitoring two criminal cases in which pro-lifers were attacked and were the victims of crime.

Have you had any successes?

Yes. Last fall, I defended a sidewalk counselor in a civil case against trumped-up claims by a Planned Parenthood clinic. After I scheduled several depositions of Planned Parenthood employees, Planned Parenthood abruptly backed down and agreed to dismiss the case while it was still in the beginning stages of litigation. We have had criminal charges dismissed in three cases and have been instrumental in preventing criminal charges from being filed in another case. We are now in the midst of settlement negotiations in two civil rights cases and have successfully

defended another one of our civil rights cases from early dismissal.

What do you like best about working on these types of cases?

I don't know where to begin with this one. I love the clients. Their passion for the unborn is captivating. Their courage to speak the truth is inspiring. Their dedication to saving the lost is humbling. It is a pleasure to defend them and seek justice on their behalf. I also know that it is my life's mission to do justice. What better way to accomplish that goal than to defend activists who speak up for the voiceless in our society?

Do you see your legal work as a ministry?

Definitely yes! I truly am an activist at heart. In fact, I often find myself wanting to join them at the events. Reality quickly reminds me that it's a little difficult to be a defendant, a witness, and the lawyer all at the same time. The Bible is clear that each member of the body of Christ plays a vital role in the mission of the Church. God has given me the unique ability to defend the rights of the grassroots activists in our courts. He has given me the responsibility to fight for their right to speak the truth—the very truth that saves lives. Without the hard work and commitment of pro-life lawyers, many activists would fear imprisonment, face civil penalties, and feel intimidated by the legal forces of pro-abortion advocates. It is a privilege to stand behind these warriors who dare to speak the truth about the greatest atrocity facing our nation today, who dare to allow God to use them to share His redemption story, who dare to stand on the front line of this battle and save human lives!

What would you advise other attorneys who are considering whether to take on a pro-life case?

All God requires of us is a willing heart. Once you surrender your life and your life's work to His will, you will be transformed, and your life will never be the same. These cases are truly a matter of life and death. You cannot imagine or grasp the magnitude of this work until you are entrenched in the middle of the war. And it is a war, make no mistake about it. This is a spiritual battle. You will face injustice and persecution, but you will also see God work miracles. There is no greater reward than to see a lost soul spare a life and turn to the Lord, the Savior of the world.

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(RECAP CONT'D FROM PAGE 8)

attorneys, brought an action to have certain statements removed from the Argument and Rebuttal submitted by proponents of Proposition 4, a parental notification initiative, to be published in the official voter guide sent to all California voters. PP challenged statements detailing true incidents of the failure of clinics, including Planned Parenthood clinics, to report sexual abuse of minors brought in for abortions by predators. PP also challenged the proponents' statements that, in the over 30 states with such laws, no minor had ever been harmed by a parental involvement law. **Victory!** PP's challenge was denied in its entirety. PP was unable to show that any minor had ever been harmed by a parental involvement law.

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

IN MEMORIAM



Jesse Helms (1921–2008)

We commit to the Lord His servant Jesse Helms, the five-term United States Senator from North Carolina who died on Independence Day of this year. Often summarily dismissed as an unrepentant and unreconstructed Southern conservative, he was in fact a tireless champion for the unborn in the Senate, and countless Americans can no doubt thank him for their lives. We pray that he may be taken up to the bosom of the Lord and that in His providence, more strong people like Senator Helms will be called to public service.

(SCHEMIN' CONT'D FROM PAGE 1)

and the cloning researcher would 'lock swords' in competition for eggs.

So, who exactly are these women who won't want to endure those procedures without compensation in exchange for sharing some of their eggs? They are infertile women, who are undergoing fertility treatment using their own eggs, not young fertile egg-donor women.

Infertile women are going to be asked to share their eggs with the cloning researchers, but only those eggs they don't want or won't need. That's why this whole "egg-sharing" scheme sounds so polite and altruistic.

Egg donors, frequently college students who get paid thousands to supply eggs to would-be parents, aren't "sharing" eggs. Infertile women are going to be asked to share their eggs with the cloning researchers, but only those eggs they don't want or won't need. That's why this whole "egg-sharing" scheme sounds so polite and altruistic.

But of course, all this talk about egg-sharing as the solution is yesterday's news. I had the good fortune to recently attend a conference in London on "Mild Approaches in Assisted Reproduction": emphasis on mild. The only way the IVF industry can get surplus eggs to "share" is by practicing severe assisted reproduction. But the medical management of the infertile patient as currently practiced is en passé, and IVF de rigueur is on the move to the new, mild, 'less is better' approaches.

Boon Chin Heng's recent article in the *Journal of Assisted Reproduction and Genetics*, titled "Egg sharing in return for subsidized fertility treatment—ethical pitfalls and challenges," echoes much that was spoken at the London conference on mild approaches. Women do much better with minimal stimulation. Why? Lots of reasons. High-dose gonadotrophins have associated risks. Ovarian hyperstimulation is dangerous for women. Egg quality is much better with minimal stimulation and endometrial receptivity is better, increasing the success of embryo implantation. And there is of course the risk of future reduction in fertility in the hyperstimulated woman.

So, the proposed solution by the CIRM needs to be exposed for what it really is: An inverted pyramid scheme, putting more women at risk and jeopardizing their future fertility in search of elusive cures for some, all because California cloners don't want to 'fess up that they have egg on their faces.

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[Jennifer Lahl is National Director for The Center for Bioethics and Culture Network (cbc-network.org) and founding member of Hands Off Our Ovaries (handsoffourovary.com).]

MARK YOUR CALENDARS: LLDF Banquet, November 15

Dr. Jennifer Roback-Morse, author of *Love & Economics*, will be our featured speaker for this year's Life Legal Defense Foundation banquet on Saturday, November 15. Known for supporting marriage "at home, work and in the public square", Dr. J has a great deal to say about our issues, as well as marriage. You may wish to check out her website and weekly "Marriage Moment" before meeting her; go to either ruthinstitute.org (her new site) or jennifer-roback-morse.com for more information.

Please join us for cocktails at 5:30 p.m. and have Dr. J sign your copy of *Love & Economics*.
A collegiate edition of the book is also available for your young friends.

The stately Bellevue Club near Lake Merritt (Oakland) will be the location for this wonderful evening.
Contact Mimi Streett at streett@fastmail.fm for your table or early reservations.

Jennifer Roback Morse, Ph.D. brings a unique voice to discussions of love, marriage, sexuality, and the family.

Born into a Catholic working-class family, Dr. Morse earned a doctorate in economics during her twelve-year lapse from the faith. A committed career woman before having children, she taught economics for fifteen years at Yale University and George Mason University.

The devastating experience of infertility brought her to her knees and back to the practice of the Catholic faith. In 1991, she and her husband adopted a two-year-old Romanian boy, and gave birth to a baby girl. She left her full-time university teaching post in 1996 to move with her family to California. She is now a part-time Research Fellow at the Acton Institute for the Study of Religion and Liberty. She is a regular columnist for the National Catholic Register and writes and speaks about love, marriage, sexuality, and the family, as well as economics. In addition to their own two children, Dr. Morse and her husband are foster parents for San Diego County, where they now reside. Her widely acclaimed presentations combine high quality information from the social sciences, the riches of traditional Christian teaching and her own personal faith journey.

(EDITOR CONT'D FROM PAGE 2)

Rehearing concerns the redacted records which Planned Parenthood has refused to produce pursuant to a court order. These records are evidence of Planned Parenthood's "don't ask, don't tell" policy which serves to cover up statutory rape and unlawful abortions in a state that has parental consent laws. It brings to mind an old adage that goes something like this, "If you aren't guilty, then why don't you just answer the question?"

Last, but not least, LLDF is supporting the defenders of the defenseless in Colorado as they represent themselves pro se in the Colorado Supreme Court. LLDF's Legal Director Katie Short wrote the amicus brief in support of these defenders. The court clerk informed them that this is only the third pro se case ever accepted by the State's High Court and the first case where amici were asked to actually

argue before the court. Jim Rouse, a Colorado attorney who frequently donates his time and legal talents on behalf of LLDF, participated in oral argument in June of this year¹

These records are evidence of Planned Parenthood's "don't ask, don't tell" policy which serves to cover up statutory rape and unlawful abortions in a state that has parental consent laws.

We hope that you will be encouraged by the success that LLDF has had this year. I often say that God provides the finances needed because our donor base is so faithful to our mission—saving those under threat of death. As you have read, your support truly translates into lives saved. I want to personally thank all of you for your support and trust in LLDF and its staff.

¹Here is what the wife of one of the pro se appellants wrote in an email to LLDF: "Thank you for everything that you do, we thank God for you. If you wish to hear the audio recording of court proceedings the link is as follows: [mms://www.courts.state.co.us/ctapporalarguments/080611-06ca2421.wma](https://www.courts.state.co.us/ctapporalarguments/080611-06ca2421.wma)"

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[Please see article page 4.]

Lifeline

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